

INTRODUCTION

Many critics of the Warren Commission Report have expressed the opinion that the top U.S. military brass played an important, if not dominant, role in planning the assassination of President Kennedy. The following excerpts from the actual transcripts of the Clay Shaw trial shed interesting light on that question.

Transcript from Clay Shaw Trial
(Questioning of Lt. Col. Pierre Finck)

Q: This puzzled you at the time, the wound in the back, and you couldn't find an exit wound? You were wondering about where this bullet was or where the path was going, were you not?
A: Yes.

Q: Well, at that particular time, Doctor, why didn't you call the doctors at Parkland or attempt to ascertain what the doctors at Parkland may have done or may have seen while the President's body was still exposed to view on the autopsy table?
A: I will remind you that I was not in charge of this autopsy, that I was called—

Q: You were a co-author of the report though, weren't you, Doctor?
A: Wait, I was called as a consultant to look at these wounds; that doesn't mean I am running the show.

Q: Was Dr. Humes running the show?
A: Well, I heard Dr. Humes stating that—he said, "Who is in charge here?" and I heard an Army General, I don't remember his name, stating, "I am." You must understand that in those circumstances, there were law enforcement officers, military people with various ranks, and you have to co-ordinate the operation according to directions.

Q: But you were one of the three qualified pathologists standing at that autopsy table, were you not, Doctor?
A: Yes, I was.

Q: Was this Army General a qualified pathologist?
A: No.

Q: Was he a doctor?
A: No, not to my knowledge.

Q: Can you give me his name, Colonel?
A: No, I can't, I don't remember.

Q: Do you happen to have the photographs and X-rays taken of

President Kennedy's body at the time of the autopsy and shortly thereafter? Do you?

A: I do not have X-rays or photographs of President Kennedy with me.

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

A: That autopsy room was quite crowded. It is a small autopsy room, and when you are called in circumstances like that to look at the wound of the President of the United States who is dead, you don't look around too much to ask people for their names and take notes on who they are and how many there are. I did not do so. The room was crowded with military and civilian personnel and federal agents, Secret Service agents, FBI agents, for part of the autopsy, but I cannot give you a precise breakdown as regards the attendance of the people in that autopsy room at Bethesda Naval Hospital.

Q: Colonel, did you feel that you had to take orders from this Army General that was there directing the autopsy?
A: No, because there were others, there were Admirals.

Q: There were Admirals?
A: Oh, yes, there were Admirals, and when you are a Lieutenant Colonel in the Army you just follow orders, and at the end of the autopsy we were specifically told—as I recall it, it was by Admiral Kenney, the Surgeon General of the Navy—this is subject to verification—we were specifically told not to discuss the case.

Q: Did you have any information available, Doctor, from people at the scene who heard four shots?
A: From the assassination on I heard conflicting reports regarding the number of shots.

Q: I am talking about at the time you all prepared and signed this report, Doctor, before you affixed your signature to this, did you talk to anyone or have any reports available from people who heard four shots at Dealey Plaza on November 22?
A: I don't remember any.

Q: Doctor, I now show you State Exhibit 64, and ask you if you recognize what is depicted in this particular photograph, as being similar to something you have seen before during the investigation of the assassination of President Kennedy?
A: This black-and-white reproduction is similar to a bullet that, as best I can remember, I saw for the first time in March, 1964.

Testimony from the Clay Shaw trial

Q: Colonel, let me ask you this way: Speaking of State Exhibit 64, the bullet, I ask you whether or not you testified in front of the Warren Commission that that particular bullet could not have done the damage to Governor Connally as there were too many bullet fragments in Governor Connally's wrist. Did you or did you not answer that in front of the Warren Commission in answer to a question by Mr. Specter? It appears on page 382 of your testimony of the Warren

Report about the middle of the page.

A: It reads as follows: "Could that bullet possibly have gone through President Kennedy in 388," Mr. Specter's question, "Through President Kennedy's head—" what is 388?

MR. WILLIAM WEGMANN: The one on the right.

A: (Continuing) "and remain intact in the way you see it now?" "Definitely not." "And could it have been the bullet which inflicted the wound on Governor Connally's right wrist?" "No, for the reason there are too many fragments described in that wrist."

Mr. Oser: Thank you, Doctor, that is the point I am talking about.

Q: Colonel, do you customarily take notice of newspaper articles in an autopsy report?
A: At times it is done.

Q: Therefore, Doctor, am I correct in stating that particular autopsy report signed by you was based partially on hearsay evidence, is that correct? By that I mean evidence received by someone other than you having actual personal knowledge of the thing?
A: Having not been at the scene I had to get information from some body else.

Q: Did you have occasion to read a newspaper article of November 22 or 23, which reported there were four to six shots fired and they came from the grassy knoll, being stated by Miss Jean Hill? Did you read that before you made your report?
A: I don't recall reading that before I made the report, I may have been aware at that time of conflicting reports as regards the number and the difference in the direction of the shots, but I cannot pinpoint the time.

