

003035

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

.....  
STATE OF LOUISIANA

vs.

CLAY L. SHAW  
.....

198-059

1426 (30)

SECTION "C"

PROCEEDINGS IN OPEN COURT,  
Monday, February 24, 1969

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

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
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PIERRE A. FINCK, M.D.	2	42		
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E X H I B I T S

NUMBER	IDENTIFIED	OFFERED	RECEIVED
D-27	18	18	19
D-28	27	28	30
D-29	35	36	36
S-67	55	--	--
S-68	64-68	68	68
S-69	77	78	78
S-70	79	79	79



WLN

2

THE COURT:

Bring the Jury down.

I trust you gentlemen had a nice weekend.

Is the State and the Defense ready to  
proceed?

MR. DYMOND:

Ready.

MR. OSER:

We are ready, Your Honor.

THE COURT:

Proceed.

MR. DYMOND:

We now call Dr. Finck.

PIERRE A. FINCK, M.D.,

having been first duly sworn by the Minute Clerk,  
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DYMOND:

Q Dr. Finck, for the record, would you kindly  
state your full name.

A My first name is Pierre, P-i-e-r-r-e, A is my  
middle initial, and my last name is  
Finck, F-i-n-c-k.

Q Now, Dr. Finck, what is your profession, sir?

A I am a full Colonel in the United States Army

W1 N

Medical Corps, I am a physician in the  
Army, a specialist in pathology.

Q Are you the holder of a medical degree, Dr.  
Finck?

A Yes, from the University of Geneva Medical  
School, Switzerland, I obtained a Federal  
Degree of Physician in 1948 in Switzerland.

Q Now, what has been your experience in the  
medical profession since having obtained  
your degree in 1948?

A I had four years of formal university training  
in Pathology, two of them at the Universi-  
ty of Geneva Institute of Pathology, and  
two of them at the University of Tennessee  
Medical School in Memphis, Tennessee.

Q Now, may I interrupt you one moment and ask  
you whether or not this specific training  
in pathology came after your having ob-  
tained a regular medical degree?

A I stated that I had four years of formal  
pathology training after my M.D. degree,  
and I was an instructor of pathology at  
the University of Tennessee, Memphis.

Q Now, Doctor, of what have your duties consisted  
in the Army?

W1/N

1 A I was drafted by the Doctor's Draft of the  
2 United States Army in 1955. I was sent  
3 to Germany where I was a Pathologist of  
4 the United States Army Hospital, Frankfurt,  
5 F-r-a-n-k-f-u-r-t, and there I performed  
6 autopsies, many of them of a medical-  
7 legal nature, involving trauma, violent  
8 deaths, bullet wounds, accidents, and then  
9 in 1959 I was sent to the Armed Forces  
10 Institute of Pathology in Washington,  
11 D.C., on the grounds of Walter Reed  
12 Medical Center. The Armed Forces Insti-  
13 tute of Pathology is the central reposi-  
14 tory and consultation facility for the  
15 Federal Military Services, the Veterans  
16 Administration, and we have some 2,000  
17 civilian contributors in the United  
18 States and throughout the world who send  
19 cases to us for consultation of a  
20 pathological nature. In brief, pathology  
21 is the study of disease but in my particu-  
22 lar field, the field of forensic pathology,  
23 f-o-r-e-n-s-i-c, it is the interpretation  
24 of medical-legal cases as they pertain to  
25 the law, cases of violent deaths, of un-

W1/N

1 explained deaths, unexpected deaths,  
2 poisonings, manners of deaths, such as  
3 homicide, suicide, accidents, undetermined  
4 deaths. The adjective "forensic" comes  
5 from the Latin Forum, f-o-r-u-m, which  
6 means the public place, the market place,  
7 so forensic indicates a public interest.  
8 It may relate to criminal matters, in-  
9 surance cases, claims, lawsuits, litiga-  
10 tion in general, and in November of 1960,  
11 I was appointed Chief of the Wound,  
12 W-o-u-n-d, Ballistics Pathology Branch  
13 at the Armed Forces Institute of  
14 pathology hereafter abbreviated AFIP, I  
15 repeat AFIP.

16 In 1961 I applied to take the examination in  
17 forensic pathology, the American Board of  
18 Pathology on the basis of my interest in  
19 this field as a medical student, as a  
20 physician, as a pathologist during my  
21 training, and in the Army in Europe. I  
22 had letters, for example, from the Provost  
23 Marshal, who is the Chief of Police, that  
24 is the title of the Chief of Police in the  
25 United States Army, who stated that I had

W1/N

6

1 contributed to the interpretation of  
2 violent deaths, medical-legal cases in  
3 several instances. On that basis the  
4 American Board of Pathology accepted my  
5 training and my qualifications to take  
6 the examination of the American Board of  
7 pathology in the specialty of Forensic  
8 Pathology. I had taken already -- this  
9 is a requirement, I had taken the ex-  
10 amination to be certified in anatomic  
11 pathology in 1956. On the basis of the  
12 requirements I mentioned, the Anatomic  
13 Pathology Board and my qualifications to  
14 take the examination, I was certified in  
15 1961, in 1961 by the American Board of  
16 pathology in the special field of Forensic  
17 Pathology.

18 Going back to your question about my duties,  
19 except a tour of duty of one year in  
20 Vietnam as Commanding Officer of the  
21 Ninth Medical Laboratory, I have been in  
22 charge of the Wound Ballistics Pathology  
23 Branch of the AFIP since November, 1960  
24 and I am still in charge of it. This  
25 branch is part of the division of which

W1/N

1 I am also in charge and which includes  
2 other branches pertaining to other  
3 medical-legal areas such as accidents,  
4 poisonings, aircraft accidents, ground  
5 traffic accidents, et cetera.

6 Q Now, Doctor, have you had any additional  
7 special training or experience in connec-  
8 tion with missile wounds?

9 A I have carried out experiments on missile  
10 wounds in Washington, D.C., and at  
11 Edgewood, E-d-g-e-w-o-o-d, Arsenal,  
12 Maryland, on wounds produced by bullets  
13 fired by rifles.

14 Q Doctor, did you have any training or experience  
15 while stationed in Panama, and, if so,  
16 what?

17 A In March, 1964, while stationed in Washington,  
18 D.C., I was called at home by a military  
19 aide of the Deputy Secretary of Defense  
20 who requested that I go to Panama, the  
21 Republic of Panama, on behalf of the  
22 United States as an expert medical witness.  
23 I had to provide an opinion based on some  
24 20 autopsy reports written in Spanish,  
25 autopsies performed by the Panamanian

W1/N

1 Coroner on victims of the riots, r-i-o-t-s 8  
2 of January, 1964. I had to state whether  
3 or not the wounds of these victims were  
4 consistent with the ammunition --

5 THE COURT:

6 We need general qualifications, not  
7 special cases. I would prefer you  
8 not going into any one special case.

9 MR. DYMOND:

10 All right, sir.

11 At this time we submit the Doctor as a  
12 duly qualified expert in the field  
13 of Anatomic Pathology and Forensic  
14 Pathology.

15 THE COURT:

16 Does the State wish to traverse?

17 MR. OSER:

18 No, Your Honor.

19 THE COURT:

20 I will certify the witness concerning his  
21 qualifications in the field of  
22 Anatomic and Forensic Pathology, and  
23 he can give us his opinions in that  
24 field.

25 You may proceed.

W1/N

9

BY MR. DYMOND:

Q Did you have occasion to participate in the autopsy which was performed on the late President John F. Kennedy?

A Yes, I did.

Q Now, with whom else did you participate in the performance of this autopsy?

A The pathologist in charge of the autopsy of president Kennedy was Dr. Humes, H-u-m-e-s, he called me at home to come to the Naval Hospital in Bethesda, Maryland, and I went there. I found Dr. Humes and also Dr. Boswell, B-o-s-w-e-l-l, who was the Chief of Pathology in the same hospital. Dr. Humes was the Director of the Laboratory, the three of us were pathologists.

Q Now, Doctor, are you one of the co-authors of the pathology report in connection with the autopsy which was performed on our late President?

A Yes, I am.

Q Doctor, will you describe for the Court and for the Jury the nature of the examination of the body wound other than the head wound



W2/N

10

which had been inflicted upon President  
Kennedy?

A I would like to refer to my notes and use the  
small table.

Q Yes.

THE COURT:

I think they have a table set up for you.

MR. OSER:

I object to the use of the notes unless  
it is ascertained what notes these  
are and were they made by the Doctor.

MR. DYMOND:

He said his notes, we must assume he made  
them.

THE COURT:

He may refer to them, as we covered pre-  
viously, but he cannot read from  
them and testify, he cannot read  
from the notes already made and  
testify.

BY MR. DYMOND:

Q It is permissible for you to refer to your  
notes for the purpose of refreshing your  
memory; however, you may not read your  
notes to the Jury.

W2/N

11

1 A I understand.

2 Q All right, sir.

3 A I saw on the right side in the back of the  
4 neck of President Kennedy a small wound.

5 Q May I interrupt you one moment, Doctor, and  
6 ask, Doctor, let's have Mr. Wegmann step  
7 forward, and I ask you whether you can  
8 point out on his anatomy the approximate  
9 location of the wound to which you refer?

10 A Yes.

11 THE COURT:

12 Can you do this, sir, rather than doing  
13 it right here, can you do it in that  
14 area so the Jury can see?

15 MR. DYMOND:

16 Would you kindly step down, Doctor, and  
17 do it in full view of the Jury.

18 THE COURT:

19 I don't believe the Jury can see what you  
20 are doing, Doctor.

21 MR. DYMOND:

22 I think that is better now.

23 THE WITNESS:

24 Yes.

25 MR. DYMOND:

2/N

12

1 Would you mark that with this pen,  
2 Doctor.

3 THE WITNESS:

4 I would like to call your attention at  
5 this time to the fact that I have  
6 made this mark on the shirt, and I  
7 apologize for it, but on the skin of  
8 President Kennedy I saw on the right  
9 side at approximately five inches  
10 from the right mastoid process,  
11 which is a bony prominence behind  
12 the right ear, the tip of it is at  
13 the bottom of the bony prominence,  
14 at approximately five inches from it  
15 down, a wound. This wound is  
16 approximately five inches from the  
17 right acromion, which is the upper  
18 extreme bony prominence of the  
19 shoulder, and approximately two  
20 inches from the midline. When ex-  
21 amining this wound, I saw regular  
22 edges pushed inward what we call,  
23 what we call inverted. I saw a  
24 regular wound with regular edges  
25 pushed inward. This is what we call

W2/N

13

inverted, i-n-v-e-r-t-e-d.

BY MR. DYMOND:

Q Now, Doctor, did you make --

A May I add one thing?

Q Surely.

A This edge showed what we call an abrasion,  
a-b-r-a-s-i-o-n, which is usually seen  
when a projectile rubs against the skin  
and then goes through, it rubs it off  
and this is called an abrasion.

Q Now, Doctor, did you make a minute examination  
of this wound in the back of President  
Kennedy that you have just pointed out  
on Mr. Wegmann?

A I looked at it very closely and I had the  
opinion based on the character I mentioned,  
regular edges, with abrasion, and turned  
inward, that this was a wound of entry,  
e-n-t-r-y, which is a synonym for entrance,  
e-n-t-r-a-n-c-e.

Q From the nature of this wound and your examina-  
tion thereof, could you give a professional  
opinion as to what had entered that wound,  
that is, what it was caused by?

A It was compatible with a wound caused by a

W2/N

bullet.

Q Doctor, did you find anything in the nature of that wound which was incompatible or inconsistent with its being a wound of entry of a bullet?

A No.

Q Now, Doctor, did you examine on the remains of the late President Kennedy a wound in the frontal neck region?

A At the time of the autopsy I saw in the front of the neck of President Kennedy a transversal, which means going sideways, a transversal incision which was made for the purpose of keeping the breathing of the President, and this is called a tracheotomy, t-r-a-c-h-e-o-t-o-m-y. I examined this wound made by a surgeon, it is very commonly found in unconscious patients, the incision is made to allow them to breathe. I did not see a wound of exit at that time, but the following day Dr. Humes called the surgeons of Dallas and he was told that they --

MR. OSER:

I object to hearsay.

W2/N

15

1 BY MR. DYMOND:

2 Q You may not say what the surgeons in Dallas  
3 told Dr. Humes. That would be hearsay  
4 evidence.

5 A I have to base my interpretation on all the  
6 facts available and not on one fact only.  
7 When you have a wound of entry in the back  
8 of the neck and no wound of exit at the  
9 time of autopsy, when the X-rays I re-  
10 quested showed no bullets in the cadaver  
11 of the President, you need some other  
12 information to know where that bullet  
13 went. At the time of the autopsy there  
14 was a wound of entry in the back of the  
15 neck, no exit, no X-rays showing a bullet,  
16 that bullet has to be somewhere, so that  
17 information to me is of great importance.  
18 I insist on that point, and that telephone  
19 call to Dallas from Dr. Humes --

20 THE COURT:

21 You may insist on the point, Doctor, but  
22 we are going to do it according to  
23 law. If it is legally objectionable,  
24 even if you insist, I am going to  
25 have to sustain the objection.

12/N

16

1 Do you understand me, Mr. Dymond?

2 MR. DYMOND:

3 I do.

4 BY MR. DYMOND:

5 Q You say the X-rays showed no bullet or pro-  
6 jectile in that area of the President or  
7 in any area?

8 A In the entire body we saw X-rays of, I requested  
9 whole body X-rays for the reasons I  
10 mentioned, that when I arrived in  
11 Bethesda, there were only X-rays of the  
12 head showing fragments due to another  
13 bullet wound.

14 Q Now, Doctor, let me ask you this: Was the  
15 location of the scar, that is, the  
16 tracheotomy incision which you saw, was  
17 this medically consistent with that area  
18 as having served as a point of exit of  
19 the bullet which entered the back of the  
20 President?

21 A Entirely.

22 Q Medically, was there anything inconsistent  
23 with its having been the point of exit?

24 A No.

25 Q As an expert, then, do you have an opinion as

W2/N

17

1 to what was the point of exit of the  
2 bullet which entered the President's  
3 back?

4 A Yes, I do.

5 Q Would you indicate, would you kindly tell us  
6 what that is and upon what you based it.

7 A I have seen the shirt of President Kennedy.

8 Q Would you tell us what you observed in connec-  
9 tion with this shirt of President Kennedy?

10 A In connection with the exit I am now asked to  
11 testify on, I have seen in the front of  
12 the shirt of President Kennedy a small  
13 wound at the -- approximately the level  
14 of the tie knot below the button of the  
15 shirt, and this was two holes going  
16 through the superimposed hems of the shirt,  
17 the fibers at the edge of that hole showed  
18 coagulated blood and the fibers were turned  
19 outward, indicating an exit hole. The  
20 position of that exit hole in the shirt  
21 of President Kennedy is entirely compatible  
22 with the level of the incision I saw in  
23 the front of the neck at the time of  
24 autopsy.

25 Q Dr. Finck, I show you what purports to be a



W2/N

18

1 likeness of a human body on a sketch.

2 I have marked this for identification

3 "D-27," and I ask you whether that would

4 be a likeness of the human body for the

5 purpose of the medical material to which

6 you have testified?

