

sectioned.

Q What you are telling me, Colonel, is as you didn't go into the other half of the brain and completely ascertain what may have or may not have been there then you did not do a complete autopsy, is that correct? Yes or no and then you can answer the question.

A Yes. As regards the wounds on the external aspect of the body, what we found on the 24 November '63 was adequate as regards the external wounds of the brain.

Q Is this in your opinion a complete autopsy under the definition used by the American Board of Pathology? Yes or no and then you can explain it.

A On -- No. On the 24th of November because to my recollection we based our autopsy report on the 24th of November on the information obtained from people at the scene. We based it on our gross autopsy findings pertaining to the wounds as they were described on the body and the X-rays taken before and during the course of the autopsy.

1 C: Am I correct, Colonel, did I hear your answer  
2 that it was "no" and then you explained  
3 it?

4 A: I explained it because there was supplemental  
5 reports, examinations of clothing that  
6 was made at a later date.

7 Q: Colonel, why didn't your report of January 19,  
8 1967 contain anything about this particu-  
9 lar object or any further work you may or  
10 may not have done with the brain, taking  
11 into consideration you had some 3½ years  
12 to go over Dr. Humes's report?

13 A: I don't know. I was asked to correlate the  
14 autopsy report with the photographs, I  
15 had the opportunity to see for the first  
16 time in January, 1967.

17 Q: Did you use Commander Humes's supplemental  
18 report in drawing up your report of  
19 January 1967?

20 A: I don't remember.

21 Q: If you had would you remember?

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23 NO HIATUS HERE  
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1 A Right now I don't remember what I used and  
2 did not use.

3 Q If you did not, Colonel, would you say that  
4 your report of January, 1967 was then  
5 not complete and accurate completely?  
6 Yes or no, and then you can explain.

7 A No, I don't remember all the factors I used  
8 at that time. You must understand  
9 there are details I remember and others  
10 I just don't remember at this time.

11 Q When did you first learn you were going to  
12 testify?

13 A When did I first learn I was going to testify  
14 here?

15 Q Yes.

16 A I was called on the phone on Sunday, and I  
17 will give you the date, -- anyway, it  
18 was in February, 1969 that I was called  
19 to this trial.

20 Q Well, Colonel, can you give me an approxima-  
21 tion of how many days before today?

22 A It must have been on Sunday the 16th.

23 Q Sunday, the 16th of February?

24 A Of February.

25 Q You did --

- 1 A And I -- I was called by Mr. Wegmann, Mr.  
2 Wegmann must have the date he called me  
3 on the phone at home.
- 4 Q As best you can recall it was February 16?  
5 A It was in February.
- 6 Q And you did bring some notes with you, did you  
7 not?
- 8 A Let me refer to those and we can speed it up.  
9 I found it. I was called 16 February,  
10 '69.
- 11 Q And my next question is, Colonel: You did  
12 bring some notes with you, did you not?
- 13 A I brought my diary.
- 14 Q And you brought some other notes with you,  
15 didn't you?
- 16 A I brought S-67, the report of Dr. Humes and  
17 Boswell and myself, signed on 26 January,  
18 1967; I brought S-72, the 1968 Panel  
19 Review by Carnes, Fisher, Morgan and  
20 Moritz.
- 21 Q Colonel, if you had to say --
- 22 A I'm not finished. I brought Xerox copies of  
23 Pages 978 through 983 of Volume 16.  
24 I brought a copy of my testimony before  
25 the Warren Commission starting on Page

1           Q           377 and ending on Page 384 and the notes  
2                       I have here I have written here before  
3                       this testimony.

4           Q           But you didn't have Commander Humes' supple-  
5                       mental autopsy report?

6           A           I do not.

7           Q           Now, Colonel, referring to autopsy report of  
8                       November, 1963, again, in the second  
9                       page, second paragraph, you state:

10                      "Three shots were heard and the President  
11                      fell forward." What do you base "falling  
12                      forward" on?

13          A           Repeat your question, please.

14          Q           Referring to your autopsy report of November,  
15                       1963 on Page 2, Paragraph 2, you state  
16                       "Three shots were heard and the President  
17                       fell forward." Can you tell me what you  
18                       base your statement on, "The President  
19                       fell forward"?

20          A           This, again, is information we obtained when  
21                       this report was prepared. I cannot pin  
22                       down the source. It may have been some-  
23                       body in the car, the Presidential limou-  
24                       sine, some witnesses of the incident, so  
25                       as we put it down as somebody told us.

1           Q       Colonel, before in answer on direct examina-  
2                           tion to one of Mr. Dymond's last ques-  
3                           tions, you gave a description of what  
4                           you saw in the Zapruder film as the  
5                           President moving his hand up, going  
6                           slightly forward, and then he was struck  
7                           with the second shot. You could describe  
8                           the President's movements at the time of  
9                           the second shot and why?

