

His /hr under PM II

11/29/69

Dear Dick,

I'll read the first part of your Finck commentary as I answer your letter of the 23rd, which arrived yesterday and which I was able to scan briefly then. A letter from Howard illustrates how important it can be for me to have the comments of others, for he has what I believe is a rather certain case of perjury by Frazier that I now do not recall whether I spotted or not. One thing like this can be very important and there is always the chance one of us will miss it. Howard is more than impressive for his years. And in some areas his youth is a decided asset.

On the Long citation, I would like that chapter and a precis of Helpert's comment on him, but there is no rush. That is very much in point. Have you a similar standard source on the velocity on breakup, that 2500 fps is the lowest speed at which it can be expected in such a bullet?

F 12-interesting point on width. Correct on finger-probing before he got there. 14&17 Add that F also swore he looked carefully and saw no sign of any wound, either entrance or exit. At one point he is quite explicit, saying he examined the edges. 15 This evasion had been employed earlier, in their 1968 rpt. 16. Correct. It is James testimony that what Finck ordered was X-rays of the extremities only (In PM III)...22 Another of his skilled evasions. He'd interpret, if pressed, to mean his body was in this position, not his face... 47 I believe I have radiologists name. It is doubtful he reported "nothing" because tiny metal fragments are like beacons in X-rays...48 Part of the reason Burkley's name is never mentioned is known if you recall what I have shown you. There is more I now have....48 I think the Army General may well have been the one in charge of the funeral. I think F was throwing curves here. That general may well have said he was in charge of the body and what happened to it. I think the man who really is responsible for this is Ainney, with Galloway's concurrence. This was the commander of the MDW, I think weale (IN PM)...50 when F actually got there is an interesting point, and in part it depends on when James called him, which we do not know, but if the decision was James', I'd expect it was not until after he saw the body. I think I've sent you copies of my letters to Howard on this.... 62 Not likely members, but certainly staff 64. The interesting thing is that such a lie was told so early, if it was. If he was going on orders only, what compelled any explanation?...&1 I think technically he avoids perjury because the mark may have been a little too low. Not much, but a little....92 It is not only "evidently". Galloway was pretty much in charge, even when Specter interviewed them (PM)...99 Third person could have been Greer or James's second-hand sources....115 Is it not impossible that the family, which had not yet been together, could have indicated any desires? no matter how irrelevant to the law....That he did not consider it should be enough to lift his accreditation, for it was required in any autopsy. ...121 ff. The interesting thing is there is no indication of any microscopic examination of skin from front of neck and there had to have been tissue removed. Thus we have no way of knowing whether, for example, there had been a slight error in which the back sample came from the front, etc. I have pretty much concluded that there is evidence a sample was taken from the front. And there is no indication of this in supp. report....Lil has breakfast ready and I have to stop with this brevity. I have a large file I must complete by Monday a.m. and I am anxious to get what John asked of me done promptly. I'll file the letter under PM II and the Finck commentary on a file I have on his N.O. testimony, ~~xxx~~ if we refer further to them...Finck would not have dared such testimony without some kind of official assurances. It is incredible, only like the Nazis. I think we have some possibilities of doing something about this in my coming suit.

Best,

Nov. 1969

Remarks on the New Orleans testimony of PIERRE A. FINCK

from Dick Bernabei
to Harold Weisberg

Finck's testimony is characterized by delays, evasions, non-answers (i.e., replies that superficially appear to answer questions but which in fact answer nothing relevant to what was asked). The prosecutions questioning was often inept, chiefly in regard to allowing the witness to get by without answering the questions asked, and in many cases allowing the witness to guide the course of the testimony. The chief value for researchers is mainly in noting what questions Finck desires not to answer.

Haste may cause me to be more succinct in my remarks than I should be. If any require elaboration, tell me and I'll elaborate, if I can. (numbers in parentheses refer to line numbers on particular pages).

p 12 (16ff.): Re the location of the back wound, Finck (henceforth referred to as "F") ~~is~~ says it was 5" from the right acromion and two inches from the midline of the body. The absurdity of such measurements is evident in light of the following considerations: the acromion is at the extreme tip of the shoulder. If you take the two inches from the midline to the wound, and add the 5" from the wound to the acromion, you get a total span of 7 inches from the midline to the acromion. Assuming that JFK's acromia were equidistant from the midline, the span from acromion to acromion would be 14 inches, which might fit a child, but is ridiculous in the case of a large, broad-shouldered man like JFK.

