

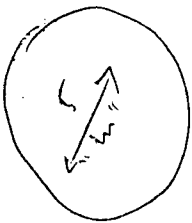
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Q What time did you arrive at Bethesda Naval Hospital in regard to the autopsy?
By that I mean was the autopsy already begun?

A When I arrived, X-rays had been taken of the head. I had been told so over the phone by Dr. Humes when he called me at home, and I arrived, I would say, a short time after the beginning of the autopsy, I can't give you an exact time, it was approximately 8:00 o'clock at night.

Q Had any work been done on President Kennedy's body in regard to the performing of the autopsy by the time you got there?

A As I recall, the brain had been removed. Dr. Humes told me that to remove the brain he did not have to carry out the procedure you carry out when there is no wound in the skull. The wound was of such an extent, over five inches in diameter, that it was not of a great difficulty for him to remove this brain, and this is the best of my recollection. There were no removals of the wound of entry in the back of the neck, no removal of the wound of entry in



1 the back of the head prior to my arrival, 51
2 and I made a positive identification of
3 both wounds of entry. At this time I
4 might, for the sake of clarity, say that
5 in the autopsy report we may have called
6 the first wound the one in the head and
7 the second wound the one in the neck, be-
8 cause we did not know the sequence of
9 shots at that time. Again, the sequence
10 of shots was determined by the Zapruder
11 film, so what we did, we determined the
12 entry of the bullet wound and stated that
13 there were two bullet wounds, one in the
14 back of the neck and the other in the back
15 of the head, without giving a sequence.

16 Q How many other military personnel were present
17 at the autopsy in the autopsy room?

18 A That autopsy room was quite crowded. It is a
19 small autopsy room, and when you are called
20 in circumstances like that to look at the
21 wound of the President of the United
22 States who is dead, you don't look around
23 too much to ask people for their names
24 and take notes on who they are and how
25 many there are. I did not do so. The room

1 was crowded with military and civilian
2 personnel and federal agents, Secret
3 Service agents, FBI agents, for part of
4 the autopsy, but I cannot give you a
5 precise breakdown as regards the attendance
6 of the people in that autopsy room at
7 Bethesda Naval Hospital.

8 Q Colonel, did you feel that you had to take
9 orders from this Army General that was
10 there directing the autopsy?

11 A No, because there were others, there were
12 Admirals.

13 Q There were Admirals?

14 A Oh, yes, there were Admirals, and when you are
15 a Lieutenant Colonel in the Army you just
16 follow orders, and at the end of the
17 autopsy we were specifically told -- as I
18 recall it, it was by Admiral Kenney, the
19 Surgeon General of the Navy -- this is sub-
20 ject to verification -- we were specifically
21 told not to discuss the case.

22 Q You were told not to discuss the case?

23 A -- to discuss the case without coordination
24 with the Attorney General.

25 Q Colonel, can you tell me how the body got from

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Dallas to Washington, D.C. when the
killing occurred in Dallas, Texas, if you
know?

MR. DYMOND:

Your Honor, I object to that.

THE COURT:

I didn't hear the question, Mr. Oser.
Would you repeat it?

MR. OSER:

I said: Doctor, can you tell me how the
body of the president got from
Dallas, Texas, to Washington, D.C.,
when Dallas, Texas was the scene of
the homicide, if you know.

MR. DYMOND:

I think that is irrelevant to the medical
testimony.

THE COURT:

It would be irrelevant as to his expert
opinions that he is giving. I think
your question is what care was taken
of the body, is that what you mean,
the body itself? You can rephrase
your question.

MR. OSER:

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That is all right. I will go on to another subject.

BY MR. OSER:

Q Doctor, can you tell me how many photographs were taken of the President's body?

A Some of the photographs were taken in my presence in the autopsy room. I can't give you the exact number, but this information is available.

Q To who, Doctor?

A To you.

Q It is?

A It is a public document.

Q Go ahead. How many?

A I can't give you an exact number of photographs taken or X-rays of the body of the President.

Q Doctor, prior to your writing your report on the autopsy, did you have an occasion to view these photographs of the President that were taken?

A Yes, I did.

Q Doctor, I direct your attention to a report allegedly signed by you on 26 January, 1967.

1 MR. DYMOND:

2 What part are you talking about?

3 (Conference between Counsel.)

4 BY MR. OSER:

5 Q (Exhibiting document to witness) Doctor, I
 6 direct your attention to a report, which
 7 I mark for identification "S-67," and I
 8 ask you to take a look at this document.
 9 Would you take a look at this particular
 10 one that I have marked, Doctor, and let
 11 me know whether it is the same as the
 12 one you have before you.