7 A It is. And --

8 Q Before you go further, let me ask you whether

9 you yourself drew this sketch which

10 appears in the Warren Report or whether

11 it was drawn by someone else?

12 A It was drawn by someone else.

13 Q Go right ahead, sir.

14 A This drawing was made by a Navy enlisted man

15 when we were preparing our testimony be-

16 fore the Warren Commission. Dr. Humes

17 supervised the making of this drawing.

18 Q Doctor, I ask you whether with the aid of this

19 drawing which I will now offer, file, and

20 produce in evidence, marking same for

21 identification "D-27," whether you can

22 exhibit to the Jury what in your pro-

23 fessional opinion was the course taken

24 by the bullet which entered the President's

25 back.

2/N

19

1 THE COURT:

2 Before he answers that, I want to see if  
3 there is an objection to the offer-  
4 ing.

5 MR. OSER:

6 The Doctor stated this was drawn by some-  
7 body else.

8 THE COURT:

9 It is received in evidence and he can  
10 show it to the Jury.

11  
12  
13  
14 NO HIATUS HERE.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Ph.  
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20

1 BY MR. DYMOND:

2 Q Are you able to do that, Doctor?

3 A To explain this to the Jury?

4 Q That is correct.

5 A Yes.

6 Q Would you kindly step down here before The  
7 Jury and do it.

8 A Gentlemen, I would like to --

9 THE COURT:

10 May I suggest, sir, we have fourteen  
11 men, why don't we let him use the  
12 microphrone and stand over there.  
13 You have to be in a position where  
14 all of them can see and hear you.

15 THE WITNESS:

16 Yes.

17 THE COURT:

18 All right, proceed.

19 THE WITNESS:

20 I would like to explain to you the  
21 drawing labeled "D" as in Delta,  
22 -27. In the upper half of this  
23 letter-sized paper it represents the  
24 right side of the head, upper chest  
25 of President Kennedy. The arrow you

3/2

21

1 see behind his neck indicates that  
2 the projectile entered,  
3 E-N-T-E-R-E-D, in the back of the  
4 neck, and the arrow you see in front  
5 of the neck, in the front of the  
6 neck of the drawing indicates that  
7 the projectile came out in the front  
8 of the neck.

9 You will notice that the posi-  
10 tion of the head and upper chest is  
11 along a vertical line as compared  
12 to the horizontal line. You will  
13 notice that the wound of entry in  
14 the back of the neck in relation to  
15 the wound of exit in the front of the  
16 neck and in relation to a horizontal  
17 line, you will notice that the entry  
18 in the back of the neck is higher  
19 than the exit in the front of the  
20 neck.

21 BY MR. DYMOND:

22 Q All right, Doctor. Now, Doctor, I will ask you  
23 whether this sketch to which you have  
24 referred for the Jury purports to represent  
25 the actual vertical position of

3/3

22

1 President Kennedy at the time that he was  
2 hit by this bullet, or is this an arbitrary  
3 vertical sketch? What I mean is,  
4 could he have been leaning further backward  
5 when he was hit, could he have been  
6 leaning further forward when he was hit,  
7 or does this purport to be the exact  
8 position in which he was at the time that  
9 he was hit?

10 A As regards the position of the President at the  
11 time of the wounding, the Zapruder film  
12 shows that the President was sitting in  
13 the presidential limousine in a straight-  
14 up position looking in a generally forward  
15 direction.

16 Q Now, upon examination of the Zapruder film  
17 Doctor, was it possible for you to determine  
18 the actual moment at which the  
19 President was hit by the first projectile?

20 A The great value of the Zapruder film to us was  
21 that it established, as I said, the  
22 position of the President and also the  
23 sequence of the shots. I remind you that  
24 at the time of the autopsy we stated that  
25 we could not determine the sequence of the

3/4

23

shots. You can seldom do so by looking at wounds, so we could describe them, interpret the direction, have an opinion, a firm opinion about the direction, but as far as the sequence of the shots is concerned, this was established by the Zapruder film.

Q Now, Doctor, as an expert, do you have a firm opinion as to whether the wound which you have just described was inflicted by a shot from the rear or from the front?

A It was definitely inflicted by a shot from the rear.

MR. DYMOND:

If The Court please, with The Court's permission, I would like to exhibit this to The Jury for examination.

BY MR. DYMOND:

Q Now, Doctor, with respect to wounds in body matter such as skull, would you tell me whether the terms coning, cratering, beveling and shelving are synonymous?

A In the field of describing wounds by projectiles through structures such as bones, the terms are synonymous, I would say it is

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24

cratering and not crating.

Q I thought I said "cratering."

A C-R-A-T-E-R-I-N-G, cratering, from a crater.

Q Now, Doctor, in connection with the autopsy performed on our late President Kennedy, did you have occasion to examine and analyze a head wound which appeared upon his remains?

A Yes, I did.

Q Would you describe for the benefit of The Jury the extent and nature of the examination which you made on this part of the remains of President Kennedy.

A I saw in the back of the head of President Kennedy, at the right side at approximately 1 inch, 25 millimeters, from a bony prominence you can all feel in the back of your head, it's called the external occipital protuberance, I saw that wound slightly above this protuberance.

Q Doctor, if I come forward, will you be able to point on my head the approximate location of the wound which you have just described?

3/6

25

1 A Yes, I will be.

2 Q I won't ask you to mark this one.

3 A This is the approximate position of that  
4 wound which was in the scalp on the right  
5 side at approximately 1 inch to the right  
6 of that protuberance and slightly above  
7 it.

8 Q Now, Doctor, will you describe to The Jury the  
9 nature of this wound which you found on  
10 President Kennedy's head and the location  
11 of, which you have pointed out on my  
12 head?

13 A This wound had slightly irregular edges in  
14 contrast to the first wound I described  
15 in the back of the neck, and I would like  
16 to explain at this time the reason for that.  
17 The tissue underlying the skin, I have  
18 described in the back of the neck is soft  
19 tissue, and when the bullet strikes the  
20 skin in such an area it does not meet the  
21 resistance it meets when there is bone  
22 underneath, and this explains the differ-  
23 ence in character of those two wounds of  
24 entry.

25 The wound in the back of the head



3/7

26

1 showed irregular edges because there was  
2 bone close to the scalp corresponding to  
3 that scalp wound in the back of the head  
4 I just demonstrated, there was a hole in  
5 the bone, in the skull of President  
6 Kennedy, and I examined it, that hole,  
7 from outside the skull and from inside the  
8 skull.

9 When examining from outside the skull,  
10 I did not see a crater, I saw a hole but  
11 there was no crater around it.

12 When I looked at that wound from in-  
13 side the skull, I saw a definite crater,  
14 C-R-A-T-E-R, and this is a certain factor  
15 to identify positively the direction of  
16 a projectile going through a flat bone  
17 such as the skull. To take a practical  
18 example, I have seen similar craters in  
19 wood, when a bullet goes through and  
20 through a pane of wood, and in glass, and  
21 it is the difference of the examination  
22 between the outer surface and the inner  
23 surface that allows the examiner to deter-  
24 mine the direction of the bullet. Police  
25 officers do that all the time when they

3/8

27

1                   examine panes of wood or panes of glass,  
2                   and I have done so myself. It is an  
3                   accepted fact.

4       Q       Doctor, I show you a sketch which has been  
5                   marked for identification "D-28," and I  
6                   ask you what this represents?

7       A       This letter-sized black and white illustration  
8                   labeled "Delta-28," entitled "Perforating,  
9                   P-E-R-F-O-R-A-T-I-N-G, Missile,  
10                  M-I-S-S-I-L-E, Perforating Missile Wound  
11                  of the Skull" shows a scheme, S-C-H-E-M-E,  
12                  prepared at the Armed Forces Institute of  
13                  Pathology according to my instructions and  
14                  based on the factors I just described.

15      Q       Doctor, was this prepared under your instruc-  
16                  tions before or after the assassination  
17                  of President Kennedy?

18      A       It was prepared before the assassination of  
19                  President Kennedy to demonstrate the  
20                  pattern of wounds in bones in a through  
21                  and through wound by a projectile. I did  
22                  this for teaching purposes because I have  
23                  to give many lectures in this field.

24      MR. DYMOND:

25                  If The Court please, in connection with

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28

the testimony of this witness, we would like to offer, file, and introduce into evidence the exhibit marked for identification "D-28."

MR. OSER:

No objection.

BY MR. DYMOND:

Q Now, Doctor, with the aid of Exhibit D-28, could you better explain to The Jury what you mean by coning, cratering, beveling or shelving of the bone?

A Yes.

Q Would you kindly let me get the microphone and step down and do it, please.

A This is A, Alpha in white, the cavity within the skull, what we call the cranial cavity, C-R-A-N-I-A-L, labeled B as in Bravo, and the cavity shown in black, C as in Charlie is the wound of entry, D as in Delta is the wound of exit, and you see the title of this, "Perforating Missile Wound of the Skull," perforating is synonymous with through and through, it means the projectile goes all the way through a structure producing a wound of

3/10

29

1 entry and a wound of exit. There may be  
2 fragments left by the projectile in  
3 between, but as far as the wounds are  
4 concerned, it is still a through and  
5 through or perforating missile wound by a  
6 missile, here a bullet or any projectile.

7 You will notice that at the level of  
8 C, Charlie, when you examine this wound  
9 from outside you see a hole which is  
10 smaller than the hole observed when you  
11 look at that wound from inside the skull.

12 You see the diameter outside in  
13 Charlie is smaller than the inside diameter  
14 of Charlie. When you look at this wound  
15 from inside, you see a crater, C-R-A-T-E-R,  
16 or cone, and this finding is called  
17 cratering, coning, shelving, or beveling.

18 When that projectile goes through the  
19 bony structure of the skull, it produces  
20 a wound of exit, and here again by looking  
21 at the wound from inside of Delta and  
22 outside of Delta, you will see a larger  
23 diameter when examined from outside as  
24 compared to the diameter of the wound  
25 when examined from inside the skull.

3/11

1 It is on the basis of such factors  
2 that the direction of the bullet path,  
3 P-A-T-H, is determined.

4 MR. DYMOND:

5 If The Court please, at this time in  
6 connection with the testimony of this  
7 witness, we would like to offer,  
8 file, and produce into evidence  
9 "D-28." I think it has been offered  
10 already.

11 MR. OSER:

12 No objection.

13 MR. DYMOND:

14 May we show this to the Jury at this time?

15 THE COURT:

16 Yes.

17  
18  
19  
20 NO HIATUS HERE  
21  
22  
23  
24  
25

31

W4/N1

31

1 BY MR. DYMOND:

2 Q Dr. Finck, in addition to what you have  
3 described as a bullet hole of entrance,  
4 the location of which you have indicated  
5 on my head, would you describe any other  
6 damage which you might have found to the  
7 skull of the late President Kennedy?

8 A In addition to the wound of entry I have dis-  
9 cussed in the back of the head, there was  
10 a very large wound, irregular, star-  
11 shaped, what we call stellate,  
12 s-t-e-l-l-a-t-e, approximately five  
13 inches in diameter. It was 13 centimeters  
14 in diameter, which is approximately five  
15 inches and one-eighth. During the course  
16 of the autopsy we received from Dallas  
17 portions of bone which have the same  
18 appearance as the general appearance of  
19 the remaining skull of President Kennedy,  
20 and on one of the fragments which we  
21 could match inside this wound, approximate-  
22 ly five inches in diameter, occupying the  
23 right side and the top of the head of the  
24 President, I saw the bevelling I described  
25 to you. First identified the outer aspect

32

W4/N2

of the specimen and the inner aspect,  
i-n-n-e-r, of the specimen to orient the  
specimen in relation to the wound. After  
having oriented the specimen as far as  
the outer and inner surfaces are concerned,  
I saw this crater when the specimen was  
viewed from outside which identifies a  
portion of the wound of exit. You realize  
that when you have a bullet going through  
a head at high velocity, the wound of  
entry may be entire, complete, as in this  
case, but because of the shattering,  
s-h-a-t-t-e-r-i-n-g, shattering and ex-  
plosive force produced by that bullet,  
the wound of exit is very irregular and  
very often you don't have all the portions  
of bone to make a complete skull, some  
portions are missing, so you cannot do  
what you do with a complete puzzle, to  
take the complete pieces and make a com-  
plete image. In that case the fragments  
were matching the wound in a general way,  
and I could make a positive determination  
of a wound of exit, of a portion of a  
wound of exit, in a bone fragment submitted

W4/N3

33

1 to us during the course of the autopsy,  
2 and it was, I would say, between  
3 approximately 11:00 o'clock at night --  
4 I can give you the time, it was during  
5 the course of the autopsy this fragment  
6 was brought to us and allowed us to de-  
7 termine that this was the wound of exit.

8 Q Approximately 11:00 o'clock on what date?

9 A On the 22nd of November, 1963, the date of the  
10 assassination.

11 Q Now, Doctor, were any skull fragments delivered  
12 to you which were incompatible with your  
13 opinion as to the exit area having been  
14 on the side of the head?

15 A There were none.

16 Q There were none. Now, having examined the  
17 skull particle which you have testified  
18 contained evidence as to which direction  
19 the bullet was travelling, and as an ex-  
20 pert in the field of Pathology, do you have  
21 a definite opinion as to whether the pro-  
22 jectile which caused the bone damage  
23 exhibited by that particle entered from  
24 the front or from the back?

25 A I have a definite opinion. I would like to



W4/N4

34

1 add that that bony specimen brought to  
2 us was X-rayed and contained metallic  
3 fragments which corroborates the finding  
4 of metallic fragments seen at the time of  
5 the autopsy on the X-ray film of the head  
6 of the President, and the X-ray film was  
7 taken before the autopsy of the head, I  
8 saw the X-ray film, there were metallic  
9 fragments on the X-ray, there were  
10 metallic fragments in that bony fragment  
11 brought to us during the course of the  
12 autopsy, and I have a firm opinion that  
13 the bullet entered in the back of the head  
14 and exited on the right side of the top  
15 of the head producing a very large wound.

16 Q Doctor, did you find any evidence which would  
17 indicate that the President was hit by  
18 more than one shot in the head?

19 A No.

20 Q Doctor, as a result of your examination of the  
21 head, the head of the late President, what,  
22 if you have one, is your opinion as to the  
23 direction from which the bullet which  
24 inflicted the head wound came?

25 A The bullet definitely struck in the back of the

W4/N5

35

head, disintegrated, which is often the case when such a bullet at high velocity goes through bone, producing numerous fragments, many of them seen on X-ray of the head, and of the bony portion of the exit, and also recovered by us, we found fragments in the brain of the President, and that projectile produced that wound of exit on the right side and top of the head.

Q Doctor, having examined the entire body of the late President Kennedy, did you detect other than the two wounds which you have described to me any other wounds on the body of the late President?

A I did not, no other bullet wounds.

Q Doctor, I exhibit to you a sketch which has been marked for identification "D-29," and I ask you whether you drew this sketch or whether it was drawn by someone else?

A It was drawn by someone else.

Q I further ask you whether this sketch depicts the path of the bullet into and out of the head of the late President Kennedy in accordance with the professional opinions

36  
W4/N6

1 which you have given.

2 A It does.

3 MR. DYMOND:

4 If the Court please, in connection with  
5 the testimony of the witness, I would  
6 like to offer, file, and produce into  
7 evidence the sketch marked for  
8 identification "D-29."