The only circumstance in which these measurements can apply ~~is~~ is if the body's shoulders were forcibly pressed closer together when the measurement was made. I don't think that such a measurement can have been made without the application of deliberate force.

p 12 (21f) : Testimony from F regarding inversion of edges of wound can have no bearing on direction. I can't remember the reference, but I believe Humes probed the wound with his finger before F saw the wound. If so, the inversion could have resulted from Humes' probing.

p.13 (6): F mentions abrasion around the margin of the back wound. This is positive proof that the wound is a wound of entry. ~~Exiting missiles~~ Exiting missiles do not cause a zone of abrasion.

p14 (17): F says he examined tracheotomy incision; this is important to me, for I think that whoever saw that incision also saw the ~~entrance~~ missile entrance wound.

The only thing that might save F in this regard is the assertion that evidence of the missile wound was cut away before F saw the incision-- but after it was photographed (in the photo that the Panel refers to, the one that showed the small circular wound in the upper margin of the tracheotomy incision).

p14 (20f): F says: "I did not see a wound of exit at that time". Elsewhere he uses similar expressions ~~in an effort to~~ and avoids saying whether he saw a missile wound in the front. The important question is did he see a wound of entrance. F uses various means and gets around addressing this important question.

- p15(9ff): F says X-rays showed "no bullets in the cadaver". We know, however, that they showed fragments of a bullet. Elsewhere, too, F uses this circumlocution and gets away with indicating the lie that there was no evidence of a bullet in the body. ~~It~~ What he says is tantamount to lying, but is not actually lying. Clever!
- p16(8ff): Note: body X-rays not made until after F arrived. (This may conflict with WC testimony, but I am not sure. I think it was said to the WC that Finck made them X-ray the extremities; i.e., that they had X-rayed the body, but not the lower arms and lower legs).
- p22(10ff): F says JFK was looking in a "generally forward direction" in Zapruder. This is not true of the frames before Z 195. The shooting began before Z195, when JFK was looking to his right.
- p.23ff: All references to Goning, cratering, shelving, and the like with reference to skull damage are positive proof of direction of bullet-- entry from behind. (Again I remind you that I consider this one of the two bullets that hit JFK in the skull).
- p24(20): Here and elsewhere F refers to the location of the back head wound as "slightly" above the EOP. Later he will argue that measurements based on direct examination are more reliable than measurements developed from the X-rays. But keep in mind that "slightly above" is not a measurement at all. F never applies a specific figure to designate what "slightly" means.
I think this important to not, since arguments to discredit the Panel figures are going to be based on the assertion that direct examination is the only reliable means of determining the location. But no measurements at all emanate from those who directly examined the site of the wound-- invariably they say "slightly above" the EOP; the expression is used with rehearsed consistency.
- p25(6): Again, "slightly above".
- p27(7ff): The plethora of spellings here gives me opportunity to offer a possible explanation ~~for at least~~ of F's motive for at least some of this ludicrous spelling bee. Delay, time to think about what he is going to say, so that he can phrase things in words that tell nothing. Also in some cases for emphasis.
- p35 (1): There is deception in the use of "often" with reference to the frequency with which bullets disintegrate in skulls. In the case of 399-type bullet, I think "disintegration" (i.e. into many tiny fragments) impossible; even break-up into large particles is rare.
- p.37 (4,7, and 16): "in" i-n; "out", o-u-t; path, p-a-t-h. Good grief!
- p44 (22ff): Where? When?-- What about "why?".
- p47 (6): Radiologist is someone whose name we should learn, if possible. It's his job to interpret what the X-rays show. He was the first to see fragments in the neck area, but according to F the radiologist ~~said~~ reported "nothing". The radiologist should report positive or negative results; he does not report "nothing".
- p47(8): "No whole bullet" in the cadaver: This statement and others like it are on the verge of lying. F knows that there were fragments in the neck area, and knows what they mean; otherwise he would not use this expression with rehearsed regularity.