13 A (Comparing documents) It is.

14 Q Your answer is that it is, Doctor?

15 A Yes.

16 Q And it contains your signature? Am I correct,
 17 sir?

18 A Yes.

19 (Whereupon, the document referred
 20 to by Counsel was duly marked for
 21 identification as "Exhibit D-67.")

22 BY MR. OSER:

23 Q Doctor, I direct your attention to the first
 24 page, the bottom of the last line of the
 25 fifth paragraph, which states, "Dr. Finch

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first saw the photographs on January 20, 1967," and I ask you if you would explain your answer to me, sir, just made, that you saw the photographs prior to writing your autopsy report in 1963.

A I did not say that I had seen the photographs before writing the autopsy report of 1963.

MR. OSER:

May I have my original question read back to the Doctor, please, and his answer.

(Whereupon, the foregoing passage was read back by the Reporter as follows:

"Q Doctor, prior to your writing your report on the autopsy, did you have an occasion to view these photographs of the President that were taken?

"A Yes, I did.")

THE WITNESS:

No, I did not, I did not see those photographs before signing my autopsy report. I may have answered "I didn't" and it was transcribed as "I did."

BY MR. OSER:

1 Q Doctor, did you hear what the stenographer
2 just read you back? That is my question
3 that I propounded to you. Now the ques-
4 tion is: Did you see the photographs of
5 president Kennedy before signing your
6 autopsy report.

7 A That is correct.

8 Q That is correct?

9 A I was there when the photographs were taken,
10 but I did not see the photographs of the
11 wounds before I signed the autopsy report.
12 I did not see those photographs in 1963.

13 Q So what you said before, that you did see the
14 photographs, that was wrong? Is that
15 correct?

16 A I never said that. It was misunderstood. I
17 said "I did not" or "I didn't." I am
18 very firm on this point that I did not
19 see --

20 Q Is it, Doctor, the fact that I showed you the
21 report --

22 THE COURT:

23 I think you have covered the matter now.

24 MR. OSER:

25 Your Honor, I have a right to go into the

1 credibility of this witness like
2 any other witness on cross-
3 examination.

4 THE COURT:

5 I agree with you. I am not denying you
6 that right.

7 MR. WILLIAM WEGMANN:

8 He also has a right to finish his answer
9 once he starts.

10 THE COURT:

11 I don't know what the status of the matter
12 is.

13 MR. EDWARD WEGMANN:

14 The Doctor hadn't finished answering his
15 question when he was interrupted by
16 Mr. Oser.

17 THE COURT:

18 Doctor, let me explain to you: Any ques-
19 tion put to you by Mr. Oser, first,
20 if there is a yes or no answer that
21 can be given to it, either say yes or
22 no, and then if you want to explain
23 your answer, you have a legal right
24 to explain it.

25 THE WITNESS:

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Yes, sir, yes, sir.

THE COURT:

All right. You may pose your next question.

MR. DYMOND:

May he finish his last answer before he poses his next question?

THE COURT:

I thought he was finished. You may proceed.

A (Continuing) The first time I saw the photographs taken during the autopsy, the first time I saw these photographs was in January, 1967 -- one nine six seven.

NO HIATUS HERE.

1 BY MR. OSER:

2 Q Now, Doctor, can you tell me whether or not
3 the fact that I pointed out to you in
4 your report, marked "S-67" for identifica-
5 tion, the point that Dr. Finck first saw
6 the photographs on January 20, 1967 --
7 is the fact that I pointed this out to
8 you the reason that you now say The
9 Court (sic) and the stenographer misunder-
10 stood?

11 A I don't follow you.

12 Q Well, I am asking you, Doctor, is the fact that
13 I point out to you in your report signed
14 by you, that you said --

15 A Yes.

16 Q -- in this report that you didn't see the
17 photographs until January 20, 1967, the
18 fact that I pointed this out to you, is
19 that the reason that you now say that
20 somebody misunderstood you and that you
21 did not make the statement you made before
22 as recorded by the Court Reporter?

23 A I think so. I wish to emphasize that the first
24 time I saw the photographs was January,
25 '67. These photographs were taken on the

1 22nd of November, 1963, they were turned
2 over, as I recall, to the Secret Service,
3 so they had been exposed, but I did not
4 see the processed photographs until
5 January, 1967. In 1964 I saw photographs,
6 if I may recall, but they were not from
7 the -- from the autopsy, they were from
8 the Zapruder film in 1964.

9 Q Now, Doctor, in the area of pathology, more
10 specifically that of performing autopsies,
11 and arriving at conclusions from autopsies
12 would you say that the use of photographs
13 and X-ray are routine and necessary parts
14 of a pathologist arriving at his opinion?

15 A It is extremely useful.

16 Q Would you say that is the normal practice at
17 autopsies, to have photographs and various
18 X-rays made of the body that you are
19 performing the autopsy on?