9 MR. OSER:

10 No objection.

11 THE COURT:

12 Let it be received.

13 BY MR. DYMOND:

14 Q Now, at this time, Dr. Finck, we will ask that  
15 you step down, step before the Jury and  
16 with the aid of this sketch demonstrate  
17 to them what in your professional opinion  
18 happened when the President was hit in the  
19 back of the head with the bullet?

20 A Gentlemen, you are looking at a letter-sized  
21 paper reproduction of a drawing labelled  
22 here "D-29," D as in Delta. It represents  
23 the right side of the head and the right  
24 shoulder and upper chest of President  
25 Kennedy. For demonstration purposes, the

31  
W4/N7

37

1 drawing shows the wounds in a general way,  
2 arrows indicate the direction of the  
3 missile, the arrow behind the back of the  
4 head has the word "in," i-n, and the arrow  
5 you see in front of the wound on the right  
6 side and top of the head is labelled  
7 "out," o-u-t. You see a relatively small  
8 wound of entry in the back of the head and  
9 you see a much larger wound of exit  
10 irregular on the right side of the head.  
11 This indicates the direction of the  
12 bullet striking the back of the head  
13 coming out on the right side. If you take  
14 the middle of this wound of exit, the  
15 general direction of this missile path,  
16 p-a-t-h, is from the rear to the front  
17 going downward.

18 Q Please return to the stand, Doctor.

19 MR. DYMOND:

20 We now ask that we be permitted to exhibit  
21 this to the Jury.

22 BY MR. DYMOND:

23 Q Now, Doctor, in view of the small size, what  
24 was according to your testimony the hole  
25 of entrance in the President's skull and

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W4/N8

C

1 the relatively large size of the hole of  
2 exit, was it possible to determine with  
3 any degree of preciseness the angle at  
4 which this projectile struck the head of  
5 the President?

6 A Not with precision because the wound of exit  
7 is quite large, and this is very difficult,  
8 a very difficult thing to do, determine  
9 the angle based on such findings. It is  
10 the best interpretation we could make based  
11 on such large wound of exit and the small  
12 wound of entry.

13 Q Now, what was the best interpretation that you  
14 could make in view of the relative sizes  
15 of these wounds, Doctor?

16 A That the bullet, that the projectile entered  
17 in the back, came out on the right side,  
18 and that the direction was from above down.

19 Q Now, Doctor, is your opinion, is it not a firm  
20 one as to the direction of this projectile?

21 A My opinion regarding the direction of the pro-  
22 jectile is firm.

23 Q Now, Doctor, from the --

24 A As far as the entry and exit are concerned.

25 Q Do you have any doubt about that?

W4/N9

39

1 A I have no doubt that the bullet entered in  
2 the back of the head, disintegrated, came  
3 out on the right side of the head.

4 Q Doctor, have you seen the Zapruder film?

5 A I did.

6 Q From the standpoint of a Pathologist, would it  
7 be possible to render a proper or accurate  
8 pathological opinion as to the point of  
9 entrance and the point of exit of this  
10 bullet without having viewed the remains  
11 of President Kennedy and by only having  
12 seen the Zapruder film and conducted some  
13 independent experiments with cadavers or  
14 bodies other than that of President  
15 Kennedy?

16 A I would not do so.

17 Q Why, Doctor?

18 A As I said, the film was of a great value be-  
19 cause of the motion aspect of it, because  
20 it was of a great value to determine the  
21 sequence of shots, it showed the position  
22 of the body, it showed the movements of  
23 the body during the shooting, I have seen  
24 on the movie President Kennedy moving for-  
25 ward, rising his hand to his throat, and

W4/N10

40

1 then he was struck by the second bullet  
2 that hit in the back of the head.

3 Q Now, Doctor, at the time that you co-authored  
4 the pathological Report in connection with  
5 the autopsy performed on the late Presi-  
6 dent Kennedy, had the Warren Commission  
7 yet been formed?

8 A Would you repeat that question, please.

9 MR. DYMOND:

10 Strike that question.

11 BY MR. DYMOND:

12 Q At the time you performed this autopsy, had  
13 the Warren Commission yet been formed by  
14 Executive Order of President Johnson?

15 A I don't think so. The date is available, and  
16 to my recollection I don't seem -- I don't  
17 think the Commission was formed.

18 Q When did you form your opinions as to the  
19 directions of the projectiles which hit  
20 President Kennedy and the number of wounds  
21 which had been inflicted upon his body?

22 A At the time we signed the autopsy report, the  
23 autopsy report, I had a firm opinion that  
24 both bullets struck in the back, one in  
25 the back of the neck and the other in the

4/N11

41

1 back of the head. When we signed the  
2 autopsy report, we did not know the  
3 sequence of shots.

4 Q I see. Now, Doctor, your opinion as to the  
5 direction of these bullets and the other  
6 matter which you have testified to here  
7 today, is that an honest, professional  
8 opinion on your part, or was it in any  
9 way affected by the desires or requests  
10 of anybody of Government or any indi-  
11 vidual?

12 A My opinion is an honest, professional opinion.

13 MR. DYMOND:

14 We tender the witness.

15 THE COURT:

16 Just a minute. It is about 10:28, we are  
17 going to take a recess at 10:30, so  
18 take the Jury upstairs and we will take  
19 a ten-minute recess.

20 (Whereupon, a ten-minute recess was taken.)

21  
22 NO HIATUS HERE.  
23  
24  
25



PH  
D1/1

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1 AFTER THE RECESS:

2 THE COURT:

3 Are the State and the Defense ready to  
4 proceed?

5 MR. OSER:

6 The State is ready.

7 MR. DYMOND:

8 The Defense is ready.

9 THE COURT:

10 I believe the Doctor has been turned over  
11 for cross-examination.

12 MR. OSER:

13 Correct, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. OSER:

16 Q Doctor, I believe you stated you were one of  
17 the co-authors of the autopsy report? Is  
18 that correct?

19 A I stated that I was one of the three authors  
20 of the autopsy report.

21 Q Now, during the autopsy, Colonel, and the  
22 results of the autopsy, were there any  
23 disagreements between you and  
24 Commander Boswell and Commander Humes as  
25 to what was done and the results thereof?

D1/2

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1 A No.

2 Q Am I correct in stating, Colonel, that you  
3 agreed, as the other two commanders  
4 agreed with you, as to the results and  
5 what was done and how it was done at the  
6 autopsy? Is that correct, sir?

7 A And how it should be reported.

8 Q Yes, sir. Right. Now, Doctor, have you ever  
9 conducted any experiments or research on  
10 the effects of a missile penetration of  
11 the brain or the skull?

12 A I did not. However, if I may --

13 Q Surely.

14 A -- say something, I have carried out experiments  
15 to study the effect of a bullet striking  
16 bone, and also the effects of a bullet  
17 going through or striking a gelatin block.  
18 The reason for doing so is that gelatin  
19 approximates the consistency of soft  
20 tissue, and I was interested to know what  
21 happens to bullets, in one case striking  
22 bone, or, in other cases, going through  
23 gelatin, because I have been called to  
24 testify in other cases. One of them  
25 involved a rib in the back of a fatality,

D1/3

and based on the crater seen in the rib of that soldier, I could determine that the wound of entry was in the back of that soldier, and I also had experiments made on the bone, on the rib, showing that when you strike that bone from the back you produce a similar lesion as that observed in the actual criminal case.

Q Well, am I correct in saying you did not have any experiments or research in the area of a missile penetrating the brain and skull? Is that correct? Did you not tell the Warren Commission that when you were asked by them, sir?

A This is correct, but I would like to say at this time that I have carried out experiments after my testimony before the Warren Commission.

Q Where did you carry those experiments out after you testified before the Warren Commission?

A Where?

Q When.

A When? In Edgewood Arsenal; it was in December of 1965 and January 1966, experiments in-

D1/4

45

1 involving bullets, and this has no con-  
2 nection at all with the assassination of  
3 President Kennedy, they were experiments  
4 made to study the effects of bullets.  
5 And the other experiments were made in the  
6 F.B.I. Laboratory, and again it was not  
7 connected with the assassination of  
8 President Kennedy.

9 Q Therefore, Doctor, am I correct in stating that  
10 at the time of your autopsy report that  
11 you submitted along with Commanders Boswell  
12 and Humes, you primarily based your  
13 opinion on your observations made at that  
14 particular time? Is that correct, sir?

15 A This is correct, and --

16 Q Now, --

17 A And I would like to add the information obtained  
18 the day following the autopsy, which stated  
19 that there was a small wound in the front  
20 of the neck of President Kennedy and that  
21 that wound had been extended to make the  
22 surgical incision. The wound observed in  
23 the front of the neck was part of the  
24 surgical incision made by the Dallas  
25 surgeons, and I knew that at the time I

D1/5

46

1 signed the autopsy report.

2 Q When did you all contact the doctors at  
3 Parkland Hospital?

4 A Are you asking me if I contacted a Dr. Parker?

5 Q No, I asked you when did you all contact the  
6 doctors at Parkland Hospital in Dallas,  
7 Texas.

8 A Oh, I did not contact them, Dr. Humes did.

9 Q And did Dr. Humes relate to you what he learned  
10 from these doctors at Parkland?

11 A Definitely.

12 Q Do you know when Dr. Humes contacted these  
13 doctors at Parkland?

14 A As far as I know, Dr. Humes called them the  
15 morning following the autopsy, as far as  
16 I know, Dr. Humes called Dallas on  
17 Saturday morning, on the 23rd of November,  
18 1963.

19 Q Doctor, can you tell me why the delay in  
20 contacting the doctors that worked on  
21 President Kennedy in Dallas until the  
22 next morning after the body was already  
23 removed from the autopsy table?

24 A I can't explain that. I know that Dr. Humes  
25 told me he called them. I cannot give

D1/6

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an approximate time. I can give you the reason why he called. As I have stated before, having a wound of entry in the back of the neck, having seen no exit in the front of the neck, nothing from the radiologist who looked at the whole body X-ray films, I have requested as there was no whole bullet remaining in the cadaver of the President, that was a very strong reason for inquiring if there were not another wound in the approximate direction corresponding to that wound of entry in the back of the neck, because in the wound of the head with entry in the back of the head and exit on the right side of the head, I never had any doubt, any question that it was a through-and-through wound of the head with disintegration of the bullet. The difficulty was to have found an entry in the back of the neck and not to have seen an exit corresponding to that entry.

Q This puzzled you at this time, is that right, Doctor?

A Sorry, I don't understand you.

D/1/7

1 Q This puzzled you at the time, the wound in the 48  
2 back and you couldn't find an exit wound?  
3 You were wondering about where this  
4 bullet was or where the path was going,  
5 were you not?  
6 A Yes.  
7 Q Well, at that particular time, Doctor, why  
8 didn't you call the doctors at Parkland  
9 or attempt to ascertain what the doctors  
10 at Parkland may have done or may have seen  
11 while the President's body was still  
12 exposed to view on the autopsy table?  
13 A I will remind you that I was not in charge of  
14 this autopsy, that I was called --  
15 Q You were a co-author of the report though, --  
16 weren't you, Doctor?  
17 A Wait. I was called as a consultant to look at  
18 these wounds; that doesn't mean I am run-  
19 ning the show.  
20 Q Was Dr. Humes running the show?  
21 A Well, I heard Dr. Humes stating that -- he said,  
22 "Who is in charge here?" and I heard an  
23 Army General, I don't remember his name,  
24 stating, "I am." You must understand that  
25 in those circumstances, there were law

DL/8

1 enforcement officers, military people with 49  
2 various ranks, and you have to co-ordinate  
3 the operation according to directions.

4 Q But you were one of the three qualified  
5 pathologists standing at that autopsy  
6 table, were you not, Doctor?

7 A Yes, I was.

8 Q Was this Army General a qualified pathologist?

9 A No.

10 Q Was he a doctor?

11 A No, not to my knowledge.

12 Q Can you give me his name, Colonel?

13 A No, I can't. I don't remember.

14 Q Do you happen to have the photographs and  
15 X-rays taken of President Kennedy's body  
16 at the time of the autopsy and shortly  
17 thereafter? Do you?

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

20  
21 NO HIATUS HERE  
22  
23  
24  
25



50

D2-N1

50

1 Q What time did you arrive at Bethesda Naval  
2 Hospital in regard to the autopsy?  
3 By that I mean was the autopsy already be-  
4 gun?

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

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

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

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D2- N2

1 the back of the head prior to my arrival,  
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

52  
D2-N3

52

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

D2-n4

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

4 MR. DYMOND:

5 Your Honor, I object to that.

6 THE COURT:

7 I didn't hear the question, Mr. Oser.

8 Would you repeat it?

9 MR. OSER:

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

15 MR. DYMOND:

16 I think that is irrelevant to the medical  
17 testimony.

18 THE COURT:

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

25 MR. OSER:

D2-N5

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

3 BY MR. OSER:

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

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

10 Q To who, Doctor?

11 A To you.

12 Q It is?

13 A It is a public document.

14 Q Go ahead. How many?

15 A I can't give you an exact number of photographs  
16 taken or X-rays of the body of the Presi-  
17 dent.

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

22 A Yes, I did.

23 Q Doctor, I direct your attention to a report  
24 allegedly signed by you on 26 January,  
25 1967.

D2-N6

55

MR. DYMOND:

What part are you talking about?

(Conference between Counsel.)

BY MR. OSER:

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

A (Comparing documents) It is.

Q Your answer is that it is, Doctor?

A Yes.

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

A Yes.

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

BY MR. OSER:

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

N7

56

1 first saw the photographs on January 20,  
2 1967," and I ask you if you would explain  
3 your answer to me, sir, just made, that  
4 you saw the photographs prior to writing  
5 your autopsy report in 1963.

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

8 MR. OSER:

9 May I have my original question read back  
10 to the Doctor, please, and his answer.  
11 (Whereupon, the foregoing passage  
12 was read back by the Reporter as  
13 follows:

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

19 "A Yes, I did.")

20 THE WITNESS:

21 No, I did not, I did not see those photo-  
22 graphs before signing my autopsy re-  
23 port. I may have answered "I didn't"  
24 and it was transcribed as "I did."

25 BY MR. OSER:

D2-N8

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



2-N9

58

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:

D2-N10

1 Yes, sir, yes, sir.

2 THE COURT:

3 All right. You may pose your next ques-  
4 tion.

5 MR. DYMOND:

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

8 THE COURT:

9 I thought he was finished. You may pro-  
10 ceed.

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

15  
16  
17 NO HIATUS HERE.  
18  
19  
20  
21  
22  
23  
24  
25

Ph  
D3/1

60

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

D3/2

61

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

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

A It is extremely useful.

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

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

Q Will you tell me whether or not, Doctor, if you know, whether these photographs and X-rays were ever displayed to the members of the 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

D3/4

63

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

D3/5

64

1                   were not available at that time?

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

4       Q       Thank you, Colonel.

5       A       -- who was then Robert F. Kennedy.

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

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

15              MR. DYMOND:

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

18              MR. OSER:

19                  Those drawings.

20              THE WITNESS:

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

23              BY MR. OSER:

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

D3/6

65

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:



D3/7

66

1 I thought I had, Your Honor.

2 THE COURT:

3 Maybe you did.

4 BY MR. OSER:

5 Q Doctor, is this exhibit, which I have marked  
6 as "State-68" for purposes of identifica-  
7 tion -- I ask you if what is depicted on  
8 this particular exhibit is similar to  
9 something that you have seen before,  
10 Doctor.