10           MR. DYMOND:

11                     If the Court please, we object and submit  
12                           this is a question impossible to  
13                           answer.

14           MR. OSER:

15                     If the Court please --

16           THE COURT:

17                     Let me hear Mr. Dymond, please, Mr. Oser.

18           MR. DYMOND:

19                     That is my objection, is it is a question  
20                           that can't be answered.

21           MR. OSER:

22                     The witness as author of the report said  
23                           the President fell forward and I want  
24                           to know what he based it on.

25           THE COURT:

1 I agree with you, but he said it was  
2 from somebody in the autopsy room,  
3 it was hearsay, but he accepted it  
4 from people allegedly that were eye-  
5 witnesses, and he says that is where  
6 he got the information from.

7 BY MR. OSER:

8 Q Colonel, you did view the entire Zapruder  
9 film?

10 A Yes.

11 MR. DYMOND:

12 That was much after this report was given.

13 BY MR. OSER:

14 Q As of this day and this testimony, Colonel,  
15 you have viewed the entire Zapruder film,  
16 have you not?

17 A I have viewed the entire Zapruder film in  
18 March, 1964.

19 Q Colonel, on the last page of the autopsy report  
20 of November, 1963, the last paragraph  
21 states, "A supplementary report will be  
22 submitted following more detailed ex-  
23 amination of the brain and of microscopic  
24 sections." Was that done, and, if so,  
25 do you have it, the results?

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2     A     I don't have this supplemental report with  
3             me now.  
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1 Q And do you know the results of any parts of  
2 that supplemental report?

3 A I remember -- Yes, I do. I remember a  
4 description of the brain by Dr. Humes  
5 and microscopic description by  
6 Dr. Humes in that supplemental report.

7 Q Do you recall whether or not it mentions that  
8  $3/4 \times 1/2$  inch rectangular structure in  
9 the brain?

10 A I don't recall reading about this.

11 MR. OSER:

12 May I pin this up, Your Honor? Does The  
13 Court have a stapler?

14 BY MR. OSER:

15 Q Colonel, in regard to Commission Exhibit 399,  
16 I refer you to the photograph designated  
17 in State Exhibit, I believe it is S-68 --

18 THE COURT:

19 Beg your pardon?

20 MR. OSER:

21 The large picture of the autopsy report.

22 BY MR. OSER:

23 Q In referring to Commission Exhibit 399, which  
24 you testified about in front of the  
25 Warren Commission and also referring you

1           Q           to State Exhibit 64 which purports to be  
2                       a photograph of Commission Exhibit 399,  
3                       can you tell me whether or not, Colonel,  
4                       in your opinion this particular pellet  
5                       could have done the damage that you found  
6                       in President Kennedy's head?

7           A           No.

8           Q           Why, Colonel?

9           A           The bullet that struck President Kennedy in  
10                      the back of the head disintegrated in  
11                      numerous fragments seen on X-rays and  
12                      some of which were removed by us and the  
13                      bullet shown on this exhibit did not  
14                      disintegrate into numerous fragments.

15          Q           Am I correct in stating, Colonel, that  
16                      Commission Exhibit 399 is a steel or copper  
17                      jacketed projectile, if you know?

18          A           From what I remember\* this is, this was a  
19                      jacketed bullet of the military type which  
20                      means that it is a fully jacketed bullet.  
21                      The lead core is surrounded along the  
22                      sides and the tip by a copper jacket and  
23                      that is what you see in military jacket  
24                      bullets.

25          Q           Now, Colonel, from your having worked with

1 missile-type wounds and having done the  
2 type of work you have done in the past,  
3 if a projectile similar to the type in  
4 Commission Exhibit 399 were to hit some  
5 obstruction, such as bone in the head for  
6 instance, would this cause the copper  
7 jacket to break, break up to such an  
8 extent that lead deposits or inner parts  
9 of the pellets would be left in the area?

10 A There could be a deposit of the components of  
11 the jacket in the target struck by this  
12 bullet.

13 Q Have you ever seen such a pellet?

14 A Bullet?

15 Q Strike that. Have you ever seen such a copper-  
16 jacketed pellet break up to such an extent  
17 that it would leave its component parts  
18 when it passes through merely flesh and  
19 not hit bone, from your experience?

20 A Your question is: Can a bullet disintegrate  
21 when going through soft tissue, is this  
22 your question?

23 Q Yes, yes, answer that question if you would.

24 A Yes, it is possible a bullet can disintegrate  
25 when going through soft tissue. It is not

1 an absolute necessity.

2 Q From your experience what usually happens, does  
3 it come out intact or does it break up,  
4 what is the usual case going through soft  
5 tissue?

6 A Going through soft tissue it depends on many  
7 factors. A bullet may remain intact or  
8 it may disintegrate. I can't say it  
9 always does, that it never does that.