20 A It is a normal practice to take X-rays and
21 photographs of a missile wound case.

22 Q Will you tell me whether or not, Doctor, if you
23 know, whether these photographs and X-rays
24 were ever displayed to the members of the
25 Warren Commission.

D/3/3

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1 A Please repeat your question.

2 MR. DYMOND:

3 Object unless he was present.

4 MR. OSER:

5 I said tell me whether or not you know.

6 THE COURT:

7 Now, this is of his own personal know-

8 ledge?

9 MR. OSER:

10 Yes, sir.

11 BY MR. OSER:

12 Q Can you tell me, Doctor, whether or not, if

13 you know, these photographs and X-rays

14 were ever displayed to the members of the

15 Warren Commission, if you know, Doctor?

16 A What is the word you used before, "Warren

17 Commission"?

18 Q Displayed.

19 A Displayed?

20 Q Or shown.

21 A Shown?

22 MR. DYMOND:

23 Your Honor, unless the Doctor was present,

24 he can't testify to this. Secondly,

25 I think that is irrelevant to the

1 issues in this case. We have said many
2 times that we are not trying the
3 Warren Commission here.

4 THE COURT:

5 We can nip it, we can find out whether
6 or not the Doctor knows of his own
7 knowledge whether they were or were
8 not, and that will dispose of the
9 matter. Either he knows or he doesn't
10 know.

11 Do you know of your own know-
12 ledge?

13 THE WITNESS:

14 When I appeared before the Warren
15 Commission in March, 1964, the X-rays
16 and the photographs were not avail-
17 able to us in the preparation of our
18 testimony.

19 BY MR. OSER:

20 Q Am I correct in stating, Colonel, that you and
21 Commander Humes and Commander Boswell
22 appeared in front of the Warren Commission
23 at the same time?

24 A We did.

25 Q Can you tell me why the X-rays and photographs

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were not available at that time?

A I was told that it was the wish of the Attorney General.

Q Thank you, Colonel.

A -- who was then Robert F. Kennedy.

Q (Exhibiting document to witness.) Doctor, I show you what the State marks for purposes of identification "S-68," and I ask you if you would view this exhibit and tell The Court whether or not you have ever seen anything depicted on here as being similar to what you have seen before.

A I recognize those drawings but I am not the author of them.

MR. DYMOND:

I didn't hear the first part. I recognize what?

MR. OSER:

Those drawings.

THE WITNESS:

I recognize those drawings; I am not the author of them.

BY MR. OSER:

Q Were you present, Doctor, when this was done, at the time of the autopsy or shortly

1 thereafter, in conjunction with
2 Commander Humes and Commander Boswell?

3 MR. DYMOND:

4 Object, Your Honor. There is no evidence
5 as to when this was done, and Coun-
6 sel's question assumes there is
7 evidence as to when this was done.

8 MR. OSER:

9 I asked if he was present when it was
10 done.

11 MR. DYMOND:

12 He went on to say when he contends it
13 was done. That is the part I am
14 objecting to.

15 THE COURT:

16 I think the exhibit -- I cannot comment on
17 the evidence, but you are trying to
18 lay a predicate to see if the witness
19 can identify it as being similar to
20 something he has seen before?

21 MR. OSER:

22 Yes, sir.

23 THE COURT:

24 Why don't you ask him that question first?

25 MR. OSER:

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I thought I had, Your Honor.

THE COURT:

Maybe you did.

BY MR. OSER:

Q Doctor, is this exhibit, which I have marked as "State-68" for purposes of identification -- I ask you if what is depicted on this particular exhibit is similar to something that you have seen before, Doctor.

MR. DYMOND:

If The Court please, at this time we are going to object to this testimony as to similarity. We have here sketches which purport to deal in detail, in measurements and so forth, and I submit to the Court that in that area similarity is not good enough.

THE COURT:

It depends on the witness. He has stated he recognized it. The question he has not answered for Mr. Oser yet is whether or not the exhibit offered to him is similar and does he recognize it, and he has not answered that

1 question. I would overrule your
2 objection until he answers that
3 question.

4 THE WITNESS:

5 I recognize it for the purpose of identi-
6 fication. I see in the left upper
7 corner "NMS" -- Navy Medical Sheet --
8 "63272," and this was the autopsy
9 number given in Bethesda for the
10 autopsy of President Kennedy, and
11 these drawings may have been made
12 by both Dr. Humes and Dr. Boswell.
13 They pertain to the observations
14 along the autopsy of President
15 Kennedy.

16 THE COURT:

17 I will permit the exhibit to be received
18 in evidence on the ground that it is
19 similar. From the testimony of the
20 witness Dr. Finck, I will permit it
21 to be received in evidence.