11 MR. DYMOND:

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

19 THE COURT:

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

D3/8

question. I would overrule your  
objection until he answers that  
question.

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THE WITNESS:

I recognize it for the purpose of identification. I see in the left upper corner "NMS" -- Navy Medical Sheet -- "63272," and this was the autopsy number given in Bethesda for the autopsy of President Kennedy, and these drawings may have been made by both Dr. Humes and Dr. Boswell. They pertain to the observations along the autopsy of President Kennedy.

THE COURT:

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

MR. DYMOND:

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

D3/9

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

5 MR. OSER:

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

9 THE COURT:

10 It shall be admitted.

11 MR. DYMOND:

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

16 (Whereupon, the diagram offered  
17 by Counsel was duly marked for  
18 identification as "State-68,"  
19 and received in evidence.)  
20

21  
22 NO HIATUS HERE.  
23  
24  
25

9  
D4/N1

69

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 --

70

D4/N2

70

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?

25 THE WITNESS:

71  
D4/N3

71

1 Mr. Wegmann, can you kindly show the mark?

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

5 THE WITNESS:

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

13 BY MR. OSER:

14 Q But am I correct in stating, Doctor, that the  
15 dot that is on Mr. Wegmann's shirt  
16 corresponds to where you say the wound  
17 in the President's back of his neck was?  
18 If I drew that dot through his shirt and  
19 put it on his skin, Mr. Wegmann's skin,  
20 that would be the location that you testi-  
21 fied to on direct examination? Am I  
22 correct?

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

25 Q I am not arguing.

72  
D4/N4

72

1 A -- the mark on the shirt.  
2 Q I am not arguing. Answer my question.  
3 MR. EDWARD WEGMANN:  
4 He is answering the question.  
5 MR. OSER:  
6 Let him answer the question.  
7 THE COURT:  
8 Will you both speak to me.  
9 MR. WILLIAM WEGMANN:  
10 He doesn't like the answer so he is  
11 interrupting the witness.  
12 MR. OSER:  
13 Your Honor, I object to that statement.  
14 MR. WILLIAM WEGMANN:  
15 I think the witness has a right to answer,  
16 and if Mr. Oser wants to cross-examine  
17 him, he can cross-examine him.  
18 THE COURT:  
19 One thing I am going to rule is that the  
20 witness answer yes or no and then ex-  
21 plain it. The witness can't volunteer  
22 information every time he wants to  
23 volunteer information. That is one  
24 thing that should be clarified. From  
25 now on ask him to answer yes or no,

73  
D4/N5

73

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. Oser 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.



74  
04/N6

74

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

79  
D4/N7

7

1 wanted, Doctor?

2 (The witness nodded affirmatively.)

3 THE COURT:

4 You may stand down if you wish to.

5 (Whereupon, the witness left the

6 stand and proceeded to a position

7 close to Mr. William Wegmann.)

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

12 BY MR. OSER:

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

24 A (Resuming the stand) But the shirt is moving on  
25 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

77  
D4/N9

77

1                   On Mr. Wegmann when Mr. Wegmann was  
2                   standing erect and facing this way, if  
3                   Mr. Wegmann had turned his head either to  
4                   the left or to the right, would this change  
5                   the position of the mastoid bone in re-  
6                   lation to that 13 or 14 centimeters measure-  
7                   ment? Yes or no, Doctor, and then you  
8                   can explain your answer.

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

13       Q       (Exhibiting sketch to witness) Doctor, I show  
14              you what the State now marks for purposes  
15              of identification as "S-69," and I ask  
16              you whether or not you are familiar with  
17              what is depicted on this particular photo-  
18              graph, referring you to the previous de-  
19              fense Exhibit D-27.

20       MR. OSER:

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

23              (Exhibit handed to the witness.)

24       A       Yes, it is.

25       Q       May I correct it by saying the upper half of

18  
D4/N10

78

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?

1 A Yes, I am.

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

3 A Please show me D-29.

4 THE COURT:

5 Show the witness.

6 (Exhibit handed to witness.)

7 A It is.

8 MR. OSER:

9 The State wishes to offer, introduce

10 and file in evidence the exhibit

11 which is marked "S-70" for purposes

12 of identification.

13 MR. DYMOND:

14 No objection.

15 THE COURT:

16 Let it be received.

17 (Whereupon, the sketch offered

18 by Counsel was duly marked for

19 identification as "Exhibit S-70"

20 and received in evidence.)

21 MR. OSER:

22 May I put it on the board, Your Honor?

23 THE COURT:

24 You may.

25 BY MR. OSER:

D4/N12

80

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

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

16 Q Now, Colonel, can you tell me whether or not  
17 the person that drew these two diagrams,  
18 or the illustrator, had any of the photo-  
19 graphs or X-rays of President Kennedy  
20 available to him?

21  
22 NO HIATUS HERE.  
23  
24  
25

Ph  
D6/1

81

1 THE COURT:

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

5 MR. OSER:

6 I asked him if he knows, Your Honor.

7 THE COURT:

8 All right.

9 THE WITNESS:

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

14 BY MR. OSER:

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

21 MR. DYMOND:

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

25 MR. OSER:



D6/2

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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

D6/3

83

1                   there are any differences. If there  
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.

D6/4

84

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

D6/5

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

BY MR. OSER:

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

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

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

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

MR. OSER:

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

D6/6

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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

D6/7

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

4 We are going to recess for lunch  
5 because it will give you an opportu-  
6 nity to get your picture and then to  
7 pursue this line.

8 Gentlemen, as I have consistent-  
9 ly, and will in the future, I must  
10 admonish you and instruct you not to  
11 discuss the case among yourselves or  
12 with any other person. That includes  
13 everybody, the Sheriffs, waiters,  
14 waitresses.

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

18 (Whereupon, the Jury was excused.)

19 THE COURT:

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

23 MR. OSER:

24 Yes, Your Honor.

25 THE COURT:

D6/8

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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. . . . .

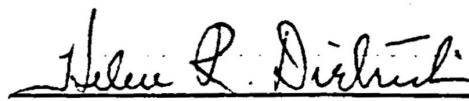
88

C E R T I F I C A T E

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

That the above and foregoing (88 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 Paul W. Williams and  
the undersigned, and transcribed under our supervision,  
on the day and date hereinbefore noted, before 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 24th day of February,  
1969.

  
HELEN R. DIETRICH,  
REPORTER



2036

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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.  
*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 RECROSS

PIERRE A. FINCK, M.D.                      91

E X H I B I T S

NUMBER                      IDENTIFIED                      OFFERED                      RECEIVED

S-71                      97

AFTERNOON PROCEEDINGS

PIERRE A. FINCK, M.D.,  
having been previously sworn, resumed the stand  
for a continuation of

## CROSS-EXAMINATION

THE COURT:

Let it be noted the Jury has returned  
from lunch. The Defendant is  
present and Counsel for both sides  
are present.

Is the State and is the Defense ready to  
proceed?

MR. DYMOND:

We are ready, Your Honor.

MR. OSER:

The State is ready, Your Honor.

THE COURT:

You may proceed.

BY MR. OSER:

Q Doctor, at the time of the autopsy, were  
either you or any one of your two  
assistants, if I may call them that,  
Commander Humes and Commander Boswell,  
making any notes of what was going on and  
what you all were doing, that you can re-

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 don't recall seeing Pages 30 through 44.  
2 What Dr. Humes and I did, we were dis-  
3 cussing the wording of the final autopsy  
4 report based on a report he had prepared  
5 through the night, I should say through  
6 Saturday, in the course of Saturday, the  
7 23rd of November, and he worked on this,  
8 and he read over to me what he had pre-  
9 pared. Is Page 45 included in your  
10 question?

11 Q Yes, sir, 45 through 47.

12 A On Page 45 I recognize the drawing which I  
13 see now in the room, and which is labelled  
14 in this volume Commission Exhibit 397.  
15 I don't recall the timing of seeing this.  
16 I have seen this at some time. I don't  
17 recall exactly when.

18 Q The exhibit you are talking about right now,  
19 Doctor, Exhibit 397, is this the same  
20 exhibit you are talking about reproduced  
21 here in State 68, as best you can recall,  
22 Doctor?

23 A As best as I can tell, Page 45 of this volume  
24 is a reproduction of the exhibit shown in  
25 the courtroom as 68, except that at the

1 bottom 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. You will realize the drawings  
8 are made ahead of time on work sheets to  
9 be used at the time of the autopsy, and  
10 that wounds 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

1 summary that three shots were heard.

2 A Where do you see that, that three shots were  
3 heard?

4 Q The first sentence in the second paragraph on  
5 Page 2, the first four words.

6 A This is the information we had by the time we  
7 signed that autopsy report.

8 Q The information from whom, Doctor?

9 A There were a lot of people who were asked, I  
10 wouldn't know their names. I couldn't  
11 list all the people by name.

12 Q Who told you that three shots were heard? Who  
13 told you that?

14 A As I recall, Admiral Galloway heard from  
15 somebody who was present at the scene  
16 that three shots had been heard, but I  
17 cannot give the details of this.

18 Q I ask you, did you have an occasion to inter-  
19 view any of the witnesses that were present  
20 in Dealey Plaza on November 22, 1963, you  
21 yourself, before you wrote this?

22 A During the autopsy of President Kennedy there  
23 were Secret Service Agent Kellerman in  
24 that autopsy room. I asked him his name.  
25 Admiral Berkeley, the personal physician

1 of President Kennedy was present, and  
2 there was a third person whose name I  
3 don't recall who said to Admiral Galloway,  
4 who was there during the autopsy, that  
5 three shots had been fired. At the time  
6 we wrote this we had this information  
7 obtained from people who had been at the  
8 scene to the best of my recollection.

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- 1 Q Did you have any information available,  
2 Doctor, from people at the scene who  
3 heard four shots?
- 4 A From the assassination on I heard conflicting  
5 reports regarding the number of shots.
- 6 Q I am talking about at the time you all prepared  
7 and signed this report, Doctor, before  
8 you affixed your signature to this, did  
9 you talk to anyone or have any reports  
10 available from people who heard four  
11 shots at Dealey Plaza on November 22?
- 12 A I don't remember any.
- 13 Q Did you have any statements or reports availa-  
14 ble to you from people who heard two shots  
15 in Dealey Plaza on November 22 at the time  
16 you made this report?
- 17 A At the time I made the report I don't recall  
18 having a report of two shots.
- 19 Q Going further, Doctor, in your autopsy report,  
20 it states, "Governor Connally was seriously  
21 wounded by this same gunfire." From  
22 where did you receive this information?
- 23 A I knew it at the time of the autopsy because of  
24 the news media who reported the President  
25 had been shot and the Governor of Texas

1 had been wounded, as I recall.

2 Q What did you mean, that Governor Connally was  
3 seriously wounded by the same gunfire?  
4 What did you mean when you said the same  
5 gunfire?

6 A This is the information we had at the time of  
7 the autopsy -- correction, at the time we  
8 signed the autopsy report, and because  
9 the information in the autopsy report  
10 may be obtained after the autopsy, and  
11 again I can't pinpoint the source of that  
12 information.

13 Q Doctor, I now show you State Exhibit 64, and  
14 ask you if you recognize what is depicted  
15 in this particular photograph, as being  
16 similar to something you have seen before  
17 during the investigation of the assassina-  
18 tion of President Kennedy?

19 A This black-and-white reproduction is similar  
20 to a bullet that, as best I can remember,  
21 I saw for the first time in March, 1964.

22 Q Doctor, speaking of your statement in the  
23 autopsy report that Governor Connally was  
24 seriously wounded by the same gunfire,  
25 is it not a fact that when testifying be-

1 fore the Warren Commission you stated  
2 that in your opinion it was impossible  
3 for Commission Exhibit 399 to do the same  
4 damage to President Kennedy as was done  
5 to Governor Connally because there were  
6 too many fragments in Governor Connally's  
7 wrist? Did you not so testify, sir?

8 MR. DYMOND:

9 I object to that question. Nobody has  
10 stated the same damage was done to  
11 Governor Connally as was done to  
12 President Kennedy, and that is what  
13 this question asks.

14 THE COURT:

15 I think the question was put to the  
16 Doctor, did he not make a prior  
17 contradictory statement, which is  
18 legitimate cross-examination.

19 Let the question be read back.

20 (Whereupon, the pending question  
21 was read back by the Reporter.)

22 THE COURT:

23 I am permitting the question. I overrule  
24 your objection.

25 BY MR. OSER:

1 Q Will you answer yes or no, Doctor, then you  
2 can explain.

3 A This is a difficult question to answer because  
4 there were two bullets striking President  
5 Kennedy. I have examined the wounds of  
6 President Kennedy and I would say that  
7 the bullet seen here is an entire bullet.

8 Q Is what?

9 A Is an entire bullet. By an entire bullet, I  
10 mean a bullet that did not disintegrate  
11 into many fragments.

12 Q Let me ask you about that in this way --

13 THE COURT:

14 Let him finish his answer.

15 MR. OSER:

16 I thought he had finished.

17 THE COURT:

18 Had you finished your answer?

19 THE WITNESS:

20 Yes, sir.

21 BY MR. OSER:

22 Q Colonel, let me ask you this way: Speaking  
23 of State Exhibit 64, the bullet, I ask  
24 you whether or not you testified in front  
25 of the Warren Commission that that



1 particular bullet could not have done  
2 the damage to Governor Connally as there  
3 were too many bullet fragments in  
4 Governor Connally's wrist. Did you or  
5 did you not answer that in front of  
6 the Warren Commission in answer to a  
7 question by Mr. Specter? It appears on  
8 Page 382 of your testimony of the Warren  
9 Report about the middle of the page.

10 A It reads as follows: "Could that bullet possi-  
11 bly have gone through President Kennedy  
12 in 388," Mr. Specter's question. "Through  
13 President Kennedy's head --" what is 388?

14 MR. WILLIAM WEGMANN:

15 The one on the right.

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

23 MR. OSER:

24 Thank you, Doctor, that is the point I  
25 am talking about.

1 BY MR. OSER:

2 Q Now, referring back to that same paragraph  
3 in the clinical summary, in the next  
4 sentence you said, "According to news-  
5 paper reports (Washington Post November 23,  
6 1963) Bob Jackson, a Dallas 'Times Herald'  
7 photographer, said he looked around as  
8 he heard the shots and saw a rifle barrel  
9 disappearing into a window on an upper  
10 floor of the nearby Texas School Book  
11 Depository Building." Can you tell me  
12 who called that particular newspaper arti-  
13 cle to your attention?

14 A Are you referring to Page 979 of the Hearing?

15 Q No, sir, I am back on your original autopsy  
16 report, Page 2.

17 A I have it.

18 Q The sentence right after you said that Governor  
19 Connally was wounded by the same gunfire.

20 A What was that sentence?

21 Q Right after "gunfire."

22 A "Governor Connally was seriously wounded by  
23 the same gunfire." This is part of the  
24 autopsy report I signed.

25 Q Can you tell me who called that particular

1 newspaper article to your attention,  
2 and why?