Q: Since you are referring to the Washington Post—
A: Would you repeat that?

THE COURT: Mr. Oser, speak into the microphone, it may help a little bit.

BY MR. OSER:

Q: Since you are dealing with the Washington Post article of November 23, 1963 in your autopsy report, I wondered if you had an occasion to either read the article or have it brought to your attention, that one Charles Brehm, one of the spectators close to the Presidential limousine, saw material which appeared to be a sizeable portion of President Kennedy's skull MR. DYMOND: Objection, that is not in evidence.

(Some pages missing here)
THE COURT: Mr. Oser's question is, did you and the other two persons personally interview these people or get it from another source?

THE WITNESS: I personally talked to Admiral Berkley, the personal physician to President Ken-

nedy. I personally talked to Admiral Galloway, who was referring to a third witness present at the scene. There may have been others leading us to the statement that to the best of our knowledge at that time there were three shots fired.

BY MR. OSER:

Q: Doctor, speaking of the wound to the throat area of the President as you described it, after this bullet passed through the President's throat in the manner in which you described it, would the President have been able to talk?
A: I don't know.

Q: Do you have an opinion?
A: There are many factors influencing the ability to talk or not to talk after a shot.

Q: Did you have an occasion to dissect the track of that particular bullet in the victim as it lay on the autopsy table?
A: I did not dissect the track in the neck.

Q: Why?
A: This leads us into the disclosure of medical records.
MR. OSER: Your Honor, I would like an answer from the Colonel and I would ask The Court so to direct.
THE COURT: That is correct, you should answer, Doctor.

THE WITNESS: We didn't remove the organs of the neck.

BY MR. OSER:

Q: Why not, Doctor?
A: For the reason that we were told to examine the head wounds and that the—

Q: Are you saying someone told you not to dissect the track?
THE COURT: Let him finish his answer.

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 NEW YORK, SUNDAY, NOVEMBER 24, 1963
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 He Didn't Have a Chance.




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 HE RIDES IN CAR IN
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**Marine
 nies He Shot
 The President**

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 LOS ANGELES, NOVEMBER 22, 1963
 125 PAGES
 PRICE 15 CENTS
**ASSASSINATE
 KENNEDY**



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 President in Dallas, Tex.**



Los Angeles Times
 LOS ANGELES, NOVEMBER 22, 1963
 125 PAGES
KENNEDY DIES



**Senator's Bull
 Undergoing Surgery on Br**

THE WITNESS: I was told that the family wanted an examination of the head, as I recall, the head and chest, but the prosecutors in this autopsy didn't remove the organs of the neck, to my recollection.

BY MR. OSER:

Q: You have said they did not, I want to know why didn't you as an autopsy pathologist attempt to ascertain the track through the body which you had on the autopsy table in trying to ascertain the cause or causes of death? Why?

A: I had the cause of death.

Q: Why did you not trace the track of the wound?

A: As I recall I didn't remove these organs from the neck.

Q: I didn't hear you.

A: I examined the wounds but I didn't remove the organs of the neck.

Q: You said you didn't do this; I am asking you why didn't you do this as a pathologist?

A: From what I recall I looked at the trachea, there was a tracheotomy wound the best I can remember, but I didn't dissect or remove these organs.

MR. OSER: Your Honor, I would ask the witness to answer my question.

BY MR. OSER:

Q: I will ask you the question one more time; Why did you not dissect the track of the bullet wound that you have described today and you saw at the time of the autopsy at the time you examined the body? Why? Ask you to answer that question.

A: As I recall I was told not to, but I don't remember by whom.

Q: You were told not to but you don't remember by whom?

A: Right.

Q: Could it have been one of the Admirals or one of the Generals in the room?

A: I don't recall.

Q: Do you have any particular reason why you cannot recall at this time?

A: Because we were told to examine the head and the chest cavity, and that doesn't include the removal of the organs of the neck.

Q: You are one of the three autopsy specialists and pathologists at the time, and you saw what you described as an entrance wound in the neck area of the President of the United States who had just been assassinated, and

you were only interested in the other wound but not interested in the track through his neck, is that what you are telling me?
A: I was interested in the track and I had observed the conditions of bruising between the point of entry in the back of the neck and the point of exit at the front of the neck, which is entirely compatible with the bullet path.

Q: But you were told not to go into the area of the neck, is that your testimony?

A: From what I recall, yes, but I don't remember by whom.

Q: Did you attempt to probe this wound in the back of the neck?
A: Yes.

THE COURT: I thought you were referring to your notes, Doctor.
MR. OSER: I asked the witness—
THE COURT: I heard your question, I was just wanting to know if you were waiting for an answer.

THE WITNESS: I think I went first to the—I saw these photographs and X-rays to the best of my recollection at the archives of the United States in January 1967, the photographs, for the first time.

THE COURT: He didn't ask you that question, He wanted to know who asked you to do this, Was that your question?

MR. OSER: Yes, sir.

(Please turn to Page 15)

(Continued from Page 3)

THE WITNESS: As I recall it was Mr. Eardley... (CARL?)