22 MR. DYMOND:

23 To which ruling Counsel for the Defense
24 reserves a bill of exception, making
25 the entire testimony, Counsel's

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objection to this exhibit "State-68," 68
the reasons for the objection, and
the ruling of the Court and the
entire record parts of the bill.

MR. OSER:

Your Honor, the State now wishes to
offer, file and introduce into
evidence "S-68."

THE COURT:

It shall be admitted.

MR. DYMOND:

To which offering the Defense objects,
using as parts of its bill the same
component parts which were set forth
in the preceding bill.

(Whereupon, the diagram offered
by Counsel was duly marked for
identification as "State-68,"
and received in evidence.)

NO HIATUS HERE.

1 MR. OSER:

2 Your Honor, the State requests permission
3 to place it on this board, if I may.

4 THE COURT:

5 You may do so.

6 (Exhibit mounted on display board.)

7 BY MR. OSER:

8 Q Doctor, at the time of the autopsy, was such
9 a sheet as depicted in State Exhibit 68
10 prepared by either you or one of the
11 other two members of the autopsy team
12 of you all performing the autopsy on
13 President Kennedy?

14 A This was not prepared by me.

15 Q Did you see anybody prepare this particular
16 exhibit, or working on this particular
17 exhibit?

18 A Well, the three of us were involved in this,
19 taking measurements and -- I did not make
20 those drawings.

21 Q Was such a sheet of paper as depicted on that
22 particular exhibit, part of your autopsy
23 work that the three of you all performed?

24 A I would think that this was handled by Drs.
25 Humes and Boswell. Personally I can't --

1 I recall having seen this but to give an
2 exact time, an exact hour, and what I did
3 with this, I can't say. I don't remember.
4 It is part of the case but I don't remem-
5 ber details on this.

6 Q Part of the case. Fine.

7 A At this time I would like to add something.

8 As a pathologist, you put down what you
9 find in a mock-up scene to show the loca-
10 tion, the approximate location. There may
11 be variations between drawings and photo-
12 graphs, for example, but the advantage of
13 having those immediate records is to put
14 down the information mentioned -- number
15 of wounds, location of wounds, dimensions
16 taken at the time of autopsy.

17 Q Doctor, what you are talking about or commenting
18 about is the fact that the point I am
19 pointing to on this particular autopsy
20 descriptive sheet, the area of the hole in
21 the back being considerably lower and in a
22 different position than the hole you drew
23 on Mr. Wegmann's shirt? Is that what you
24 are referring to, sir?

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THE WITNESS:

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Mr. Wegmann, can you kindly show the mark.

(Whereupon, Mr. William Wegmann arose, removed his coat, and exhibited the marking on his shirt.)

THE WITNESS:

I would like to repeat that the mark on the shirt of Mr. Wegmann is on his shirt, whereas the wound I saw was in the skin in the back of the neck, and I would say that the wound I saw was higher than the one I see on the drawing.

BY MR. OSER:

Q But am I correct in stating, Doctor, that the dot that is on Mr. Wegmann's shirt corresponds to where you say the wound in the President's back of his neck was? If I drew that dot through his shirt and put it on his skin, Mr. Wegmann's skin, that would be the location that you testified to on direct examination? Am I correct?

A Well, again I want to call your attention to the fact that we are here arguing about --

Q I am not arguing.

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A -- the mark on the shirt.

Q I am not arguing. Answer my question.

MR. EDWARD WEGMANN:
He is answering the question.

MR. OSER:
Let him answer the question.

THE COURT:
Will you both speak to me.

MR. WILLIAM WEGMANN:
He doesn't like the answer so he is
interrupting the witness.

MR. OSER:
Your Honor, I object to that statement.

MR. WILLIAM WEGMANN:
I think the witness has a right to answer,
and if Mr. Oser wants to cross-examine
him, he can cross-examine him.

THE COURT:
One thing I am going to rule is that the
witness answer yes or no and then ex-
plain it. The witness can't volunteer
information every time he wants to
volunteer information. That is one
thing that should be clarified. From
now on ask him to answer yes or no,

1 and if he wishes to explain, then he
2 can explain, but he cannot volunteer
3 every time he wishes to volunteer. If
4 he wants to make an explanation,
5 certainly he can explain.

6 MR. WILLIAM WEGMANN:

7 But also I think, Your Honor, if we are
8 going to follow the court's ruling,
9 I think Mr. Osler should make his ques-
10 tions such that they are susceptible
11 of a yes or no answer.

12 MR. OSER:

13 Read it back.

14 MR. WILLIAM WEGMANN:

15 In effect what he is doing is arguing with
16 the witness.

17 THE COURT:

18 Let's clarify this. Ask the question again
19 in a form that can be answered yes or
20 no, and then if the witness wishes to
21 explain, he may explain.