3 A As I recall, it was Dr. Humes who mentioned  
4 this article to me.

5 Q Colonel, do you customarily take notice of  
6 newspaper articles in an autopsy report?

7 A At times it is done.

8 Q Therefore, Doctor, am I correct in stating  
9 that particular autopsy report signed by  
10 you was based partially on hearsay evi-  
11 dence, is that correct? By that I mean  
12 evidence received by someone other than  
13 you having actual personal knowledge of  
14 the thing?

15 A Having not been at the scene I had to get  
16 information from somebody else.

17 Q Did you have occasion to read a newspaper  
18 article of November 22 or 23, which re-  
19 ported there were four to six shots fired  
20 and they came from the grassy knoll, being  
21 stated by Miss Jean Hill? Did you read  
22 that before you made your report?

23 A I don't recall reading that before I made the  
24 report. I may have been aware at that  
25 time of conflicting reports as regards the

1 number and the difference in the direc-  
2 tion of the shots, but I cannot pinpoint  
3 the time.

4 Q Since you are referring to the Washington  
5 Post --

6 A Would you repeat that?

7 THE COURT:

8 Mr. Oser, speak into the microphone, it  
9 may help a little bit.

10 BY MR. OSER:

11 Q Since you are dealing with the Washington Post  
12 article of November 23, 1963 in your  
13 autopsy report, I wondered if you had  
14 an occasion to either read the article  
15 or have it brought to your attention, that  
16 one Charles Brehm, one of the spectators  
17 close to the Presidential limousine, saw  
18 material which appeared to be a sizeable  
19 portion of President Kennedy's skull --

20 MR. DYMOND:

21 Objection, that is not in evidence.

22 THE COURT:

23 This is not a prior contradictory state-  
24 ment, Mr. Oser, is it?

25 MR. OSER:

1 I am asking if he took this into account  
2 when he --

3 THE COURT:

4 Where are you reading from?

5 MR. OSER:

6 An article taken out of the Washington  
7 Post on the same day as the article  
8 by Bob Jackson.

9 MR. DYMOND:

10 Your Honor, that has no place in this  
11 trial at all.

12 THE COURT:

13 Mr. Oser, I think you are enlarging the  
14 scope of the prior contradictory  
15 statement unless you can allege it  
16 was made in the report.

17 MR. OSER:

18 I am trying to ascertain what hearsay  
19 they used to arrive at their report.

20 MR. DYMOND:

21 If you permit that you will have to permit  
22 Counsel to go through every conflict-  
23 ing report that was reported by every  
24 alleged eyewitness to the assassina-  
25 tion and ask this witness whether

1 they were taken into account. It 11  
2 certainly has no place in this trial  
3 and is completely irrelevant to the  
4 issues and irrelevant to the credibili-  
5 ty and qualifications of the Doctor  
6 and irrelevant to the material on  
7 which he is testifying.  
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1 THE COURT:

2 I believe that the witness did state a  
3 few moments ago that he was not there  
4 personally and they did have to ac-  
5 cept what Mr. Oser termed as hearsay.  
6 I believe the question being put by  
7 the District Attorney is to find out  
8 what other hearsay evidence they  
9 received.

10 MR. OSER:

11 That's right.

12 THE COURT:

13 Can't you ask a specific question instead  
14 of reading the article?

15 MR. DYMOND:

16 The thrust of my objection is that we have  
17 nothing before The Court to show this  
18 was even a bit of hearsay without  
19 even asking the Doctor whether he  
20 heard it. This is something that is  
21 purely out of the files of the  
22 District Attorney.

23 MR. OSER:

24 Your Honor, the State is attempting to  
25 ascertain from the Colonel whether or

not he based his conclusions or his  
autopsy report on any type of hearsay  
other than that type of hearsay that  
backed up what the Warren Commission  
wanted it to be, or the Federal  
Government. Strike Warren Commission  
and make it Federal Government.

MR. DYMOND:

Your Honor, what I'm trying to impress on  
The Court is you have nothing before  
you to even show there is hearsay  
evidence to the effect of this state-  
ment that has been made by the District  
Attorney. That is completely outside  
the scope of the evidence in this case.  
We don't know any such contention was  
ever made by anybody.

THE COURT:

If the witness signed part of a three-man  
report and you referred to the report  
without using exact words, I would  
permit it, which you did previously.  
I think a general question can be  
asked, did they interview any other  
person, without saying what those



persons said.

BY MR. OSER:

Q Colonel, besides what you referred to in paragraph 2 of the report, were you furnished with any other alleged statements by any of the witnesses in Dealey Plaza, namely the witnesses to the assassination of President Kennedy on November 22?

MR. DYMOND:

Is this question restricted to before he signed the autopsy report?

MR. OSER:

I am asking about at the time he signed the report.

THE COURT:

It is restricted to that period.

BY MR. OSER:

Q Were you furnished statements by anyone else?

A We based the statement on the people who had been at the scene.

THE COURT:

Let me interrupt you a second. You say "we," I presume you mean you and the other two doctors?

1 THE WITNESS:

2 Yes, sir.

3 THE COURT:

4 Mr. Oser's question is, did you and the  
5 other two persons personally inter-  
6 view these people or get it from  
7 another source?

8 THE WITNESS:

9 I personally talked to Secret Service  
10 Agent Kellerman. I personally talked  
11 to Admiral Berkley, the personal  
12 physician to President Kennedy. I  
13 personally talked to Admiral Galloway,  
14 who was referring to a third witness  
15 present at the scene. There may have  
16 been others leading us to the state-  
17 ment that to the best of our knowledge  
18 at that time there were three shots  
19 fired.

20 BY MR. OSER:

21 Q Doctor, speaking of the wound to the throat  
22 area of the President as you described it,  
23 after this bullet passed through the  
24 President's throat in the manner in which  
25 you described it, would the President have

1                   been able to talk?

2       A       I don't know.

3       Q       Do you have an opinion?

4       A       There are many factors influencing the ability  
5                   to talk or not to talk after a shot.

6       Q       Did you have an occasion to dissect the track  
7                   of that particular bullet in the victim as  
8                   it lay on the autopsy table?

9       A       I did not dissect the track in the neck.

10      Q       Why?

11      A       This leads us into the disclosure of medical  
12                   records.

13      MR. OSER:

14               Your Honor, I would like an answer from the  
15                   Colonel and I would ask The Court so  
16                   to direct.

17      THE COURT:

18               That is correct, you should answer, Doctor.

19      THE WITNESS:

20               We didn't remove the organs of the neck.

21      BY MR. OSER:

22      Q       Why not, Doctor?

23      A       For the reason that we were told to examine the  
24                   head wounds and that the --

25      Q       Are you saying someone told you not to dissect

the track?

1

THE COURT:

Let him finish his answer.

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

1 didn't do this as a pathologist?

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

6 MR. OSER:

7 Your Honor, I would ask Your Honor to  
8 direct the witness to answer my  
9 question.

10 BY MR. OSER:

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

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

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

21 A Right.

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

24 A I don't recall.

25 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?

1 A I did.

2 Q With what?

3 A With an autopsy room probe, and I did not succeed  
4 in probing from the entry in the back of  
5 the neck in any direction and I can explain  
6 this. This was due to the contraction of  
7 muscles preventing the passage of an instrument,  
8 and if I had forced the probe through the  
9 neck I may have created a false passage.

10 Q Isn't this good enough reason to you as a  
11 pathologist to go further and dissect this  
12 area in an attempt to ascertain whether or  
13 not there is a passageway here as a result of  
14 a bullet?

15 A I did not consider a dissection of the path.

16 Q How far did the probe go into the back of the  
17 neck?

18 A Repeat the question.

19 Q How far did the probe go into this wound?

20 A I couldn't introduce this probe for any extended  
21 depth. I tried and I can give explanations  
22 why. At times you cannot probe a path,  
23 this is because of the contraction of  
24 muscles and different layers.  
25

It is not like a pipe, like a channel.

11

It may be extremely difficult to probe  
a wound through muscle.

Q Can you give me approximately how far in this  
probe went?

A The first fraction of an inch.

Q If you had dissected this area, Doctor,  
wouldn't you have been able to ascertain  
what the track was, as you have described  
in this courtroom, without dissecting it?

A I don't know.

Q You don't know?

A I don't know. Wounds are different in one  
case from another, and I did not dissect -

Q Let me ask you this, Doctor: Let me ask you  
whether or not in dealing with this  
particular back of the neck wound, as you  
describe it, whether you dissected the  
skin area, took a cross-section of the  
skin, submitted that to microscopic  
examination, to ascertain whether or not  
there was any singed area or burnt area  
as a result of a high speed bullet pass-  
ing through the skin? Did you or did you  
not do that?



1 A I remember removing skin at the entry at the  
2 back of the neck, or I was present when  
3 this was done, and microscopic examination  
4 was made of this wound of entry.

5 Q Is the result of that microscopic examination  
6 in this autopsy report?

7 A No. I think it is part of the supplementary  
8 report where Dr. Humes describes the  
9 microscopic appearance of the wound  
10 of entry. I made a positive identifica-  
11 tion of entry in the back of the neck  
12 based on naked eye examination. I  
13 examined that very closely and it had the  
14 gross characteristics of the wound of  
15 entry.

16 Q Isn't it the more accepted pathological pro-  
17 cedure at an autopsy to submit a wound  
18 area such as this, or a cross-section of  
19 it, to microscopic examination to  
20 ascertain whether there is a scorch area  
21 or burn area of the skin to see if there  
22 was a high speed bullet passing through  
23 the skin?

24 MR. DYMOND:

25 I would ask Counsel to confine his

questions to one at the time.

THE COURT:

Break the question down, Mr. Oser.

BY MR. OSER:

Q Is it not better pathological practice to dissect a skin wound area and submit this cross-section to microscopic examination to determine whether or not there was any burn or singed area as a result of a high speed bullet passing through this area as opposed to a naked eye observation?

A The microscopic examination of a wound is a supplementary examination which I have done many times, but in this case the gross characteristics were sufficient to me to make a positive identification of a wound of entry in the back of the neck. I think I saw microscopic sections. I was in the office of Dr. Humes, but again I don't remember the time of the examination of these microscopic sections.

1 Q How about the results?

2 A I don't remember the timing of the results  
3 of the microscopic sections.

4 Q I am not asking you for the timing of the re-  
5 sults, I am asking you for the results,  
6 Colonel.

7 A From what I recall, Dr. Humes described  
8 alteration of the tissue at the level  
9 of the wound of entry. Do you have that  
10 supplementary report?

11 Q I don't have it, that is why I am asking you  
12 if you have your notes here.

13 A I don't have this microscopic report with me.

14 Q You didn't burn your notes also, did you?

15 A No.

16 Q Colonel, you said you remember Agent Kellerman  
17 being in the autopsy room. Do you re-  
18 member having a conversation with Agent  
19 Kellerman at the time you were examining  
20 this wound of the President, and talking  
21 about that particular wound you said to  
22 the Agent that there were no lanes for  
23 an outlet of the shoulder wound? Do you  
24 remember telling him that, sir?

25 A I remember stating that at the time I examined

1 the wound of entry in the back I didn't  
2 find an exit corresponding to this entry.  
3 I don't remember to whom it was, it may  
4 have been Mr. Kellerman, it may have been  
5 one of the two FBI Agents.

6 Q My question was, do you recall categorizing it  
7 as a shoulder wound as opposed to a neck  
8 wound to this person in the autopsy room?

9 A I don't recall mentioning a shoulder wound. I  
10 am referring to a wound in the neck, in  
11 the back of the neck, and a wound in the  
12 back of the head.

13 Q If I told you, Colonel, that Agent Kellerman  
14 in his testimony --

15 MR. DYMOND:

16 I object to this, Your Honor: "If I told  
17 you Agent Kellerman's testimony."

18 THE COURT:

19 You cannot ask one witness to decide the  
20 credibility of another witness. I  
21 think you will have to do it a  
22 different way. The objection is sus-  
23 tained.

24 BY MR. OSER:

25 Q Colonel, in talking about the wound in the back

1 of the President, can you tell me  
2 whether or not it hit any bone?

3 THE COURT:

4 Why don't you identify which wound you  
5 are talking about.

6 BY MR. OSER:

7 Q State Exhibit 69, this one right here. Can  
8 you tell me whether that hit any bone  
9 in his neck?

10 A From the X-rays it was determined that this  
11 bullet entering in the back of the neck,  
12 coming out in the front of the neck, did  
13 not strike major bones.

14 Q Did it strike any bones?

15 A There was no evidence of bone injury from the  
16 X-ray, and the X-ray is the basis to refer  
17 to to answer such a question.

18 Q Now, since I asked you before about whether or  
19 not President Kennedy could have spoken,  
20 what was your opinion as to whether or not  
21 he could have said any words after receiving  
22 the wound in his back as described and de-  
23 picted in S-69?

24 MR. DYMOND:

25 Your Honor, I think this is repetitious.

The Doctor has already testified --

1

MR. OSER:

Your Honor, what I am doing is --

THE COURT:

When one person makes an objection will  
the other person let him finish be-  
fore he starts speaking.

MR. DYMOND:

The Doctor has already testified he does  
not know whether the President could  
speak and there are many factors  
which would have to be considered.  
This is merely the same question.

MR. OSER:

I am asking for his opinion. He has not  
given me his opinion.

THE COURT:

I think, Mr. Dymond, that the State is  
going into another area, and because  
of that I will permit the question.

THE WITNESS:

To be able to talk you need integrity of  
the vocal folds or vocal cords, and  
I didn't see the vocal folds of  
President Kennedy.

1 BY MR. OSER:

2 Q Why didn't you?

3 A From what I remember I didn't -- well, from  
4 the best of my recollection the wound was  
5 outside of the vocal fold area.

6 Q Isn't it a fact, Doctor, at the time you were  
7 performing the autopsy, or assisting in  
8 performing the autopsy, you were of the  
9 opinion the wound in the back of the  
10 President was not a through-and-through  
11 gunshot wound?

12 A At the time of the autopsy on that night?

13 Q Right.

14 A Having a wound of entry and no wound of exit,  
15 and negative X-rays showing no bullets  
16 in the cadaver at that time, the time of  
17 the autopsy, I was puzzled by the fact  
18 of having an entry and no exit. However,  
19 this cleared up after the conversation  
20 between Dr. Humes and the surgeons at  
21 Dallas who stated that included a small  
22 wound in the front of the neck in their  
23 incision of tracheotomy to keep the  
24 breathing of the President up.

25 Q On the night of the 22nd of November you did

1                   have occasion to see the wound in the  
2                   area of the throat?

3       A       On the skin?

4       Q       Yes.

5       A       No, I examined the surgical incision, but I  
6                   don't recall seeing the small wound de-  
7                   scribed by the Dallas surgeons. It was  
8                   part of the surgical incision and I didn't  
9                   see it. .

10      Q       You saw the incision.

11      A       In the front of the neck, definitely.

12      Q       You were puzzled by what you found in the back,  
13                   is that right?

14      A       I was not puzzled by what I found in the back,  
15                   I was puzzled by having a definite entry  
16                   in the back, a bruise in the plural region,  
17                   that is the region of the cavity of the  
18                   chest, which was bruised, between the  
19                   entry in the back and the exit in the  
20                   front, and the three of us, the prosectors,  
21                   we saw that bruise, and the following day  
22                   knowing that a small wound had been seen  
23                   in the front of the neck that made very  
24                   much sense to me, an entry in the back, a  
25                   wound in the front and a bruise in between



1 due to the passage of that bullet. 1

2 Q On the night you had the President's body on  
3 the autopsy table, if you had dissected  
4 that particular area would you not have  
5 been able to ascertain it was a through-  
6 and-through gunshot wound?

