

11/8/69

Dear Howard (copies to Dick and Gary),

I appreciate your opening paragraph very much. I'm pressed for time because all of yesterday and the useable part of the night was taken up with a visit from an interested reporter. Specter: agreed-good idea, take two copies for me if you want annotation, and I'll annotate ~~where~~ appropriate and return one. This may not be suitable, but I suggest it for where you may want short comment. This will eliminate your need to thumb betwe n different papers.

Your quotation of Ames on the exit would assumed: "Unfortunately not that we could ascertain is not, for him, perjury, for he was lacking in real forensic competence, despite the Commission accreditation that originally deceived a. He does not say there was none, merely none that he could be sure was. What is unclear in this inadequate questioning, for which Ames cannot be honestly held responsible, is whether he was referring to before or after Finck examined it. If the questioning was in his mind from his and Boswell's examination, it could be honest. I do not assume it it. But I think, especially in this very crucial area, intellectual honesty demands we resolve uncertainties in their favor-insofar as any use is concerned perhaps not in our own thinking. You must remember Ames and Boswell were without option in undertaking this task for which they were ill suited. Now I am not here trying to discourage you or your approach, I am merely trying to transmit the benefit I hope it is this) of the 40 more years of experience I have had that you have not.

To answer your question, this does not mean there was an entrance wound there. None of them acknowledged the possibility existed, therefore it could not have been lurking in their minds. I think if you reread McCloy's questions with this in mind and with the emphasis I add that could not be captured by the reporter, you may agree: "...was there any evidence left of the exit wound?" You might also consider emphasis on "left" as reflection of McCloy's lack of doubt it once existed. There was wide misunderstanding of the nature of the surgery, including by me, not unintended, I am now convinced.

Now it is my conjecture that he removed tissue for microscopic study. There is no evidence he did. It is not sufficient justification for my conjecture to say he had to have done this, because we know he really didn't know the technical requirements for a forensic-pathological autopsy. It is because the alternative is for me to be certain Finck is a perjurer, both deliberately and carelessly, that I entertain this conjecture, for Finck's N.C. testimony is explicit on this and in sharp contradiction to the findings of the panel. There are two things: he was familiar with their findings and he knew we were. Therefore, he had to anticipate what Oser overlooked, what the panel did say on this. If understandable on Oser's part, it remains a major flaw.

Your instinct on wondering exactly when Finck was called in a great credit for you. Let me tell you what the record shows and what we have to bear in mind as prelude to your thinking. I have some of this in my notes, and I'll expand them for you and Dick and Gary. First of all, we really do not know. Second of all, Finck wanted this, which I believe is significant in several areas, including his own position, in which he must have considered in advance of his testimony Garrison is the kind of man who would readily charge him with perjury. He says contradictory things: that Ames called him in and that at the time he got to the hospital they had taken the head X-rays. He never acknowledges more than head X-rays were taken, but it is my recollection of Ames' testimony (on a left-hand page) that Ames said they had taken all the X-rays they intended, but on his arrival Finck asked for those of the extremities. Finck testified (NO) to only an X-ray of the full body. He says

he got to the hospital about 8 o'clock. Unless I were to want to argue that he got there earlier, from his testimony (and the part I do not believe) I'd not be able to contradict this. The other evidence is that at 8 the preliminary pictures and X-rays had been completed and the examination began. Now, his arrival after the brain was removed (your reflection of his N.O. testimony on this is accurate), he arrived after 8, which is what I'd presumed anyway, from other knowledge. What we lack is two things: when James called him and why. There was much less time for deliberations at Bethesda than may at first and hasty consideration be assumed. We also do not know the precise time the Navy Hospital was informed it was elected, not how long it took for the order to reach James, nor whether he was told to bring Finck in or whether it was his own idea, and if this is the case, whether it was spontaneous or after thought and higher approval, which may have taken much time or little, depending on whether he was alone when he got the idea or with the proper superiors. This is the kind of thing to which we have no ready answer. However, there are some safe deductions we can make. Finck's address is 7541 14th St., NW, DC. This is convenient to Walter Reed Hospital, his base. It is also close to the Maryland line. It could not have taken long to get to the main east-west artery, East-West Highway, on which he should have made good time, even on a Friday night, where there is heavier traffic than usual. If he knew the shortcuts which would have bypassed the center of Bethesda, and he should have, it should not have taken more than 15-20 minutes from the time he got into his car until he parked it. We do not know how close to the autopsy room he could have parked and that is a large hospital. However, he should have had a pretty good idea, and it is always possible that James told him where to go and that a guide would be waiting. If this were not the case, I doubt it would be safe to add more than another 10-15 minutes to his arrival for him to have been in the room. I also believe a few more minutes may have been consumed in updating F on his arrival. What we do not know, in figuring backward, is whether Finck had to or did seek authorization and, if he did, whether his immediate superior could or did grant it on his own authority.