22 MR. OSER:

23 I wish to have it read back.

24 THE COURT:

25 No, sir. I am going to ask you to proceed.

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Rephrase your question and let it
be answered.

BY MR. OSER:

Q Colonel, before I talked about the ink dot on
Mr. Wegmann's shirt in the location that
it is. I am asking you whether or not the
ink dot on Mr. Wegmann's shirt is the
same area -- if you carried that ink dot
through and put it on his skin, would it
be the area where you testified that you
found the wound in President Kennedy's
back of his neck?

THE WITNESS:

I would like to ask Mr. Wegmann to --

THE COURT:

Answer yes or no and then explain, Doctor.

The question is susceptible of a yes
or no answer, but you may explain it.

MR. WILLIAM WEGMANN:

May I interject myself?

THE COURT:

Certainly.

MR. WEGMANN:

I think what he wants to do is see the
shirt again. Isn't that what you

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wanted, Doctor?

(The witness nodded affirmatively.)

THE COURT:

You may stand down if you wish to.

(Whereupon, the witness left the stand and proceeded to a position close to Mr. William Wegmann.)

A I would say this, in relation to the drawing, the mark I have made on the shirt of Mr. Wegmann is higher than the mark seen on the drawing.

BY MR. OSER:

Q Doctor, I don't think you quite understood my question. My question was exclusively tending toward Mr. Wegmann only right now, the mark on Mr. Wegmann's shirt. Is the mark that you placed on his shirt, if you carried that mark through and put it on his skin rather than on the shirt, would that mark be in the same place that you saw the wound you said you saw on direct examination at the time of the autopsy? That is all I am asking you.

A (Resuming the stand) But the shirt is moving on the skin.

1 Q The general location then, Doctor, of where --

2 A The general location of the mark I have made

3 on the shirt of Mr. Wegmann, the general

4 location approximately corresponds to the

5 location on the skin.

6 Q Can you tell me whether or not Mr. Wegmann is

7 the same height as President Kennedy was?

8 THE WITNESS:

9 Can you stand up, Mr. Wegmann?

10 (Whereupon, Mr. Wegmann complied.)

11 A I think President Kennedy was taller.

12 BY MR. OSER:

13 Q I believe you said, Doctor, you measured from

14 the tip of the mastoid bone behind the

15 ear, down, is that correct, in one direc-

16 tion?

17 A Well, you have to take several -- I measured a

18 certain distance from the tip of the

19 mastoid, and that certain distance was

20 14 centimeters as I recall. Let me verify

21 this -- (referring to document) -- 14

22 centimeters from the right mastoid process,

23 which is (using ruler) approximately five

24 and a half inches.

25 Q Now, the measurements, Doctor, that you placed

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on Mr. Wegmann when Mr. Wegmann was standing erect and facing this way, if Mr. Wegmann had turned his head either to the left or to the right, would this change the position of the mastoid bone in relation to that 13 or 14 centimeters measurement? Yes or no, Doctor, and then you can explain your answer.

A (Moving head) The movement of the head could have changed slightly the distance between the mastoid and the wound in the back of the neck.

Q (Exhibiting sketch to witness) Doctor, I show you what the State now marks for purposes of identification as "S-69," and I ask you whether or not you are familiar with what is depicted on this particular photograph, referring you to the previous Defense Exhibit D-27.

MR. OSER:

May I have D-27 for the Doctor to compare it?

(Exhibit handed to the witness.)

A Yes, it is.

Q May I correct it by saying the upper half of

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Defense Exhibit D-27?

A Yes, that it is.

MR. OSER:

At this time, Your Honor, I offer, introduce and file into evidence the exhibit marked "S-69" for purposes of identification.

MR. DYMOND:

No objection.

THE COURT:

It is part of the same exhibit as what?

MR. DYMOND:

D-27.

MR. OSER:

The upper half of D-27.
(Whereupon, the sketch offered by Counsel was duly marked for identification as "S-69" and received in evidence.)

BY MR. OSER:

Q (Exhibiting sketch to witness) Doctor, I now show you what the State marks for purposes of identification "S-70," and I ask you if you are familiar with what is depicted in this particular exhibit?

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A Yes, I am.

Q Except, as before, being the same as D-29.

A Please show me D-29.

THE COURT:

Show the witness.

(Exhibit handed to witness.)

A It is.

MR. OSER:

The State wishes to offer, introduce
and file in evidence the exhibit
which is marked "S-70" for purposes
of identification.

MR. DYMOND:

No objection.

THE COURT:

Let it be received.

(Whereupon, the sketch offered
by Counsel was duly marked for
identification as "Exhibit S-70"
and received in evidence.)