7 A I could have, but it is a difficult question  
8 to answer for the reason you deal with  
9 many anatomical structures. Tissues are  
10 very tight, firm.

11 Q You were a pathologist on that night, were you  
12 not?

13 A Yes, I was, and still am.

14 Q How was the President's body on the autopsy  
15 table? Can you give me the position it  
16 was in, if you remember?

17 A He was on his back and I examined all external  
18 areas of the cadaver. While on the table  
19 I asked to have the cadaver turned over  
20 so as to make an examination of the skin  
21 of the entire cadaver.

22 Q What position was the body in, or cadaver in,  
23 when you measured from the mastoid tip  
24 and from the tip of the acromion in, was  
25 it on its face, forward or back at the

time?

A I remember taking the measurements but the exact position of the cadaver I don't recall for the reason we removed the cadaver to examine it. To take measurements it had to be held to take those measurements.

Q I will ask you, Colonel, if the cadaver had been lying on an autopsy table with its head facing to the right and the left side or its head on the table and you measured from the acromion down, from that position wouldn't the measurement be different than if the body had been lying on its right side with the mastoid turned more to the left? Wouldn't the measurements differ in a good number of centimeters?

A There would be some variation depending on the movement of the head. From what I recall we had the measurements made with the head turned in a generally forward direction.

Q You can't recall whether or not the President's body was on its back or stomach at the

time?

1.

A No. The body was moved. It was not remaining in the same position all the time during the course of the autopsy.

Q Can you define rigor mortis for me?

THE COURT:

I cannot hear you, Mr. Oser.

BY MR. OSER:

Q Can you define rigor mortis for me?

A Rigor mortis, that is r-i-g-o-r, one word and m-o-r-t-i-s is a separate word, rigor mortis means literally stiffness of death in Latin. It is a normal process that occurs after death. The degree of rigor mortis, the time of onset of rigor mortis, varies from one case to the other.

Q In the case of President Kennedy in your autopsy report signed by you, can you tell me why the degree of rigor mortis or any mention of rigor mortis is not contained in this autopsy report?

A There is beginning rigor mortis on Page 2 of the autopsy report, and that is the only reference I find regarding rigor mortis.

Q My question now is, would varying degrees of

1 rigor mortis have anything to do with the  
2 measuring of wounds in the skin area of  
3 a particular body as opposed to when the  
4 body was alive?

5 A Rigor mortis may make measurements difficult  
6 because of the stiffness of certain  
7 anatomic structures and you have diffi-  
8 culties in measuring due to that resis-  
9 tance of the cadaver to movement.

10 Q Colonel, in speaking of State Exhibit 69, can  
11 you give me the angle of entry into the  
12 back of President Kennedy as depicted in  
13 the photograph, or as you saw it rather?

14 A Does Exhibit 69 show the right side of the  
15 head and right side of the upper chest  
16 with an arrow in the back of the neck and  
17 an arrow in the front of the back?

18 Q That is correct. I am pointing to it. This  
19 one here. What is this angle?

20 A This shows that the wound of entry in the back  
21 of the neck is higher than the wound of  
22 exit in the front of the neck.

23 Q Did you calculate what that angle was in de-  
24 grees?

25 A This can't be made with great precision because

of variables.

Q Did you calculate it, Colonel, was the question?

A I remember a figure which was somewhere in the records within 45 degrees.

NO HIATUS HERE.

1 Q Within 45 degrees?

2 A To give a general impression this may be much  
3 less. What I am saying is that it was  
4 not beyond 45 degrees in relation to the  
5 horizontal. It may be much less than  
6 that.

7 Q In referring to State Exhibit 68, and using  
8 the body form diagram in the right-hand  
9 side showing the back of an individual,  
10 if I were to draw a perpendicular line  
11 through the individual, through the mid-  
12 line, can you tell me, Doctor, what the  
13 lateral angle from right to left that this  
14 particular projectile took going through  
15 the neck as it described in S-69?

16 A Mr. Oser, you have shown the neck wound on one  
17 exhibit and the head wound on another.

18 Q I will restate my question. Taking this back  
19 view of an individual human, draw your  
20 line down the mid-line of this individual,  
21 can you tell me whether or not you all  
22 calculated the angle at which this bullet  
23 proceeded through this back wound area  
24 that you described in the neck, how much  
25 of an angle from right to left did this

bullet go in?

A Well --

MR. DYMOND:

If The Court please, we object to that on the ground it is a question which is impossible to answer. You couldn't have an angle between a perpendicular line and a line going in from above and behind. If you wanted to figure an angle on that you would have to have it passing between the path of the bullet and a line drawn through the center of the subject. That is the only way you can answer a question of that kind.

THE COURT:

I understand it. In other words, your horizontal line down from the head through the mid-line, a fictitious mid-line, would be the straight line. You have a horizontal line so you have a right angle, and you have to have an entrance and an exit. Unless he knows where the exit is he cannot

1 give an angle, and he hasn't testi-  
2 fied he knows where the exit was.

3 MR. OSER:

4 He testified it went out through the  
5 front.

6 THE COURT:

7 He didn't tell you what part of the front  
8 it came out.

9 MR. OSER:

10 His testimony was it exited where the  
11 arrow is on -69.

12 THE COURT:

13 I don't recall him testifying to that.  
14 Rephrase your question.

15 Doctor, can you give us the  
16 angle from your autopsy examination  
17 of the neck, as far as you did go,  
18 can you give us the angle of the  
19 entrance and exit of this bullet from  
20 the neck of the President, unless you  
21 knew where it came out?

22 THE WITNESS:

23 In relation to the horizontal plane or in  
24 relation to the right and left?

25 BY MR. OSER:



1 Q In relation to right and left. My original  
2 question was, did he calculate such an  
3 angle?

4 A From what I recall at the angle I was referring  
5 to, it was within 45 degrees, was in  
6 relation to the horizontal as far as the  
7 difference of level between the entry in  
8 the back of the neck and the exit in the  
9 front of the neck. I don't recall angles  
10 in relation to a right and left direction.

11 Q Doctor, for a bullet to pass through this par-  
12 ticular part of the body as described in  
13 S-69, and not hit any bone, would you say  
14 that was an extremely small corridor for  
15 such a bullet to go through and not hit  
16 a bone?

17 A It is possible this bullet produced an entry  
18 and exit, as I testified, without produc-  
19 ing gross evidence of bone damage.

20 Q I think you testified before, Doctor, there  
21 was no bone damage in the area of the  
22 neck?

23 A Yes.

24 Q Could you tell me, Colonel, from viewing the  
25 autopsy X-rays, whether or not there were

any metallic fragments or deposits in the area of the wound described in S-69?

A I don't remember seeing fragments in the area of the neck. I remember seeing numerous fragments in the X-ray of the head but that corresponded to another wound.

Q In referring once again, Colonel to S-67 for identification, the five-page report signed by you in January, 1967, can you tell me why this report was prepared?

A Please repeat your question.

Q Can you tell me why this report was prepared, the one you signed in January, 1967?

A The purpose of this, as I recall, was to correlate our autopsy report of November 1963, and the X-rays and photographs of the wounds, because we had seen the X-rays at the time of the autopsy but we hadn't seen the photographs in November 1963 or in March 1964, so in 1967 we were asked to look at those X-rays and photographs.

Q By whom were you asked to do this?

THE COURT:

Are you waiting for an answer?

MR. OSER:

1 Yes.

2 THE COURT:

3 I thought you were referring to your  
4 notes, Doctor.

5 MR. OSER:

6 I asked the witness --

7 THE COURT:

8 I heard your question. I was just wanting  
9 to know if you were waiting for an  
10 answer.

11 THE WITNESS:

12 I think I went first to the -- I saw  
13 these photographs and X-rays to the  
14 best of my recollection at the  
15 archives of the United States in  
16 January 1967, the photographs, for  
17 the first time.

18 THE COURT:

19 He didn't ask you that question. He  
20 wanted to know who asked you to do  
21 this. Was that your question?

22 MR. OSER:

23 Yes, sir.

24 THE WITNESS:

25 As I recall it was Mr. Eardley. There are

1 many names involved in this. I think  
2 it was Mr. Eardley at the Department  
3 of Justice and I had the authority to  
4 go there from the military.

5 BY MR. OSER:

6 Q Can you tell me whether or not you were asked  
7 to do this summary in January 1967 in  
8 regard to a panel review that was going  
9 to be done by Mr. William H. Carns,  
10 Russell S. Fisher, Mr. Russell H. Morgan  
11 and Mr. Alan R. Moritz.

12 A In January 1967 when I signed S-67, to the best  
13 of my recollection, I was not aware of this  
14 panel review which took place in 1968, if  
15 you are referring to an independent panel  
16 review.

17 Q I am.

18 A It was composed of W. H. Carns, Russell H.  
19 Fisher, Russell H. Morgan and Alan R.  
20 Moritz.

21 Q That is correct, Colonel.

22 A I don't remember knowing in 1967 that these  
23 four names were reviewing the evidence to  
24 the best of my recollection.

25 Q Are you familiar with their work?

1 A I have read this. I was made aware of this  
2 panel review, I had received this panel  
3 review in February 1969.

4 MR. OSER:

5 Your Honor, I am going to a new area.

6 Do you want to take a coffee break  
7 now?

8 THE COURT:

9 Yes. Sheriff, take the Jury upstairs and  
10 we will have a 10-minute recess.

11 (SHORT RECESS.)

12  
13  
14  
15  
16 NO HIATUS HERE  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 THE COURT:

2 Are both sides ready to proceed?

3 MR. DYMOND:

4 Yes.

5 MR. OSER:

6 Yes.

7 BY MR. OSER:

8 Q Colonel, referring to the autopsy report of  
9 November 24, 1963, of the 25th, the re-  
10 port, the original autopsy report --

11 A I signed it on Sunday, 24 November, 1963 far  
12 as I can remember.

13 Q Referring to that again on page 2 in the  
14 clinical summary in Paragraph 3 you have  
15 it marked there that shortly -- in the  
16 third paragraph on page 2 of that report  
17 you state that "shortly following the  
18 wounding of the two men the car was driven  
19 to Parkland Hospital in Dallas. In the  
20 Emergency Room of that hospital the Presi-  
21 dent was attended by Dr. Malcolm Perry.  
22 Telephone communication with Dr. Perry on  
23 November 23, 1963 develops the following  
24 information relative to the observations made  
25 by Dr. Perry and the procedures performed th-

1 prior to death." Is that correct?

2 A Yes.

3 Q Did you have occasion, Colonel, to speak to

4 Dr. Perry and I ask you if you did whether

5 or not Dr. Perry classified the wound he

6 found in the throat?

7 MR. DYMOND:

8 I object on the grounds that he never --

9 THE COURT:

10 First let's find out if the witness spoke

11 with Dr. Perry.

12 BY MR. OSER:

13 Q Did either you, Colonel, or one of your fellow

14 members of the autopsy report speak to

15 Dr. Perry in Dallas?

16 A I personally did not talk to Dallas, to a

17 Dallas doctor but Dr. Humes called him

18 after the autopsy and he told me so.

19 Q Did you have a conversation with Dr. Humes

20 regarding what was learned in Dallas, Texas

21 from the Dallas doctors concerning --

22 THE COURT:

23 Make it one question.

24 MR. OSER:

25 I just asked him whether or not he did.

1 THE COURT:

2 Rephrase your question.

3 BY MR. OSER:

4 Q Did you talk to Dr. Humes about his conversa-  
5 tion?

6 A I did.

7 THE COURT:

8 That breaks it down.

9 BY MR. OSER:

10 Q Will you tell us whether or not you had any  
11 knowledge that the wound in the area where  
12 the tracheotomy was performed was classi-  
13 fied as that of an entrance wound in  
14 Dallas, Texas?

15 A All I learned is that the communication was  
16 between Dr. Humes and one or more of the  
17 Dallas surgeons, maybe Dr. Perry or it  
18 may be others, but they were people taking  
19 care of President Kennedy in the  
20 Emergency Room, that there was a small  
21 wound in the front of the neck of  
22 President Kennedy and that they included  
23 that small wound of approximately 5  
24 millimeters in diameter in their  
25 tracheotomy incision.



1 Q Did you have available to you a further  
2 description of this small wound that they  
3 found in Dallas, Texas prior to perform-  
4 ing the tracheotomy?

5 A Outside of the location in the anterior, in the  
6 front of the neck, and the description I  
7 don't recall there was more detail about  
8 that wound found by the Dallas surgeons.

9 Q Can you tell me, Colonel, whether or not you had  
10 at your disposal any information from  
11 Dr. Kemp Clark?

12 MR. DYMOND:

13 If The Court please, we have not been  
14 objecting to hearsay but at this  
15 point any information of this type  
16 would be hearsay unless this doctor  
17 spoke with that person and even then  
18 it would still be hearsay.

19 MR. OSER:

20 I didn't ask what the content was, I asked  
21 him if he had any information available  
22 from Dr. Kemp Clark.

23 THE COURT:

24 He can say yes or no. Did you understand  
25 the question?

THE WITNESS:

1

There was a Dr. Clark mentioned. I did not talk to him.

BY MR. OSER:

Q Did you have an occasion to talk to Dr. Charles Carrico from Dallas, Texas?

A I did not.

Q Do you know whether or not Commander Humes or Commander Boswell spoke to this doctor?

A Again I cannot pinpoint names of these Dallas surgeons with whom Dr. Humes communicated with. I know the results of the communication but I cannot say he did or did not speak to this one or that one.

Q Now, can you describe for me as to how large this wound was in the throat area that you saw the night of November 22, 1963?

A It was a long sideways surgical incision.

Q Could you tell me Colonel whether or not you could have taken this particular area, or the particular wound in the throat, and meshed the two sides of the incision back together again and ascertain whether or not this was a wound within the incision caused by some missile?

1 A I examined this surgical wound and I did not  
2 see the small wound described by the  
3 Dallas surgeons along that surgical  
4 incision. I did not see it.

5 Q If you did not see it then, Colonel, I take it  
6 then this was a small type of wound if it  
7 was there?

8 A According to the telephone conversation it was  
9 a small wound in the front of the neck.

10 Q Did you have occasion, Colonel, to dissect this  
11 particular wound area and to make a  
12 cross-section and submit it to microscopic--

13 THE COURT:

14 I'm going to stop this if it is repetitious.  
15  
16  
17  
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25

NO HIA TUS HERE.

1 MR. OSER:

2 If the Court please, he described that he  
3 tracked it from the back to the front.

4 MR. DYMOND:

5 We object on the grounds it is repetitious.

6 MR. OSER:

7 If the Court please, I have previously  
8 talked about dissecting and submitting  
9 to microscopic examination the wound  
10 the Colonel described in the back area  
11 and I am now on the throat area or  
12 what he alleges is the exit wound of  
13 the projectile.

14 MR. DYMOND:

15 He covered that this morning and said he  
16 did not and that was covered very,  
17 very lengthy.

18 THE COURT:

19 He said he did not and I don't know where  
20 you were when he said that, Mr. Oser.  
21 Go ahead and answer the question,  
22 Doctor.