10 Q Colonel, what is your opinion as to whether  
11 or not Commission Exhibit 399 could have  
12 passed through President Kennedy's wound  
13 as indicated in State-69 that you have  
14 described?

15 A I think it is possible that such a bullet goes  
16 through the body as shown on the exhibit.

17 Q What is your opinion, Colonel, as to whether or  
18 not it would come out in the condition as  
19 displayed in Commission Exhibit 399 and  
20 the drawing which is depicted in State-69,  
21 not hitting bone?

22 A It is possible that a bullet remains as is  
23 after leaving the body but it is not an  
24 absolute necessity.

25 Q Colonel, are you familiar with how much weight

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loss Commission Exhibit 399 -- strike  
that -- are you familiar, Colonel, with  
the weight of 399?

A To the best of my recollection it is approxi-  
mately 161 grains, something of that  
order.

MR. DYMOND:

If The Court please, unless it is estab-  
lished that the Doctor weighed these  
various objects --

MR. OSER:

Your Honor please --

THE COURT:

Please let me hear the objection. Make  
your objection, Mr. Dymond.

MR. DYMOND:

Unless it is established that the Doctor  
weighed the object in question we  
object on the ground of hearsay.

NO HIATUS HERE

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MR. OSER:

I think Mr. Dymond will withdraw his objection because I intend to clarify the answer I got.

THE COURT:

You may proceed.

BY MR. OSER:

Q Colonel, the figure of approximately 161 grains, by this do you mean this is the approximate average weight of the average type of pellet such as 399 would retain, this'd be approximately 161 grains?

MR. DYMOND:

We object on the ground that we are getting outside the field of expertise of pathology and into the field of ballistics.

THE COURT:

Did you weigh it yourself, Doctor?

THE WITNESS:

No, sir.

THE COURT:

Did you weigh it after in the condition that it is now?

THE WITNESS:

1                    Sir, I know the weight from reports.

2 BY MR. OSER:

3 Q        Colonel, could you explain to me how the  
4                    panel of three pathologists and one  
5                    radiologist found traces of lead in the  
6                    throat of the President of the United  
7                    States?

8 MR. DYMOND:

9                    How can this Doctor explain how four  
10                    other doctors found something if he  
11                    wasn't present.

12 THE COURT:

13                    I think your question should be "Doctor,  
14                    are you acquainted" --

15 BY MR. OSER:

16 Q        Again, Doctor, are you acquainted with the  
17                    report submitted in 1968 by Dr. W. H.  
18                    Carns, Russell H. Fisher, Russell H.  
19                    Morgan and Alan R. Moritz?

20 A        I am, I am.

21 Q        Are you familiar with the resume made in this  
22                    particular report that traces of metal  
23                    were found in the throat area from review-  
24                    ing, from viewing autopsy X-rays of  
25                    President Kennedy?

1 A Where is that passage, please.

2 Q I will find it for you. I refer you, Colonel,  
3 to page, let me count them because they  
4 are not numbered or marked, 13.

5 A 13.

6 Q The top of the page says, "Neck Region," four  
7 lines down, where it states "also several  
8 somewhat metallic fragments are present  
9 in this region."

10 A I don't know what they are referring to, or  
11 rather I don't recall seeing metallic  
12 fragments on the X-rays of this region of  
13 the neck. I don't recall.

14 Q And from their report, Colonel, would you say  
15 that they viewed three X-ray pictures, do  
16 they refer to pictures 8, 9 and 10?

17 MR. DYMOND:

18 I object having this witness say what  
19 someone else did.

20 MR. OSER:

21 I will withdraw it.

22 THE COURT:

23 Try not to talk at the same time, please.

24 I have been asking you to do that  
25 for three weeks. Let's see if we



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Q can do it that way.

MR. OSER:

I will withdraw the question.

BY MR. OSER:

Q Now, Colonel, could you tell me whether or not in your opinion Commission Exhibit 399 could have caused the wounds in Governor Connally's wrist as you testified in front of the Warren Commission?

MR. DYMOND:

Your Honor, we object unless we are talking about only from the standpoint of direction. There is no evidence here that this gentleman ever examined the wrist of Governor Connally and I don't recall if he ever examined the pellet listed as or represented by 399. If he's talking about direction only, I will withdraw the objection.

THE COURT:

Is it contained, is the foundation of that question contained in the original autopsy report submitted by the Doctor?

1 MR. OSER:

2 Your Honor, I believe the witness answered  
3 earlier in cross-examination --

4 THE COURT:

5 You went over this this morning and you  
6 covered it this morning so you don't  
7 have to repeat it. As far as I know  
8 it was covered this morning.