MR. OSER:

May I put it on the board, Your Honor?

THE COURT:

You may.

BY MR. OSER:

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Q Doctor, referring to State Exhibits 69 and 70 on the large board over there, equivalent to Defense 27 and Defense 29, could you tell us who made those drawings?

A As far as I know, they were made at the time of the preparation of our testimony before the Warren Commission in March, 1964. They were made under the direction of Dr. Humes at Bethesda Hospital, in a short period of time, as I recall approximately two days, under the supervision of Dr. Humes. As I recall, the name of the Navy enlisted man who did those was Rydberg, R-y-d-b-e-r-g, but this is subject to verification.

Q Now, Colonel, can you tell me whether or not the person that drew these two diagrams, or the illustrator, had any of the photographs or X-rays of President Kennedy available to him?

NO HIATUS HERE.

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THE COURT:

He would only be able to answer that,
Mr. Oser, if he knows of his own
personal knowledge.

MR. OSER:

I asked him if he knows, Your Honor.

THE COURT:

All right.

THE WITNESS:

To my knowledge, this Navy enlisted man
did not have the photographs or X-rays
available to him. Likewise they were
not available to us in March 1964.

BY MR. OSER:

Q Now, Doctor, referring to State Exhibit 68,
the descriptive sheet, am I correct in
stating that the information placed on the
descriptive sheet, State-68, was placed
there by a qualified pathologist, either
Dr. Humes or Dr. Boswell?

MR. DYMOND:

Your Honor, I think the witness already
testified he did not see it made and
does not know who made it.

MR. OSER:

1 Your Honor, if The Court please, may the
2 State be heard? The Colonel said
3 that it was made either by Dr. Humes
4 or Dr. Boswell at the time of the
5 autopsy, and the Colonel on the wit-
6 ness stand said he was one of the
7 co-authors of the autopsy report, and
8 I am asking him if a qualified
9 pathologist, either Dr. Boswell or
10 Dr. Humes, made the entries that
11 appear on the descriptive sheet
12 attached and concerning the autopsy
13 of President Kennedy.

14 MR. DYMOND:

15 If The Court please, I think the relevant
16 question is whether Dr. Finck saw
17 these drawings made. If he did, then
18 he can testify who made them.

19 THE COURT:

20 I don't think that is the legal point. I
21 think the legal point is whether or
22 not Dr. Finck recognizes the autopsy
23 descriptive figures on there, and if
24 he has his notes, he can compare his
25 notes with the exhibit to see if

1 there are any differences. If there 83
2 are not any differences, then he can
3 confirm or deny whether it was a
4 true report of what should have been
5 made at that time.

6 MR. DYMOND:

7 Your Honor, that wasn't the question
8 though. The question was whether
9 State-68 had been made by a qualified
10 pathologist.

11 THE COURT:

12 It has already been offered and accepted
13 in evidence.

14 MR. DYMOND:

15 I understand that, but unless the Doctor
16 was there when it was made, how can
17 he know who made it and whether the
18 man was qualified?

19 MR. OSER:

20 It is part of the report, if Your Honor
21 please, which has been signed.

22 THE COURT:

23 Let's see. Ask your question again,
24 Mr. Oser, and I will see if we
25 understand what is before us.

1 BY MR. OSER:

2 Q Doctor, from State Exhibit 68, the descriptive
3 sheet on the autopsy of President Kennedy
4 as it appears before you, can you tell us
5 whether or not the entries made on that
6 particular descriptive sheet were done so
7 by a qualified pathologist?

8 MR. DYMOND:

9 Now that is what I object to.

10 THE COURT:

11 Unless he saw it being done, Mr. Oser,
12 he can't answer that.

13 MR. OSER:

14 Your Honor --

15 THE COURT:

16 May I ask you, sir, to change the question

17 Ask if it is incorrect or correct.

18 Then he can answer it.

19 MR. OSER:

20 Your Honor, may I have an answer to my
21 question?

22 THE COURT:

23 I will sustain Mr. Dymond's objection.

24 Unless he saw somebody make it, he
25 cannot testify to it, but he can

1 testify to the contents, if he has
2 knowledge, from his notes.

3 BY MR. OSER:

4 Q Doctor, did such a descriptive sheet make up
5 part of your autopsy report on
6 President Kennedy that you signed with
7 Commander Humes and Commander Boswell?

8 A I have here a copy of the report I signed.

9 Q Would you like to peruse it? If so, go ahead.

10 A (Referring to document) I have with me Xerox
11 copies from Volume XVI of the Warren
12 Commission Hearings, page 978, 979,
13 through page 983, and these are the pages
14 of the autopsy report I signed. As I
15 recall, this is part of the exhibits, and
16 I don't recall the place of this, the page
17 of it. I don't see this drawing between
18 page 978 and 983 of the autopsy report I
19 signed. Of course I couldn't take copies
20 of all the hearings with me.