- p48 (7ff): Regarding consultation of others concerning the circumstances of the assassination and the nature of wounds, F and the others could have consulted (and probably did consult) with Adm. Burkley, who was on the scene at Dealey Plaza, at the operation in Parkland, and at the autopsy in Bethesda.
- p48 (19): Bravo for the word "show". What could be more appropriate?
- p.48(23): If and when possible, we should learn the name of the Army General who was in charge of the autopsy room in the Navy hospital, even when Admirals were present. This information is, of course, amazing. Note also p.49 (8ff); The General was not even a doctor.
- p50(5ff; especially 1.15): I don't think F's assertion that he arrived "a short time after the beginning of the autopsy" squares with the knowledge that the brain had been removed by the time he arrived. I am not familiar enough with autopsy procedures, but I'll guess considerable time passed before F arrived, and I wonder what happened during that time.
- p.52 (14ff): "... and when you are a Lieutenant Colonel in the Army you just follow orders". The Nazi equivalent of this is: Ich war gezwungen (I was forced).
- p.54 (22): The answer "yes" to the question whether he saw the photos before writing the autopsy report is a lie, as is evident from p. 56. Finck here answers "Yes, I did". On p.56 (21ff) he says he ~~was mistaken~~ he may have answered "I didn't". Rephrase according to F's explanation, and you see the absurdity of his explanation: "Yes, I didn't"!
- p62 (12ff): Finck performs classic evasion of the question whether photos and X-rays were shown to WC members. He never answers this question. I strongly suspect that the answer is yes, they were shown to WC member-- I would guess that at least Specter saw them; maybe others too.
- p63 (14ff): This is not an answer to the question.
- p64 (2): It may be true that F was told that it was the wish of the Attorney General (RFK), but it has to be bullshit that in fact RFK expressed such a wish.
- p71 (10): F's assertion that the back wound was higher than indicated in the drawing is sheer crap. Any higher and it would go ~~off~~ over the shoulder.
- p.75 (8ff): This is not an answer to the question.
" (24) : He evades the same question.
- p77 (9): Relocation of back wound with reference to mastoid bone, it is a lie that the head ~~was in~~ position could have change the distance "slightly". In fact it could change the position greatly (and I strongly believe that it did-- i.e. that they deliberately positioned the head so as to get the measurements that they wanted, not those which were relevant and necessary.)
- p80 (13) : "~~Rydberg~~ "Rydberg" is a misspelling of "Ryberg"(I think).
- p92 (9ff): If justice ever prevails in the land, Adm. Galloway undoubtedly will deserve some severe come-uppings. Evidently he played a key role in the formation of the autopsy report, but he may only be an intermediary, acting in someone else's interest, ~~at~~ someone else's command (Ich was gezwungen? After all, when you are an Admiral in the Navy you just follow orders.)

- p96 (passim): Note that notes were taken by all three autopsy surgeons.
- p99f. (re consulting witnesses on the number of shots): F names Kellerman, Burkley, and "a third person" as the sources on info that three shots were fired (although the most such sources could reasonably indicate is that three blasts were heard). The third person, I suppose, is Clint Hill. The WC record gives no info regarding what Burkley heard, but in testimony Hill says he heard two blasts, and Kellerman says he heard more than three (he did not specify how many, just "more than three"). So much for Finck's sources.
- p.107 : Citation of newspaper reports re number of shots. Oser does all right here by indicating witnesses who report hearing other than three blasts.
- pl13(19f): "We based the statement on the people who had been at the scene": see my note on p99f.
- pl14(9ff): Note F says he talked personally with Kellerman, who we know (from testimony) heard more than 3 blasts.
- pl15⁴(on failure to dissect): The importance of this information is emphasized by the consistency with which F seeks to evade answering. My notes on these pages are crowded with the expression "not an answer". The one "answer" that he gives ("the family wanted an examination of the head") is a gruesome absurdity. There are evasions all the way through. An important point, of course, is that the surgeons were told not to dissect. The only reason that I can think of for failing to dissect is that they knew what they would find. There is no reason for this that is compatible with anything that resembles a proper autopsy. These pages are exceedingly important, more for what they disclose about the investigators than for what they disclose about the President's condition. You can reasonably bear down on them with extreme force over this matter. I have "not an answer" in the following places:
- pl15 (11,20)
 - pl16 (18,20)
 - pl17(2) line 17 finally gives an answer: Ich war gezwungen.
- pl18(14ff): "Bruising" is not indicative of the direction of missile passage. "Compatible with" is an evasion.
- pl19 (6f): "This was due to the contraction, etc": There is no possible way of knowing this except by dissection. He uses the same gambit at lines 23f.
- p.119(15): "I did not consider a dissection of the path": This statement contradicts the assertion that he was ordered not to dissect. There would be no motive for the order not to dissect unless previously there was consideration of dissection.
- p.120 (11): "I don't know" is a lot of crap; he knows all too well.
- pl21ff (re microscopic exam of skin from margin of back wound): I gather that F witnessed removal of the skin, but had nothing to do with the microscopic examination of it. On p.122 he is evasive about the results of the micro exam, though I don't know why. Other indications are definite that this was a wound of entry; can be wrong only if there was lying about the indications.
- pl23 (2,7, and 13): all "not an answer". Oser was a fool to drop this line of questioning at line 16.