I think his testimony that the brain had been removed is the most specific evidence we have he arrived after 8, perhaps an appreciable time after it. This has been my thinking on this point, which is potentially important in several respects.

I am not prepared to accept, without qualification, what might under other conditions have been an obvious truth, that the scalp had to be peeled back to each ear. James had practically nothing to do, according to Finck's N.O. testimony, which is not inconsistent with a massive explosion and a gaping opening. The rest of your belief is mine, that chips and pieces inevitably could have been detached from the scalp. My anatomical knowledge is not adequate for interpretation of the slides listed on page 1 of CE321. But it is sufficient to understand that this lists no slide of any fragment as such. Finck also testified he sought evidence of exit here, and he adds he found it and only it. The defect I see, the major one, is no quest for any contrary evidence, which was requisite without any knowledge, right or wrong, of what had happened. Besides, without the Harper hunk, they couldn't be certain anyway, could they?

I think your presumption of why Finck was called in is not really warranted, and if you persist in it, I think you should justify it to yourself, to the exclusion of all other possibilities. You say it was only "because the other docs were not qualified". If this was the reason, as I say in FMIII, they could have had Fisher in an hour, experts who exist in DC in less time, and they knew only that Finck was experienced in gunshot wounds, not that he was really expert in the forensic aspects. Two possibilities stand out among the several in my thinking: he was Army, and this eliminated any service problems, with the President chief of all, and he is an gunshot expert, which the others were not. I think if your point had loomed large in James' thinking, he'd have tried to get out of it, I don't think he realized his inadequacy for the task because of his ignorance of its quasi-legal requirements outside his experience. He had plenty of autopsy experience, but not in crimes of violence.

Although it may be true that the pristine evidence was not available to Finck on his arrival, I do not think it follows that this was from nothing but sinister intent, nor do I think it precluded his search for it after he arrived. Here I fault him more than James, for this evidence, whether or not moved in the examination, still existed. The absence of slides to be used in this quest incriminates him more than them. He is least innocent of the three. If you add to this their certain knowledge that the government, at that early time, wanted only proof of few shots and all from the rear, you can understand their culpability, for the requirements of their profession and obligations had to be clear to all before the end of the bidy examination. Finck, at least, had to have known it. If their had any doubts about their adequacy, there were two course open to them: examine and abide by the existing regulations and consult other authority. There is no reason to believe they did either. Where there is much in your thought I can and do agree with, it cannot, on the basis of my own knowledge and inquiries, include anything exculpatory about Finck, who had the requisite knowledge and failed to make the tests and evidence.

If and when I get slides of the 2891 area, I will make the tracings I outline to you. Until then, my examination in motion and from what I showed you in the printed slides convinces me of the forward motion at that point. If you have an artistically-skilled friend, why not ask an independent person with no knowledge of what we seek, to do this from 2885, each independently, each on tracing paper and each oriented to fixed objects in the car? Overlay them (the tracings should be in different colors and a sharp-pointed pen. On the force required to offset the force that may have been exerted forward at that point, I have no technical knowledge. However I believe it had to, in addition, offset the inertia by then set up. I remain persuaded it would have required more than the force of an ordinary bullet, more like a small cannon shell. Here Dick's knowledge and experience should be consulted. I've had two engineers, each uninspired, write me about this separately at the time Dick's book came out. Neither sent me any refutation from him.