21 MR. OSER:

22 Your Honor, may I have a short delay while
23 I send for that particular volume
24 that the doctor referred to? It
25 won't take two minutes to get it.

1 THE COURT:

2 Well, where is it -- in the District
3 Attorney's Office?

4 MR. OSER:

5 Yes, sir.

6 THE COURT:

7 Well, if you are going to pursue that,
8 we won't have time to go into it
9 before the recess. It is four minutes
10 to 12:00.

11 MR. OSER:

12 Your Honor --

13 THE COURT:

14 I think this would be a convenient time
15 to recess for lunch. Then you can
16 send and get your picture, and then
17 at 1:30 when we come back you can
18 pursue this line of questioning.

19 MR. OSER:

20 Your Honor, I only have one more question
21 on this particular line, if you can
22 allow it now.

23 THE COURT:

24 I would prefer -- You think you have one
25 question. (LAUGHTER) It has been my

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experience when a lawyer says one question it generally lasts a half hour.

We are going to recess for lunch because it will give you an opportunity to get your picture and then to pursue this line.

Gentlemen, as I have consistently, and will in the future, I must admonish you and instruct you not to discuss the case among yourselves or with any other person. That includes everybody, the Sheriffs, waiters, waitresses.

We will now adjourn for lunch, and I will ask the Sheriff to have you back here for 1:30.

(Whereupon, the Jury was excused.)

THE COURT:

Do you wish these exhibits to remain in the same position until we come back from lunch?

MR. OSER:

Yes, Your Honor.

THE COURT:

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Ask the spectators to be careful not to knock these exhibits down leaving the courtroom.

Mr. Shaw, you are released under your same bond, and, Dr. Finck, I will ask you to report back to be on the stand at 1:30.

We will be adjourned until 1:30.

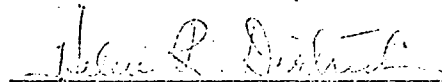
. . . . Thereupon, at 11:58 o'clock a.m., a recess was taken until 1:30 o'clock p.m.

C E R T I F I C A T E

1
2 I, the undersigned, Helen R. Dietrich, do hereby
3 certify:

4 That the above and foregoing (88 pages of
5 typewritten matter) is a true and correct transcription
6 of the stenographic notes of the proceedings had herein,
7 the same having been taken down by Paul W. Williams and
8 the undersigned, and transcribed under our supervision,
9 on the day and date hereinbefore noted, before the Criminal
10 District Court for the Parish of Orleans, State of
11 Louisiana, in the matter of the State of Louisiana vs.
12 Clay L. Shaw, 198-059 1426 (30) Section C on the 24th day
13 of February, 1969, before the Honorable Edward A. Haggerty,
14 Jr., Judge, Section "C", being the testimony of Pierre A.
15 Firck, M.D.

16 New Orleans, Louisiana, this 24th day of February,
17 1969.



HELEN R. DIETRICH,
REPORTER

COPY

90

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....	:	
STATE OF LOUISIANA	:	198-059
vs.	:	1426(30)
CLAY L. SHAW	:	SECTION "C"
.....	:	

PROCEEDINGS IN OPEN COURT,
Monday, February 24, 1969

VOLUME II

B E F O R E :

THE HONORABLE EDWARD A. HAGGERTY, JR.,
JUDGE, SECTION "C"

Dietrich & Pickett, Inc.

Stenographers

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NEW ORLEANS, LOUISIANA 70130-523-3111

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
PIERRE A. FINCK, M.D.		91		

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
S-71	97		

1 call?

2 A I don't recall making notes at the time of

3 the autopsy. As I recall, Dr. Boswell

4 was making those notes.

5 Q Can you tell me how the final draft of the

6 autopsy report which you signed along

7 with Commander Humes and Commander Boswell

8 came about? How was that put together?

9 A We signed that autopsy report, as I remember,

10 on Sunday, the 24th of November, 1963,

11 in the office of Admiral Galloway, who was

12 one of the Admirals in charge of the Navy

13 hospital. I had reviewed with Dr. Humes

14 his draft of the autopsy report prior to

15 that time, and, as I recall, the three of

16 us, that is Humes, Boswell and myself,

17 were present at that time in the office

18 of Admiral Galloway on that Sunday, to the

19 best of my recollection.

20 Q Doctor, I show you from volume 17, Page 30

21 through Page 47, and ask you if you would

22 view the contents of those pages.