9 BY MR. OSER:

10 Q Colonel, what is your opinion as to whether or  
11 not a bullet fired from a Mannlicher-  
12 Carcano rifle such as Commission Exhibit  
13 399, having been fired from a sixth floor  
14 of a building 60 feet up in the air, and  
15 that this building (sic) struck an indi-  
16 vidual in the back --

17 MR. DYMOND:

18 Your Honor, there is no evidence of a  
19 building striking anybody in this  
20 case.

21 MR. OSER:

22 You know he is getting cute.

23 THE COURT:

24 60 feet and 265 feet.

25 MR. OSER:

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No, Your Honor.

THE COURT:

Well, then, rephrase the question.

NO HIATUS HERE

BY MR. OSER:

3 Q The sixth floor being 60 feet above ground

level, and that this bullet, Mr. Dymond,

struck the man in the back at approxi-

mately five and three-eighth inches

below the top of his collar and one

and three-quarter inches to the right

of the center seam, exited from his

throat in the necktie area of this indi-

vidual, then struck an individual in

front of him, seated in a car, entering

the second individual in the back near

the right armpit, going through his

chest, fracturing the fifth rib, exiting

from below the second individual's right

nipple, past his right forearm, causing

multiple fractures of the wristbone,

leaving numerous fragments and then

entering his left thigh --

MR. DYMOND:

I hate to interrupt Counsel in the

middle of his question. It is

axiomatic. A hypothetical ques-

tion must stay within the bounds

of the case. Counsel is doing what

1 is tantamount to testifying. We  
2 have no evidence whatsoever in this  
3 record as to any damage caused on  
4 the body of Governor Connally by  
5 this pellet. We are talking about  
6 fractured wristbones, and we have  
7 no testimony of anything like that,  
8 there is no testimony to its exit  
9 in the area of the nipple of the  
10 President, of, rather, Governor  
11 Connally, and not only the answer  
12 is inadmissible but the question  
13 itself is inadmissible.

14 MR. OSER:

15 If the Court please, No. 1, I haven't  
16 completed my question and, No. 2,  
17 this is the same type of question  
18 Mr. Dymond asked F.B.I. Agent  
19 Frazier on the stand stating facts  
20 not in evidence and you did allow  
21 Mr. Dymond to ask the question.

22 MR. DYMOND:

23 If the Court please, I have never asked  
24 any question similar to this and I  
25 am sure you wouldn't and didn't rule

1 on any question similar to this  
2 at any time.

3 THE COURT:

4 I don't recall Mr. Dymond asking Agent  
5 Frazier that question and it's  
6 highly irregular.

7 MR. ALCOCK:

8 Mr. Dymond didn't ask Mr. Frazier that  
9 question, but all we are suggesting  
10 to the Court is that the question  
11 was outside the bounds of evidence  
12 and the Court admitted it neverthe-  
13 less.

14 THE COURT:

15 I am going to rule at this time that Mr.  
16 Dymond's objections are well taken.  
17 The hypothetical posed is a conclu-  
18 sion stating facts which have not  
19 been a part of this record, so I  
20 will sustain the objection.

21 BY MR. OSER:

22 Q Let me ask you then, Doctor, Colonel, what is  
23 your opinion as to whether or not 399,  
24 as you saw it, could have struck the  
25 wrist and could remain in the same con-

dition as you saw it?

A I don't know.

Q You don't know, Colonel. I call your attention, Colonel, to your Warren Commission testimony, I believe it is page 382 in the middle of the page, in answer to a question by Mr. Specter, "And could it have been the bullet that inflicted the wound of Governor Connally's wrist?" Colonel Finck: "No, because there were too many fragments described in that wrist." You remember answering that question, Dr. Finck?

THE COURT:

The only objection would be it is repetitious, but I will permit the question.

NO HIATUS HERE.

1 MR. OSER:

2 My question is, did you so testify in  
3 front of the Warren Commission?

4 MR. DYMOND:

5 I would like to interpose an additional  
6 objection. This is a question and  
7 answer based upon hearsay evidence.  
8 Your Honor has indicated very  
9 strenuously that the Warren Report  
10 itself would not be admitted in  
11 evidence here.

12 THE COURT:

13 That is correct.

14 MR. DYMOND:

15 Because it is fraught with hearsay. That  
16 being the case I submit to The Court  
17 the State is not entitled to take  
18 chosen portions of this Warren Report,  
19 and particularly portions which as  
20 Your Honor says are fraught with  
21 hearsay and use them in evidence in  
22 this case.

23 MR. OSER:

24 Again, Your Honor, he's testifying --

25 THE COURT:



1 Wait a minute, Mr. Oser, control yourself.

2 MR. OSER:

3 I control myself, Your Honor, but I  
4 thought he was finished.

5 MR. DYMOND:

6 I again call The Court's attention to the  
7 fact that this man never examined  
8 the wrist of Governor Connally, never  
9 had an opportunity to observe the  
10 nature of the wrist wound, and what-  
11 ever statement was made in this  
12 Warren Report is based on a descrip-  
13 tion furnished to him by someone who  
14 purportedly examined that wound.