23 BY MR. OSER:

24 Q Did you dissect any area of the neck muscles  
25 which might have been thought to be an exit

1 wound of the President's neck.

2 THE COURT:

3 He said he didn't dissect anything.

4 THE WITNESS:

5 I made some measurements of, of course  
6 to determine the wound, this was  
7 the wound of entry in the back of  
8 the neck and I examined both edges  
9 of the surgeon's surgical incision  
10 in the front of the neck. I don't  
11 remember a dissection of this area.  
12 I remember a very close gross ex-  
13 amination.

14 BY MR. OSER:

15 Q Colonel, I believe you testified before that  
16 normally in gunshot wounds, correct me if  
17 I am wrong, that when a gunshot wound  
18 enters an area of the body it leaves a  
19 relatively small hole. What happens to  
20 that wound when it exits in regard to the  
21 size in comparison to the entry wound?

22 A There is a variation from one case to the other.  
23 The wound of exit may be small. It may be  
24 smaller than the wound of entry. It may  
25 be larger than the wound of entry. This,

of course, depends on various factors.

1

Q I believe you also testified you have done some work with firing of rifles at the Arsenal and so forth?

A Yes.

Q What is the usual thing that you find in comparing sizes of entry wounds as to an exit wound?

A Again, there is a variation from one case to the other. The exit is often larger than the entry but this is not always the case.

Q Now, Colonel, using State Exhibit 68, the diagram of the wound showing on the Autopsy Descriptive Sheet in the back area it has a description of seven by four millimeters. Can you tell me whether or not that is a correct measurement of the entrance wound into the back area of the President?

A As I remember I took those measurements and they were from one edge of the wound in one diameter and from one edge of the wound to the other in another diameter. At this time I would like to say there is some variation in taking measurements of a wound because you may take into account the

1 edge itself or the abrasion, the rubbing  
2 around the edge of the wound, and that may  
3 explain some differences in taking measure-  
4 ments.

5 Q Can you give me, Colonel, the approximate size  
6 in inches or parts of inches that seven by  
7 four millimeters would be?

8 A Seven millimeters is approximately one-quarter  
9 of an inch. These are approximate things.

10 Q And what is your answer, Colonel, about one-  
11 quarter of an inch, you say?

12 A I have to consult notes because it requires  
13 conversion from metric units to inch units.  
14 This is close enough to say that seven  
15 millimeters is approximately one-quarter  
16 of an inch.

17 Q Colonel, I show you State Exhibit 66 and ask  
18 you whether or not a bullet, or the pellet  
19 contained in that particular cartridge,  
20 could have caused the hole as you have  
21 described?

22 A Yes, if this is a --

23 Q I am merely asking you, Colonel, from looking  
24 at that particular pellet whether or not  
25 that could have caused the hole such as

1                   you described?

2           A       This is compatible with it.

3           Q       Colonel, can you give me the measurements of  
4                   the wound in the area of the front of the  
5                   president's neck that I am pointing to here  
6                   on State Exhibit 69?

7           A       As I recall, it was given by the Dallas surgeons  
8                   as approximately five millimeters in diameter.

9           Q       Can you convert approximately five millimeters  
10                  in diameter to a part of an inch for me,  
11                  please?

12          A       Approximately three-sixteenths of one inch  
13                  corresponds to five millimeters.

14          Q       Referring, Colonel, to your Summary Report,  
15                  State-67 for purposes of identification,  
16                  which you signed on 26 January, 1967, can  
17                  you tell me why you did not list the size  
18                  of the wound that you say is the exit wound  
19                  in the throat of the President?

20          A       Because I did not, I did not see that wound in  
21                  the front. I did not, I don't know why it  
22                  is not there.

23          Q       You say you did not see it?

24          A       I did not see the wound of exit in the skin. I  
25                  saw a hole of exit in the shirt of the



President.

Q But in speaking of the throat area, or skin area of the President, relative to his throat you said it was approximately five millimeters and you later said that Commander Humes received this information from Dallas.

A The wound that was in the front of the neck I obtained that information from Dr. Humes.

NO HIATUS HERE.

1 Q Therefore would you say, Colonel, that the  
2 wound in the back of the neck as you  
3 describe it is larger than the wound in  
4 the throat area?

5 MR. DYMOND:

6 We object to this. First of all, the  
7 Doctor testified that these are  
8 approximate measurements on wounds  
9 in the skin. Secondly, the doctor  
10 testified that he never saw the front  
11 bullet wound and consequently an  
12 answer on that would have to be based  
13 on measurements made by someone else,  
14 told to someone else, and then  
15 included in the report.

16 MR. OSER:

17 All the results, if The Court please, from  
18 two autopsy reports signed by this  
19 witness stating that -- I believe he  
20 said everything in here is true and  
21 correct when I asked him, then I  
22 asked him if he wished to change  
23 anything in here at the beginning of  
24 his testimony and he said no. I'm  
25 trying to ascertain what he told

1 Defense Counsel on direct examination.  
2 he stated this was an exit wound and  
3 I am trying to find out whether the  
4 hole in the back is larger than the  
5 front and whether or not it is com-  
6 patible with a wound from this type  
7 of bullet.

8 MR. DYMOND:

9 If The Court please, the Doctor testified  
10 what he based his conclusions on and  
11 further testified that he never did  
12 see the front wound in the neck and  
13 consequently the question is impos-  
14 sible of answer.

15 THE COURT:

16 He has testified he is familiar with the  
17 information received from Dr. Humes  
18 from the surgeons in Dallas, Texas  
19 and he knows it was in the report and  
20 that the information was communicated  
21 to him and he was aware of it. I  
22 understand that Mr. Oser's question  
23 is whether the entrance wound from  
24 the rear was larger than the exit  
25 wound, which was the information

1 given by the surgeon in Dallas,  
2 Texas.

3 MR. DYMOND:

4 Your Honor has consistently ruled through-  
5 out the trial that a witness cannot  
6 relate what someone else related to  
7 him.

8 THE COURT:

9 Ordinarily, I agree but it was advised to  
10 him and he was made cognizant of it  
11 when he signed the original report,  
12 when he signed the report he either  
13 knew that as a fact which was received  
14 it from Commander Humes who received  
15 it from Dallas. I will permit the  
16 question.

17 You are asking Dr. Finck if from  
18 the information he had whether or not  
19 the measurements of the alleged  
20 entrance wound as you wish to call  
21 it, alleged, is not larger than the  
22 information received from Dallas of  
23 the entrance wound in the front. I  
24 will permit you to ask it.

25 MR. DYMOND:

1 To which Counsel respectfully objects and  
2 reserves a Bill of Exception on the  
3 grounds this is hearsay evidence  
4 making the entire line of questioning,  
5 particularly this question, the  
6 answer to the question, the objection  
7 and ruling of the Court and the entire  
8 record parts of the bill.

9 MR. OSER:

10 Could I have the witness answer my ques-  
11 tion. Will you answer the question.

12 THE WITNESS:

13 Please repeat the question.

14 THE REPORTER:

15 Question: "Therefore, would you say,  
16 Colonel, that the wound in the back  
17 of the neck as you described it is  
18 larger than the wound in the throat  
19 area?"

20 MR. DYMOND:

21 Your Honor, that is not the question you  
22 stated you were ruling on. You said  
23 you were ruling on the question whether  
24 it was larger than the information  
25 indicated.

1 MR. OSER:

2 I will ask that question.

3 THE WITNESS:

4 Whether or not it was larger?

5 BY MR. OSER:

6 Q Than the information you received from the  
7 doctors in Dallas.

8 MR. DYMOND:

9 Object now on the ground that he didn't  
10 receive the information from the  
11 Doctor.

12 THE COURT:

13 I just ruled that he signed his name to  
14 the report and under that exception  
15 I will permit the question. Do you  
16 understand the question?

17 MR. OSER:

18 Let me ask you again, Doctor --

19 THE COURT:

20 No, because then I will have to be ruling  
21 on different things if you change the  
22 question each time.

23 MR. OSER:

24 Then I'll ask that the Court Reporter  
25 read the question I asked.

THE REPORTER:

1

Question: "Therefore, would you say, Colonel, that the wound in the back of the neck as you described it is larger than the wound in the throat area" -- then he added the second part of the question, Your Honor, which says, "than the information you received from the doctors in Dallas?"

THE WITNESS:

I don't know 'cause I measured the wound of entry whereas I had no way of measuring the wound of exit and the wound could have been slightly smaller, the same size, or slightly larger because all I have is somebody saying it was approximately 5 millimeters in diameter.

NO HIATUS HERE

1 THE COURT:

2 We have covered it well and you can go  
3 on to something else now, Mr. Oser.

4 BY MR. OSER:

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

7 A Approximately, all these measurements are  
8 approximately.

9 Q Why approximate, Colonel?

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

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

22 A Yes.

23 Q Does State 70 show the correct location of this  
24 measurement?

25 A The profile of the head showing the wound in the



back of the head and exit on the right side?

Q I am only now speaking of the wound marked "in," does that correctly indicate, where the word "in" is on the back of the head where the wound was.

A Again these drawings are approximate and the measurements are in relation to a bony prominence and from what I recall the wound was higher than the bony prominence, the external occipital protuberance, the wound was slightly higher in relation to a transversal line running through this prominent occipital protuberance.

Q Am I correct in saying that State Exhibit 70, the diagram, is not entirely correct in stating the letters "in"?

A It is a diagram showing --

MR. OSER:

I ask that the witness answer yes or no and then you can explain.

THE COURT:

You should answer.

BY MR. OSER:

Q Am I correct in saying -- I ask that the Re-

porter read it back.

(Whereupon, the question was read  
back by the Reporter.)

A Having seen the photographs I think that the  
wound was higher and therefore there is a  
difference between the drawing and the  
photograph.

BY MR. OSER:

Q Then the answer to my question is the photograph  
as it is drawn in State Exhibit 70 is not  
correct, is that correct?

A I would not say this drawing is incorrect.

Q Colonel, let me ask you: Is this hole right  
here where I am pointing to in the correct  
position as you saw it, right now on that  
diagram?

A We are looking at things only on one plane.

Q Yes or no, and then you can explain your answer.

A I can't compare this with the examination done  
from the back looking in the back of the  
head. We are looking at the side of the  
head here with the wound visible in the  
back, but we are not facing the back of  
the head.

Q Colonel, didn't you previously testify that that

1 exhibit was acquired to help you in the  
2 autopsy?

3 A Yes, it did. It was the only thing available  
4 to us, and for practical purposes this  
5 drawing, this drawing is adequate to show  
6 the approximate location of the wound in  
7 the head of the President.

8 Q It only shows approximately and doesn't show  
9 exactly, is that correct?

10 A It can't show it exactly. It is not a photo-  
11 graph. The word exactly is excessive.

12 MR. OSER:

13 I think the question calls for a yes or  
14 no answer, and then he can explain,  
15 Your Honor.

16 MR. DYMOND:

17 I submit the question is one that requires  
18 judgment of depth in a two-dimension  
19 sketch. There is nothing at all on  
20 this sketch which would permit a person  
21 to give an estimate of depth. That is  
22 the difference between the location of  
23 something laterally and from the back  
24 between this and an actual photograph.

25 THE COURT:

1 If I may suggest that Mr. Dymond used him-  
2 self for the witness to demonstrate  
3 on, for Dr. Finck to give the exact  
4 location of entrance and why don't you  
5 do it on you, Mr. Oser, and get it  
6 over with.

7 MR. OSER:

8 Your Honor, I think the State has a right  
9 to ascertain just how accurate these  
10 two exhibits were that were used by  
11 the Doctor in his testimony and this  
12 is what I am trying to do.

13 THE COURT:

14 You may proceed.

15 BY MR. OSER:

16 Q Doctor, --

17 THE COURT:

18 I am going to rule Mr. Dymond is correct.  
19 Rephrase the question. It does not  
20 show the three dimensions, but you can  
21 bring that out in the questioning if  
22 you care to do so.

23 NO HIATUS HERE.  
24  
25

1 BY MR.OSER: 1

2 Q Colonel, did you use those two exhibits in your  
3 testimony in front of the Warren Commis-  
4 sion?

5 A As I recall I used those exhibits in my  
6 testimony.

7 Q Did you use the descriptive sheet of the  
8 autopsy in your testimony before the Warren  
9 Commission?

10 A I don't remember using it.

11 Q Can you tell me, Colonel, whether or not on  
12 the Exhibit State-70, the area I am now  
13 pointing to which I believe is indicated  
14 by the letter "A," whether the location  
15 on this exhibit is in the same location as  
16 indicated in the head area as depicted in  
17 the autopsy descriptive sheet?

18 A Approximately, it is in the back of the head,  
19 approximately.

20 Q Approximately. All right. Now, referring to  
21 the same exhibit now pointing to an area  
22 in the neck of the sketch depicted on  
23 State-70, and I ask you whether or not  
24 the point I'm not pointing to is supposed  
25 to represent a bullet wound hole in this

particular picture?

A This represents a bullet wound in the back of the neck.

Q I ask you whether or not the location where this particular wound is indicated on this exhibit is in the same position as exhibited on the autopsy descriptive report prepared in the morgue or on the autopsy table?

A Approximately, yes. I would like to say that the wound on this exhibit -- What is the number of this one?

Q -68.

A The position of the wound of entry in Exhibit 68 was higher than shown on Exhibit 68.

Q Colonel, will you please step down from the witness stand and indicate on State Exhibit 68, the right-hand figure drawn there, would you please with this pen mark the area on that exhibit the hole as it is depicted in State Exhibit 69 and -70?

A I don't have here on this exhibit the acromion on the shoulder but what I can do is show an approximate location higher.

Q Do you have the acromion shown in State Exhibit

A The acromion is the bony prominence in the shoulder and I can't pinpoint this on this exhibit.

Q Well, then, from what you recall having seen, would you mark it on there?

A Approximately?

Q Yes.

A I would say that the wound was higher.

Q Now, Colonel, would you put your initials by that little mark and then you can resume your seat. Now, Colonel --

A Mr. Oser, may I?

Q Certainly.

A Expand on this?

Q Certainly.

A On page 2 of Exhibit S-67, the paragraph entitled "The Neck Wound," "The Location," that is what you are referring to?

Q I know what I am referring to, Colonel.

A States the drawing itself may be somewhat misleading as to the location making it appear at a point lower than it actually was.

Q Colonel, if the photographs were misleading

1 then why did you use them?

2 MR. DYMOND:

3 I object, Your Honor, he didn't say  
4 photographs.

5 THE COURT:

6 Let him finish the question and don't  
7 answer until he finishes the  
8 question. Finish your question then,  
9 Mr. Oser.

10 BY MR. OSER:

11 Q Then, Colonel, if the photograph that you have  
12 just testified to, read from your report  
13 and it stated it was misleading then why  
14 did you use that photograph in your testi-  
15 mony in front of the Warren Commission and  
16 here in court today?

17 MR. DYMOND:

18 If The Court please, we object on the  
19 ground that the Doctor did not testify  
20 he used photographs in his Warren  
21 Report testimony. Mr. Oser is refer-  
22 ring to photographs.

23 MR. OSER:

24 All right, Your Honor, the illustration  
25 as it appears in State-70.



C5/P5

169

THE WITNESS:

I could not use photographs in my  
testimony.