23 A Yes, sir. This is Volume 17 of the hearings

24 before the President's Commission on the

25 assassination of President Kennedy. I

1 from it doesn't say "Commission
2 Exhibit 397." I remember that these
3 drawings had been made, and you realize
4 now I am referring to Page 45.

5 Q Which is the same thing as Exhibit 68, is that
6 right?

7 A Yes, sir, it is. I realize the drawings
8 were made on work sheets to
9 be used at the time of the autopsy, and
10 that records are added to these schematic
11 representations of the front and back of
12 a human body. I know this was involved
13 in the discussions, in the testimony, but
14 I can't give you any timing. As I recall,
15 Dr. Boswell did those and discussed them
16 but I can't recall exactly when I saw them.

17 Q In other words, when an autopsy descriptive
18 list or sheet is used at an autopsy, it
19 is either used at the time of an autopsy
20 or shortly thereafter as a work sheet
21 somewhere in the autopsy room, is that
22 right, Doctor?

23 A If State 68 is an autopsy work sheet -- well,
24 when it was done by Dr. Boswell I don't
25 know.

1 Q In referring to State Exhibit 69 and 70,
2 Doctor, these two exhibits were not done
3 then until sometime in March of 1964,
4 is that correct, Doctor?

5 A I wouldn't know the exact date. The first
6 time as I recall that I saw these ex-
7 hibits was in March, 1964, to the best
8 of my recollection.

9 Q But you do know, Doctor, you can testify that
10 the photographs and X-rays were not availa-
11 ble, to the best of your knowledge, to
12 the illustrator of these exhibits as they
13 were not available to you in March, 1964?

14 A To the best of my knowledge the X-rays and
15 photographs were not available to the
16 illustrator. I know for sure that they
17 were not available to me, the X-rays and
18 the photographs.

19 Q Can you tell me, Doctor, whether or not the
20 illustrator was present at the autopsy
21 when President Kennedy's body was availa-
22 ble for viewing in order for him to make
23 these illustrations?

24 A I don't know.

25 Q Do you recall seeing him there or anyone held

1 out to be the illustrator at the autopsy?

2 A I don't remember.

3 Q Doctor, did you make any types of notes at all
4 at the time of the autopsy yourself?

5 A I may have written down measurements.

6 Q Do you still have those measurements?

7 A No. When I walked out of that autopsy room
8 I didn't have notes with me, to the best
9 of my recollection. I remember taking
10 measurements and giving them to Dr. Humes
11 and Dr. Boswell.

12 Q Do you know whether Commander Boswell made
13 any particular notes at the time of the
14 autopsy?

15 A As I recall I saw Dr. Boswell taking notes. I
16 saw both Dr. Humes and Dr. Boswell taking
17 notes at the time of the autopsy, to the
18 best of my recollection.

19 Q Would your answer be the same with regard to
20 Commander Humes with regard to making
21 notes at the time of the autopsy as it
22 was with Dr. Boswell? Did he also make
23 notes?

24 A As I remember, both of them made notes during
25 the autopsy.

1 Q Were you present, Colonel, when Dr. Humes
2 burned his original notes?

3 A I was not.

4 Q Doctor, the report that I showed you before --

5 A I have it here.

6 Q Are you in agreement with all the allegations
7 and statements and the contents of this
8 particular exhibit? Is there anything
9 in there that you would change at this
10 time?

11 A I don't think so.

12 Q Doctor, I now show you what the State marks
13 as "S-71" for the purpose of identifica-
14 tion, and ask you if you would view this
15 exhibit and tell the Court whether or not
16 you recognize this exhibit, and, if so,
17 how can you recognize it?

18 A I recognize here Exhibit S-71 consisting of
19 pages 978 through 983 as being six pages
20 of the autopsy report we signed in
21 November, 1963.

22 Q Doctor, this is the autopsy report you have
23 been referring to that you co-authored
24 with Commander Boswell and Commander Humes,
25 is that correct?

1 A Yes.

2 Q When was the first time you saw the Zapruder
3 film, Doctor?

4 A As I recall, it was in March, 1964, when I re-
5 turned from Panama and was told I had to
6 testify before the Warren Commission.

7 Q So at the time you signed and co-authored
8 the autopsy report, which has been marked
9 as S-71 for identification, you had not,
10 as of that time, seen the Zapruder film,
11 is that correct?

12 A I had not.

13 Q Doctor, are you familiar in this particular
14 report, S-71, which you co-authored with
15 Commanders Humes and Boswell, with all
16 the evidence upon which the report was
17 based?

18 A Please repeat your question.

19 Q Are you familiar with all of the evidence upon
20 which this report was based?

21 A In the general sense, yes.

22 Q Doctor, I call your attention to Page 2, under
23 the heading of "Clinical Summary," and
24 ask you to tell me the basis for your
25 statement as part of your clinical