15 THE COURT:

16 What is that? I could not hear.

17 MR. DYMOND:

18 Because it is based on a description  
19 furnished to him by someone who  
20 purportedly examined that wound.

21 THE COURT:

22 The objection is overruled for the reason  
23 that Counsel for State in testing the  
24 credibility of the witness can ask him  
25 whether or not he made a statement

contradictory to this statement made  
today and that is why I overrule  
your objection.

MR. DYMOND:

To which ruling of The Court Counsel  
respectfully objects and reserves a  
Bill of Exception making a part  
thereof the question, the answer,  
the entire testimony of this witness,  
the objection, together with the  
reasons, together with The Court's  
ruling and the entire record parts  
of the bill.

THE WITNESS:

Would you reread it please?

BY MR. OSER:

Q Colonel, can you tell me whether or not you  
testified in front of the Warren Commis-  
sion under oath, in answer to a question  
posed by Mr. Spector, "Could it have been  
the bullet which inflicted the wound on  
Governor Connally's wrist."

By Colonel Finck "No, the reason  
there were too many fragments described  
in that wrist." Did you or did you not

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so testify, Colonel?

THE WITNESS:

I would like to --

MR. OSER:

Answer yes or no.

THE WITNESS:

I can't answer the question the way it was asked for the following reason:

THE COURT:

No. You will have to do like every other witness. Answer and then you can explain as much as you want and that is what every other witness does and either answer yes or no and then you can explain.

BY MR. OSER:

Q/ Did you or did you not?

A Read it back.

THE REPORTER:

Question: "Colonel, can you tell me whether or not you testified in front of the Warren Commission under oath, in answer to a question posed by Mr. Spector, 'Could it have been the bullet which inflicted the wound on

1 Governor Connally's wrist.'

2 By Colonel Finck 'No, the  
3 reason there were too many fragments  
4 described in that wrist.' Did you  
5 or did you not so testify,  
6 Colonel?"

7 THE WITNESS:

8 I testified, I did. May I give an  
9 explanation, Your Honor?

10 THE COURT:

11 Certainly.

12 THE WITNESS:

13 On page 382 of my testimony I would like  
14 to read a little more --

15 THE COURT:

16 You can refresh your memory, you can  
17 explain in your own words but you  
18 can't read from the testimony of  
19 that report.

20 THE WITNESS:

21 I was asked could such a bullet have  
22 passed through the head of  
23 President Kennedy and remain intact  
24 and my opinion is that I saw many  
25 fragments and this bullet did not

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lose many fragments, therefore, the  
bullet I am seeing on this  
Commission Exhibit 399 is not the  
bullet that went through the head  
of President Kennedy because it said  
here in my testimony it was asked if  
it was the bullet that went through  
President Kennedy's head.

THE COURT:

Wait, wait, wait.

THE WITNESS:

This is part of my Warren Report  
testimony.

MR. DYMOND:

If The Court please, the Doctor's obvious  
contention is that this answer has  
been taken out of context and that  
the preceding testimony clarifies  
and explains this answer and under  
those circumstances I respectfully  
submit he is entitled to read to the  
Jury this testimony.

NO HIATUS HERE.

1 THE COURT:

2 You objected to that previously when he  
3 started to read that testimony on  
4 a previous occasion and I ruled that  
5 he could refresh his memory, but  
6 that he couldn't read the testimony.

7 MR. DYMOND:

8 If the Court please, I thoroughly agree,  
9 absolutely, but when the question  
10 is taken out of context and can be  
11 explained and clarified by previous  
12 testimony by this witness in the  
13 same hearing, I think it should be  
14 permitted. The State is reading  
15 and asking whether he made a certain  
16 statement, and I submit that this  
17 witness has a right to read the en-  
18 tirety of the testimony pertaining  
19 to that particular contention or  
20 fact and not only the portion se-  
21 lected by the State.

22 THE COURT:

23 Before you finish this, please take the  
24 Jury into my office.

25 (Whereupon, the Jury was removed.)

1 THE COURT:

2 Let me make one observation. I under-  
3 stand Dr. Finck's answer to Mr.  
4 Specter, that he didn't think  
5 Commission Exhibit 399 could retain  
6 its shape as it is while going  
7 through, irrespectively whether it  
8 was going through President  
9 Kennedy's head or neck, could remain  
10 in that shape because of hitting  
11 bones in the leg of Governor Connally,  
12 irrespectively of what -- what dif-  
13 ference does it make if it goes  
14 through the neck or head that it  
15 couldn't remain in the same condition  
16 because of the fragments in the wrist.