BY MR. OSER:

Q: You said the back wound was seven by four millimeters, Doctor?

A: Approximately, all these measurements are approximate.

Q: Can you give me the name of the person who was in charge of the autopsy?

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

Q: Do you have a name, Colonel?

A: It was Admiral Kinney, K-i-n-n-e-y, as I recall.

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

A: Well, there was no General in charge of the autopsy. There were several people, as I have stated before, I heard Dr. Humes state who was in charge here, and he stated that the General answered "I am," it may have been

pertaining to operations other than the autopsy, it does not mean the Army General was in charge of the autopsy, but when Dr. Humes asked who was in charge here, it may have been who was in charge of the operations, but not of the autopsy, and by "operations," I mean the over-all supervision.

Q: Which includes your report, Does it not?

A: Sir?

Q: Which includes your report, Does it not?

A: No.

Q: It does not?

A: I would not say so, because the report I signed was signed by two other pathologists and at no time did this Army General say that he would have anything to do with signing this autopsy report.

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

A: I don't remember it.

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

A: Because Dr. Humes said so.

Q: Was he in uniform?

A: I don't remember.

Q: Were any of the Admirals or Generals or any of the Military in uniform in that autopsy room?

A: Yes.

Q: Were there any other Generals in uniform?

A: I remember a Brigadier General of the Air Force but I don't remember his name.

Q: Were there any Admirals in uniform in the autopsy room?

A: From what I remember, Admiral Galloway was in uniform, Admiral Kinney was in uniform, I don't remember whether or not Admiral Berkley, the President's physician, was in uniform.

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

A: Yes.

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

A: Yes, the first shot in the back of the neck and the second shot in the back of the head.

Q: Now, did you know, sir, at

that particular time that you formed your opinion on the sequence of shots from the Zapruder film, that during the reconstruction of the assassination, that not one expert or anybody had performed the alleged feat of shooting the shot from the Texas School Book Depository in the span of time as it...

Q: Why approximate, Colonel?

A: Because the edge of the wound can be measured in different ways. The edge of the wound is something that you measure with a ruler and you take approximate measurements and you write them down.

Q: Now in speaking about the head wound in State Exhibit 70, I believe you testified on direct examination that you found a wound in the back of the head approximately one inch to the right and slightly above the exterior occipital protuberance, is that right?

A: Yes.

Q: Now, Colonel, I believe you said that you are familiar with the report of Drs. Carnes, Fisher, Morgan, and Moritz, as having reviewed and returned in 1968, I ask you whether or not you disagree with their findings, Colonel, that after viewing the X-rays of the President they found a hole in the President's head 100 millimeters above the occipital protuberance?

A: I can't say I agree or disagree with this for the following reasons: This measurement refers to X-ray films. On Page 11 of this Panel Review—What is the exhibit number of this?

Q: I now mark it as State-73—72, I am sorry.

A: On Page 11 of this Panel Review of 1968, which I read for the first time in 1969, I read:

(Please turn to Page 22)

(Continued from Page 15)

"One of the lateral films of the skull"—and this refers to a general section heading you will find on "Examination of X-ray Films" on Page 9, as I read this, I interpret this statement of Page 11 as a measurement based on X-ray films. So there was a difference between measurements made on X-ray films and photographs or photograph (more pages missing)

BY MR. OSER: Let's go on to another area. How many pieces of skull, Colonel, did you have to use at the time of the autopsy being turned over to you from some other place?

A: As I recall, there were three bone fragments and on one of them I saw a definite bevelling which

allowed me to identify this portion of a wound of exit as part of a wound of exit. The appearances of these portions of skull had the same general characteristics, as far as the appearance of bone, as the lining of the skull of President Kennedy and I made a positive identity of exit seeing the bevelling from outside after having oriented this specimen as regards the outer and inner surfaces of the bony specimen.

Q: Doctor, did you section and examine the left cerebral hemisphere or the left side of the brain of the President?

A: I did not.

Q: Why?

A: The most massive lesions were on the right side and the brain was preserved in formalin. (more pages missing)

Q: Would it be safe to say it was approximately or would be approximately 3/4 x 1/2 inch, that'd be about right?

A: 20 millimeters is approximately 3/4 of 1 inch and 13 millimeters is approximately 1/2 an inch because 25 is one inch.

Q: Now, Colonel, can— You previously testified that you did a lot of work at the autopsy table in the area of this particular head wound. Can you tell me why you can't tell me what this 3/4 inch x 1/2 inch rectangular-shaped whatever it is, what it was in the President's brain?

A: At this time I can't interpret this. There are numerous bone fragments produced by this explosive force in the head leading to... (pages missing)

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 des-

cribed on the body and the X-rays taken before and during the course of the autopsy. (more pages missing here)

BY MR. OSER:

Q: The sixth floor being 60 feet above ground level, and that this bullet, Mr. Dymond, struck the man in the back at approximately 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 individual, 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 question must stay within the bounds of the case... (page missing)

END