I would not advise writing the panel doctors at this time, unless you see some need for urgency I do not. I predict the others will refer you to Fisher and he will not respond or if he answers, will not do it in any meaningful way. Wait until you know all you expect to before writing them, for they will not engage in lengthy correspondence anyway. Meanwhile, while it is in your mind, why not commit to paper the questions you now intend asking, so it will not have slipped your mind? You might consider asking them for their beliefs, as distinguished from proof, of the nature and origin of the rectangular structure.

No time for more.

Best regards,

Dear Harold,

November 5, 1969

Before I go into the usual matters, it is only appropriate that I express my deepest thanks for yours and Mrs. Weisberg's warmth ~~XXXX~~ and kindness this past weekend. Throughout my work I have been subjected to the standard courtesies but never have I received such treatment as when I visited your home. It is futile for me to search my heart for the proper words to express my gratitude; no language has yet come up with such words. I can merely say that I shall fondly remember last weekend for the rest of my life.

I am currently preparing extensive notes on the Specter interview from which I would like to make up a questionnaire which I can use during the talk. If I do this, you will get a copy for possible changes and criticisms.

I noticed something in the Humes testimony which interests me; I don't think it has been noticed before. If you recall, I felt there was a good case for perjury ~~MM~~ with Humes because he said there were no traces of the front neck wound while the Panel disclosed there were. Here is the exact portion of the ~~te~~ testimony which refers to that:

Mr. McCloy. ....In spite of the incision made by the tracheotomy, was there any evidence left of the exit aperture?

Cmdr. Humes. Unfortunately not that we could ascertain, sir. I think this is important. Humes was asked if there was any evidence of an exit on the front neck to which he replied not that could be ascertained. Does this mean that there was an entrance hole there? He was not asked this, and in my opinion, McCloy's question is carefully worded to avoid exactly that. Whether or not this was unintentional, the published record still stands ~~X~~ that Humes could ascertain no evidence of an exit hole in the front neck. If he cut away the hole before Finck arrived as we discussed when I was there, then he may have prepared histological slides of it and may have good reason for testifying as he did.

I've also had some interesting reflections on Finck and the autopsy. I must find out exactly when during the autopsy Finck was called in, where he was when called, and when he arrived. I know from the N.O. testimony that he arrived after the brain was removed but was he called to come also after the brain had been removed? This is quite important.

You see, removing the brain involved peeling the scalp back to each ear which in turn caused all of the loose bone fragments around the margins of the gaping wound to fall off thus creating a huge defect void of the clues it once held. For Finck to see this, was meaningless. Humes specifically testified that He personally examed the margins of the gaping wound for evidence of exit, ect. Yet he was not competant to discern if an explosive bullet was responsible for part of that hole. You will recall that there is no record of any slides from the margins of that hole. Also, there is good reason to believe that the anterior neck wound was cut away before Finck arrived.

This adds up to something not very pretty. Finck was summoned to assist in the autopsy because the other docs were not qualified for the task at hand. Why then was any possible conclusive evidence of front entrance removed and possibly destroyed before Finck arrived? This is all too obvious to me. Humes had absolutely no

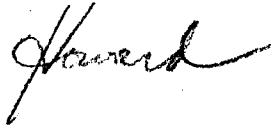
business removing a severely damaged brain from an extensively fragmented head before the qualified man arrived. It is like an orderly taking out your appendix before the surgeon arrives. All that was left for Finck to see was evidence of shots from the rear. I'm not drawing any conclusions here but I find it more than a coincidence that the areas not available for Finck to inspect are those same areas which we now strongly suspect of front entrance. Make of this what you will but please comment.

I've also had some thoughts on the double head shot at 313 - 314. I checked 291 on my copy of Z for the jerk you discerned and found nothing. However, on the notion of two simultaneous shots hitting the head. if the second was far more powerful than the first, wouldn't it have the force to counter that of the first and subsequently slam the head in its direction? Will be checking X on this soon with some one who would know.

I'm thinking of writing each of the Panel doctors on the distribution of fragments in the neck. Would you advise this?

Must stop now - I'm sure I forgot to mention something but it must have slipped my mind.

Still,

A handwritten signature in cursive script, appearing to read "Howard".