17 MR. DYMOND:

18 Let me --

19 MR. OSER:

20 Maybe I can clarify it further.

21 THE COURT:

22 You got it mixed up enough now.

23 MR. OSER:

24 I asked the Colonel before did 399 do the  
25 damage in President Kennedy's head

1           \*                           and he said, "No, it did not."  
2                                       Then I asked him in regard to this  
3                                       particular question whether or not  
4                                       he answered a question of Mr.  
5                                       Specter regarding 399 not involving  
6                                       the head at all, whether or not 399  
7                                       could have done the injuries and  
8                                       type of damage it did in Governor  
9                                       Connally's wrist, and the Colonel  
10                                      answered that question. In fact,  
11                                      this is the second time the Colonel  
12                                      has answered it.

13           THE COURT:

14                                      He answered that this morning.

15           MR. DYMOND:

16                                      Have you finished, Mr. Oser?

17           MR. OSER:

18                                      Yes.

19           MR. DYMOND:

20                                      Now the Jury is out of the Courtroom and

21                                      now let me read to Your Honor the  
22                                      preceding testimony.

23           Mr. Specter: "And could that bullet  
24                                      possibly have gone through President  
25                                      Kennedy in 388, that is referring



1                   to Exhibit 388."

2                   Colonel Finck: "Through President  
3                   Kennedy's head, 388?"

4                   Mr. Specter: "And remain intact in the  
5                   way you see it now?"

6                   Colonel Finck: "Definitely not."

7                   Mr. Specter: "And could it have been the  
8                   bullet which inflicted the wound of  
9                   Governor Connally's right wrist?"

10                  Colonel Finck: "No, for the reason there  
11                  were too many fragments described in  
12                  that wrist."

13                  In other words, this chain of questioning  
14                  has this bullet going through the  
15                  President's head and then through  
16                  Governor Connally's right wrist.

17                  THE COURT:

18                  You read it that way, but we will leave  
19                  it to the Jury to determine that.

20                  (Whereupon, the Jury returned to  
21                  the courtroom.)

22                  THE COURT:

23                  We are going to stop because unless I knew  
24                  of some immediate moment when you  
25                  would be through, but we are going to

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recess the trial until tomorrow morning.

Again, Gentlemen, I must admonish you and instruct you not to discuss the case amongst yourselves or with any other person.

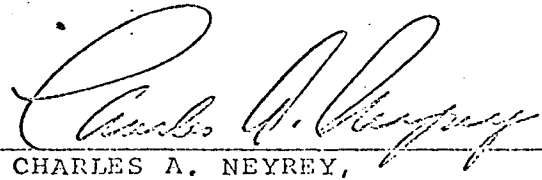
. . . . Thereupon, at 5:40 o'clock p.m., the proceedings herein were adjourned until Tuesday, February 25, 1969 . . . .

C E R T I F I C A T E

I, the undersigned, Charles A. Neyrey, do hereby certify:

That the above and foregoing (232 pages of typewritten matter) is a true and correct transcription of the stenographic notes of the proceedings had herein, the same having been taken down by Clifford Jefferson and the undersigned, and transcribed under our supervision, on the day and date hereinbefore noted, in the Criminal District Court for the Parish of Orleans, State of Louisiana, in the matter of the State of Louisiana vs. Clay L. Shaw, 198-059 1426 (30) Section "C" on the 24th day of February, 1969, before the Honorable Edward A. Haggerty, Jr., Judge, Section "C", being the testimony of Pierre A. Finck, M.D.

New Orleans, Louisiana, this 25th day of February, 1969.



CHARLES A. NEYREY,  
Reporter

w1/n 1

COPY

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,  
Tuesday, February 25, 1969

VOLUME III

B E F O R E :

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

Dietrich & Pickett, Inc.

*Stenotypists*

333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130-522-3111

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I N D E X

WITNESS                      DIRECT                      CROSS                      REDIRECT                      RE CROSS

PIERRE A. FINCK, M.D.                      2                      13                      27

E X H I B I T S

NUMBER                      IDENTIFIED                      OFFERED                      RECEIVED

NONE

THE COURT:

2

Bring the Jury down.

3

I trust you Gentlemen had a good night.

4

For the record, Mr. Court Reporter, all

5

Counsel are present, the Defendant

6

is present, and I am reminding the

7

witness that his previous oath is

8

still binding.

9

You may proceed, Mr. Oser.

10

PIERRE A. FINCK, M.D.,

11

having been sworn and having testified previously,

12

resumed the stand for a continuation of the

13

CROSS-EXAMINATION

14

BY MR. OSER:

15

Q Colonel, I direct your attention to Page 4 of

16

your autopsy report of November, 1963,

17

and to the fourth paragraph which states,

18

"The complexity of these fractures and

19

the fragments thus produced tax satis-

20

factory verbal description and are better

21

appreciated in photographs and roentgeno-

22

grams which are prepared." Now, Colonel,

23

can you tell me and tell the Court how

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you refer in your autopsy report that the

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fractures and the fragments are better

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3 . appreciated in the photographs when you  
did not see the photographs until January,  
1967?

MR. DYMOND:

We object to this unless Counsel says  
better than what. This report indi-  
cates a photograph would show them  
better than they could be described  
in words.

THE COURT:

You are coming to the aid of a witness  
unsolicited.

MR. DYMOND:

You cannot compare something to nothing,  
Your Honor.

THE COURT:

Do you understand the question?

THE WITNESS:

Yes. When there are so many fractures  
in so many directions producing so  
many lines and fragments in the bone,  
a photograph will be more accurate  
than descriptions. The photographs  
were taken but turned over undeveloped  
to the Secret Service at the time we

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performed the autopsy, and the photographs were taken, we did not know when these photographs would be processed, this was beyond our control because they had been turned over, exposed, taken in our presence, but the Secret Service took charge of them.

BY MR. OSER:

Q And you didn't see the photographs until January of 1967. Is that correct, Colonel?

A This is correct.

Q Also in your autopsy report on the same page, Page 4, I direct your attention to the last paragraph, the last paragraph under "2," where you said in your report, "The second wound presumably of entry," and now you state in Court that you are positive it was of entry.

A As I recall, it was Admiral Galloway who told us to put that word "presumably."

Q Admiral Galloway?

A Yes.

Q Told you to put that word "presumably"?



- 1 A<sub>2</sub> Yes, but this does not change my opinion that  
2 this is a wound of entry.
- 3 Q Is Admiral Galloway a Pathologist, to your  
4 knowledge?
- 5 A Admiral Galloway had some training in  
6 Pathology. He was the Commanding Officer  
7 of the Naval Hospital, as I recall, and  
8 at that time, in my mind, this was a  
9 wound of entry, ~~it~~ just was suggested to  
10 add "presumably" this was.
- 11 Q Did he suggest you add anything else to your  
12 report, Colonel?
- 13 A Not that I recall.
- 14 Q Can you give me the name of the General that  
15 you said told Dr. Humes not to talk about  
16 the autopsy report?
- 17 A This was not a General, it was an Admiral.
- 18 Q All right, excuse me, the Admiral, can you  
19 give me the name of the Admiral?
- 20 A Who stated that we were not to discuss the  
21 autopsy findings?
- 22 Q Yes.
- 23 A This was in the autopsy room on the 22nd and  
24 23rd of November, 1963.
- 25 Q What was his name?

1 A Well, there were several people in charge,  
2 there were several Admirals, and, as I  
3 recall, the Adjutant General of the  
4 Navy.

5 Q Do you have a name, Colonel?

6 A It was Admiral Kinney, K-i-n-n-e-y, as I re-  
7 call.

8 Q Now, can you give me the name then of the  
9 General that was in charge of the autopsy,  
10 as you testified about?

11 A Well, there was no General in charge of the  
12 autopsy. There were several people, as  
13 I have stated before, I heard Dr. Humes  
14 state who was in charge here, and he  
15 stated that the General answered "I am,"  
16 it may have been pertaining to operations  
17 other than the autopsy, it does not mean  
18 the Army General was in charge of the  
19 autopsy, but when Dr. Humes asked who was  
20 in charge here, it may have been who was  
21 in charge of the operations, but not of  
22 the autopsy, and by "operations," I mean  
23 the over-all supervision.

24 Q Which includes your report. Does it not?

25 A Sir?

1 Q Which includes your report. Does it not?

2 A No.

3 Q It does not?

4 A I would not say so, because the report I signed

5 was signed by two other pathologists and

6 at no time did this Army General say that

7 he would have anything to do with signing

8 this autopsy report.

9 Q Can you give me the Army General's name?

10 A I don't remember it.

11 Q How did you know he was an Army General?

12 A Because Dr. Humes said so.

13 Q Was he in uniform?

14 A I don't remember.

15 Q Were any of the Admirals or Generals or any

16 of the Military in uniform in that

17 autopsy room?

18 A Yes.

19 Q Were there any other Generals in uniform?

20 A I remember a Brigadier General of the Air Force,

21 but I don't remember his name.

22 Q Were there any Admirals in uniform in the

23 autopsy room?

24 A From what I remember, Admiral Galloway was in

25 uniform, Admiral Kinney was in uniform, I

1       \*       .       don't remember whether or not Admiral  
2                   Berkley, the President's physician, was  
3                   in uniform.

4       Q       Colonel, in answer to one of the questions  
5                   Mr. Dymond on direct examination asked  
6                   you, you spoke of your opinion as to the  
7                   sequence of shots after you saw the  
8                   Zapruder film. Is that correct?

9       A       Yes.

10      Q       And it was your opinion that the sequence of  
11                   shots was such that the President was  
12                   hit in the back area first and then in  
13                   the head area secondly. Is that basically  
14                   correct?

15      A       Yes, the first shot in the back of the neck  
16                   and the second shot in the back of the  
17                   head.

18      Q       Now, did you know, sir, at that particular time  
19                   that you formed your opinion on the se-  
20                   quence of shots from the Zapruder film,  
21                   that during the reconstruction of the  
22                   assassination, that not one expert or  
23                   anybody had performed the alleged feat  
24                   of shooting the shot from the Texas School  
25                   Book Depository in the span of time as it

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had been alleged, were you aware of that?

MR. DYMOND:

We object, the Doctor was not in Dallas at the time of reenactment. As a matter of fact, I think he said he never had been to Dealey Plaza.

MR. OSER:

I was asking, Your Honor, whether or not he had this knowledge of his own mind in order for him to arrive at the sequence of events.

THE COURT:

Break the question down.

MR. DYMOND:

It would have to be hearsay if he was not there.

THE COURT:

I am going to rule it out.

MR. OSER:

We have had a lot of hearsay.

THE COURT:

When you had a chance to study the Zapruder film, you had access at that time, access to the information, as one of the co-authors of the autopsy report,

you either did or you didn't.

THE WITNESS:

I had access to other reports as I remember, but pertaining to examination of the bullets and fragments.

BY MR. OSER:

Q Do you have any notes in regard to the reconstruction done by the Federal Bureau of Investigation?

A As I remember, --

MR. DYMOND:

We object again, Your Honor. This is the rankest form of hearsay.

THE COURT:

I overrule the objection. He is an expert and we have had his opinion based on hearsay reports. I will permit the question under the circumstances.

MR. DYMOND:

To which ruling Counsel reserves a bill of exception, making the question, the answer, the entire testimony, the objection, the reason for the objection, the ruling of the Court, parts of the bill.

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BY MR. OSER:

Q Can I have that answer to my question, Your Honor, please.

THE COURT:

Yes, answer the question.

THE WITNESS:

As I remember, I found out about these reconstructions and tests when I read the Warren Report when it was published in September, 1964, to the best of my recollection.

BY MR. OSER:

Q Now, Colonel, in regard to your autopsy report, November, 1963, how much time did you spend on this particular report and its preparation?

A I cannot give you an exact figure. As I remember I was called by Dr. Humes who had prepared this report and he read it over to me at the Bethesda Hospital, and I would say I spent several hours with him and Dr. Boswell at the Bethesda Hospital before we signed it on Sunday, 24 November, 1963.

Q And did you have an occasion to read over the

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final draft, the one that you signed,  
Colonel?

A I did.

Q And you agree with everything that is contained,  
I believe, in that particular report of  
November, 1963, that you signed?

A Essentially I do.

Q And, Colonel, you read this report as you  
indicate and discussed it for several  
hours, can you tell me, Colonel, on Page 2,  
why the name of Governor John B. Connally  
is spelled C-o-n-n-o-l-l-y when it should  
be C-o-n-n-a-l-l-y?

MR. DYMOND:

I object on the grounds of irrelevancy,  
Your Honor. He has not been qualified  
as an expert in spelling.

THE COURT:

We had a lot of spelling yesterday in the  
record.

Do you know how to spell Governor  
Connally's name?

THE WITNESS:

There should be an "a."

THE COURT:



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\* C-o-n-n-a-l-l-y, it should be an "a"?

MR. OSER:

That's all.

THE COURT:

Mr. Dymond?

REDIRECT EXAMINATION

BY MR. DYMOND:

Q Dr. Finck, did anyone give you any orders as to what opinion you should render in this report?

A No.

Q Would you have accepted any orders as to what opinion, professional opinion, you should render?

A No.

Q Now, Doctor, in the course of performing an autopsy and determining the cause of death which is more beneficial to the performer of that autopsy, the viewing of photographs or the viewing of the actual subject of the autopsy?

A They supplement each other. There is a reason for giving the description of what you see to make a record of what you see yourself, and the photographs have the advant-

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age of giving visual results of what you see after the wounds are no longer available and the body is no longer available. These things supplement each other and as a rule in the autopsy report there are gross descriptions supplemented by photographs, but not always, you will not have photographs in all autopsy reports.

Q Doctor, from the standpoint of gathering the necessary information for the purpose of your arriving at a conclusion in connection with a death, which is more important to the doctor who is gathering that information, seeing photographs of the cadaver or seeing the cadaver itself?

A The cadaver itself is the most important thing to see.

Q Now, did you have available to you prior to drawing your original autopsy report the X-rays of the body of the late President Kennedy?

A We did.

NO HIATUS HERE.