NO HIATUS HERE

1 BY MR. OSER:

2 Q That wasn't my question, Colonel. My question  
3 was: "If the exhibit or the drawing  
4 State 70, which I am pointing to right  
5 now, in your summary report says is mis-  
6 leading, why did you use this exhibit in  
7 testifying with it and about it in front  
8 of the Warren Commission and here in  
9 Court today?"

10 MR. DYMOND:

11 If the Court please, I object again, be-  
12 cause that is not the exhibit which  
13 the Doctor said is misleading in this  
14 report. Unless I am incorrect, the  
15 exhibit he states was misleading was  
16 State 68.

17 THE COURT:

18 Let's ask the Doctor which exhibit did  
19 you refer to as being misleading?

20 THE WITNESS:

21 Let me refer again to that Page 2 of  
22 State-67.

23 Photographs No. 11, 12, 38 and 39 verify  
24 the location of the wound as stated  
25 in the report. Warren Commission

Exhibit 397 includes a drawing which purports to show the approximate location of the wound and specifically notes it was five and a half inches from the tip of the mastoid process behind the right ear and the same thing 14 centimeters from the tip of the right acromion.

Photograph 12, 11, 38 and 39 concern the accuracy of the measurements. The drawing itself may be somewhat misleading as to the location of the wound. Now if I would know what that refers to because no one photograph shows the wound of the back of the neck and the wound of the throat.

Photographs 26 and 38 show the wound in the back of the neck higher from the horizontal plane than the wound in the throat. What is Exhibit 397? Is this Exhibit 397 of the Warren Report, is State-67?

BY MR. OSER:

Q 397, Colonel, is the handwritten --

A It includes a drawing in Volume 17, Page 45.

1 Q Yes, that is part of Exhibit 397, along with  
2 the written notes of Dr. Humes.

3 A May I see it?

4 Q Yes. Now, Colonel --

5 A Let me answer your question now.

6 THE COURT:

7 He wants to answer your question.

8 THE WITNESS:

9 So, Exhibit, Commission Exhibit 397 in-  
10 cluding the drawing which you just  
11 showed to me in Volume 17, Page 45  
12 is the drawing to which this discrepan-  
13 cy refers on Page 2 of State-67.

14 BY MR. OSER:

15 Q Can you tell me, Colonel, when you found out  
16 about this discrepancy in that drawing,  
17 the discrepancy you have so marked on this  
18 exhibit?

19 A At the time I was comparing this Exhibit 397,  
20 Volume 17, Page 45, with the photographs  
21 of the autopsy which I saw for the first  
22 time in January, 1967.

23 Q So then am I correct in stating, Colonel, that  
24 approximately in January, 1967 you dis-  
25 covered the discrepancies in this particu-

lar autopsy descriptive sheet, is that correct?

A We stated so in that statement issued on the 26th of January, 1967 and I can say that you can expect differences between schematic drawings which are made ahead of time and used as a work sheet and photographs.

Q Colonel, what do you mean by drawings made ahead of time, are you telling me the descriptive sheet was drawn before the autopsy of the President?

A Not the wounds but the contour of the body to mark the location, the autopsy work sheet. Many pathologists use these to record their findings, work sheets that may show the front and back, the head and other things.

Q Well, when was this writing put in here that I am now pointing to, was that put on at the time of the autopsy or before?

A Oh, definitely around the time of examination. From my recollection this was made between the two other prosectors and I participated in this by making some measurements which I recognize here.

1 Q Now, Colonel, I again, speaking about State 1  
2 Exhibit 70 and the hole I am now pointing  
3 to designated as "A" on this exhibit, can  
4 you tell me whether or not there were  
5 any other characteristics that you found  
6 other than the bevelling or coning effect  
7 that led you to believe or state that this  
8 was an entrance wound?

9  
10  
11  
12  
13 NO HIATUS HERE.  
14  
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1 A No, and I would like to explain that the  
2 beveling in bone is among the best factors  
3 to use in determining the direction of the  
4 bullet. Having seen beveling from inside  
5 in that wound in the back of the head in  
6 the bone I made a positive identification  
7 of a wound of entrance in the back of the  
8 head. This is firm.

9 Q Colonel, did you dissect the scalp area and  
10 submit a section to microscopic examina-  
11 tion?

12 A Again, I examined that wound.

13 Q Yes or no and then you can explain.

14 A I don't remember. I don't remember. The  
15 microscopic examination is not made at the  
16 time of the gross autopsy it is made some-  
17 time later from samples taken at the  
18 autopsy and I don't remember the details  
19 in that respect.

20 Q You don't recall having seen the results of  
21 any such tests?

22 A I remember reading microscopic descriptions  
23 by Dr. Humes and I believe it is in his  
24 supplemental autopsy report describing the  
25 microscopic sections taken from samples.

1 Q Does it appear in your official autopsy report  
2 signed by you in November 1963?

3 A I don't see a microscopic description in the  
4 autopsy report of 1963 from page 978  
5 through 983 of the Volume XVI.

6 Q As of this date, Colonel, in February 1969 can  
7 you tell us the results or any microscopic  
8 examinations of a cross-section of the  
9 wound in the scalp of the President of the  
10 United States?

11 A I have no further information beyond the  
12 description I read made by Dr. Humes.

13 Q Have you ever been to Dallas, Texas, more  
14 particularly Dealey Plaza to see the site  
15 of the assassination?

16 A I have not.

17 Q The description on State Exhibit 68 of the head  
18 wound indicated here says, correct me if I  
19 am wrong "Ragged 15 x 6 millimeters." Is  
20 that correct as you found them?

21 A For practical purposes to show the approximate  
22 -- yes, for practical purpose ragged means  
23 the edges were irregular and I testified  
24 this morning that when a bullet strikes  
25 soft tissue with underlying bone close to



1 it that bone offers a great resistance  
2 and the appearance of the edge of the  
3 wound, and I have seen this repeatedly  
4 in many cases, the appearances of the  
5 edge of the wound is different than when  
6 there is bone close to the skin or when  
7 there was a soft tissue beneath the skin,  
8 and that explains the differences of the  
9 characteristics of those two wounds.

10 One, the wound in the neck, no imme-  
11 diate underlying bone and with very  
12 irregular edges and the other in the back  
13 of the head with the skull under the scalp  
14 and offering immediate resistance to the  
15 projectile.

16 Q Colonel, can you give me the angle of entrance  
17 of this particular wound on a horizontal  
18 plane downward?

19 A The angle of -- of the wound in the head?

20 Q Yes, sir.

21 A In the head. Again, this is difficult to  
22 determine because the wound of exit is  
23 very large and the best we could do is to  
24 take the approximate center of this very  
25 irregular wound and draw a line between

1 this approximate center and the smaller  
2 wound of entry in the back of the head  
3 and draw a general direction. The --

4 Q What was the angle you calculated, if you  
5 calculated one?

6 A Again I have that figure "within 45 degrees,"  
7 an approximate measure, but the degree of  
8 45 degrees I remember is better to quote  
9 for the neck wound than for the head wound  
10 for the reasons I mentioned. The head  
11 wound was so large, the exit, it is  
12 difficult, extremely difficult to give  
13 an angle for this.

14 Q Colonel, could you tell me, using myself as  
15 an example, approximately what the loca-  
16 tion in my head would be 100 millimeters  
17 above my external occipital protuberance?

18 A 100 millimeters is approximately 4 inches.  
19 This is the external occipital protuberance.  
20 My finger is approximately 4 inches and  
21 at a place here which is approximately  
22 the location here.

23 Q About right here, Colonel, 'cause I can't  
24 see you.

25 A Approximately here, Mr. Oser.

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

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

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

16 A On Page 11 of this Panel Review of 1968, which  
17 I read for the first time in 1969, I read:  
18 "One of the lateral films of the skull" -- and  
19 this refers to a general section heading  
20 you will find on "Examination of X-ray  
21 Films" on Page 9, as I read this, I inter-  
22 pret this statement of Page 11 as a measure-  
23 ment based on X-ray films. So there was a  
24 difference between measurements made on  
25 X-ray films and photographs or photograph

1                   and the actual measurements on the  
2                   cadaver.

3       Q       Do you disagree with the fact that these  
4                   four doctors are qualified in the field  
5                   of pathology?

6       A       They are definitely, three of them, three of  
7                   them are qualified pathologists, and the  
8                   fourth doctor is a radiologist.

9       Q       Radiology is in what field of medicine?

10      A       Radiology is the study of X-rays for diagnostic  
11                   reasons or for the reasons of treating  
12                   with radiation.

13      Q       Would you say, Colonel, that a radiologist is  
14                   the best qualified person in the field of  
15                   medicine to read an X-ray?

16      A       Yes.

17      Q       Did you find in reading that report any mention  
18                   by these four gentlemen, or these four  
19                   doctors, of any hole in the President's  
20                   head being one inch slightly above the  
21                   occipital protuberance bone?

22      A       I do not find the measurement as one inch to  
23                   the right of the external occipital  
24                   protuberance in this State-72.

25      Q       Colonel, could you step down, and using State

1 Exhibit 70, show me the approximate  
2 location in correlation to the size of  
3 the diagram, or the illustration, where  
4 100 millimeters would be above the  
5 occipital protuberance bone.

6 A On which one?

7 Q I will repeat my question. Using State Exhibit  
8 70, Colonel, would you show me the approxi-  
9 mate location of 100 millimeters above the  
10 occipital protuberance bone in relation to  
11 the size of this particular illustration  
12 as it appears in this exhibit.

13 MR. DYMOND:

14 If the Court please, this exhibit does not  
15 purport to be a scale exhibit and as  
16 I said before, it is not a three-  
17 dimensional photograph. I doubt if  
18 the Doctor could locate this bone,  
19 and if he could, any estimate of dis-  
20 tance would be useless because it does  
21 not purport to be to scale.

22 MR. OSER:

23 If the Court please, the Doctor used this  
24 exhibit saying this is the approximate  
25 location he found, and I am now asking

1 him the approximate location that  
2 four doctors examining X-rays said  
3 it was 100 millimeters above the  
4 occipital protuberance bone, and I  
5 think he can tell the approximate lo-  
6 cation of that.

7 THE COURT:

8 Mr. Dymond's objection is that it is not  
9 a picture of the rear of the base of  
10 the skull, and for that one reason  
11 Mr. Dymond doesn't see how the witness  
12 could put it any relation with respect  
13 to the rear of the skull and moving  
14 laterally across the skull.

15 MR. DYMOND:

16 He has already done this on Mr. Oser's  
17 head, which is three dimensional.

18 MR. OSER:

19 Still and all he used this exhibit showing  
20 at least a portion of the back of the  
21 skull and a line going over the top  
22 of the skull which would indicate at  
23 least to me the approximate mid-part  
24 of the head, and I fail to see why  
25 the Colonel cannot indicate the

1 approximate location 100 millimeters  
2 above the occipital protuberance bone.  
3 I know it is not drawn to scale, but  
4 I am only asking him for the approxi-  
5 mate location.

6 THE COURT:

7 Could he not do it better in the figure in  
8 your autopsy sheet there?

9 MR. OSER:

10 But, Your Honor, that may well be, but since  
11 the Doctor has used this exhibit and  
12 said this is where he found a hole,  
13 I think the State has a right also to  
14 show as a result of the testimony  
15 where approximately 100 millimeters  
16 was.

17 THE COURT:

18 You understand the question?

19 THE WITNESS:

20 Yes, I do, but I can't see how I can be  
21 asked to place a wound that was mea-  
22 sured on X-rays, I don't understand  
23 how I can be asked to put on a illustra-  
24 tive drawing showing the location of the  
25 wound as we approximately saw it and

not based on measurements on X-rays.

18

Those 100 millimeters --

BY MR. OSER:

Q Tell me how did the illustrator do it if he didn't have the X-rays and photographs?

A He did not.

Q Then how did he do it?

A Because he was told by Dr. Humes about the approximate location of that wound in the back of the head on the right side and approximately one inch from the external occipital protuberance and slightly above it.

Q He was told by Commander Humes that?

A To my knowledge the illustrator making those drawings made them according to the data provided by Dr. Humes.

Q Let me ask you this then, Colonel: Am I correct in stating that you said that the area I am pointing to right now is the approximate location where four inches above my protuberance bone is?

A On your head I agree but the measurement of 100 millimeters was made on an X-ray and that is why I am reluctant to say.



1 Q Made by a radiologist, one was a member of the  
2 American Board of Radiology?

3 A I don't know that. That report is signed by  
4 four people, there were four to sign it.

5 Q Didn't you say one was a radiologist?

6 A To my knowledge.

7 Q And a radiologist deals in X-rays?

8 A A radiologist deals with X-rays and the inter-  
9 pretation of them.

10 MR. OSER:

11 Again I call for the witness to put the  
12 approximate location because there  
13 has been testimony on direct examina-  
14 tion as well as cross-examination, and  
15 because the Defense introduced a  
16 picture of Exhibit 388 in Defense  
17 Exhibit 67 and I think the State has a  
18 right to use this for further witnesses  
19 and further cross-examination of the  
20 Doctor. I call for this location.

21 MR. DYMOND:

22 The Doctor has said that he can't do it.

23 THE COURT:

24 He already testified that the or that there  
25 is somewhat of a difference between

locations on there and in X-rays and

I am not going to force him to do it.

MR. OSER:

Then I ask that he mark it on State-68.

THE COURT:

If he can do it.

MR. OSER:

Four inches above the external occipital  
protuberance on the descriptive sheet,  
State-68, and I, this is the Autopsy  
Descriptive Sheet, and I presume you  
have used it before for autopsies and  
I ask that it be so marked there.

THE COURT:

If the Doctor can do it.

THE WITNESS:

I don't think I can put a wound on a  
drawing whereas the distance of that  
wound on an X-ray was given as 100  
millimeters I can't do that on some-  
thing that is different.

MR. OSER:

Your Honor, may I ask the witness --

THE COURT:

Let's see if I can clarify it.

1 Dr. Finck, on the drawing of  
2 the rear of a human being, male, can  
3 you place with some kind of a pen or  
4 what have you the correction, if one  
5 was made, as a result of the four-man  
6 panel, as to what you all originally  
7 determined. If you can do it and if  
8 you can't, you can't do it.

9 MR. DYMOND:

10 If The Court please, may I submit the  
11 Doctor is trying to explain that the  
12 distances --

13 MR. OSER:

14 I don't want Mr. Dymond to testify.

15 MR. DYMOND:

16 This is in support of my objection.

17 THE COURT:

18 I will listen.

19 MR. DYMOND:

20 That the distances on an X-ray measurement  
21 is not compatible at all with the  
22 distances on this drawing and would  
23 be impossible to transpose.

24 THE COURT:

25 I will accept that. Take the witness

stand.

BY MR. OSER:

Q Doctor, you are familiar with an autopsy descriptive sheet, have you seen something similar to this before and have you ever used something like this before in an autopsy?

A It is quite common to use worksheets in autopsies.

Q I ask you again, that wasn't my question, have you used them before?

A I have used worksheets in autopsies.

Q And you are telling The Court that you can't mark 100 millimeters above the occipital protuberance bone on that descriptive sheet that you have used before?

MR. DYMOND:

If The Court please, it is repetitious.

Your Honor has ruled on the question.

THE COURT:

I will let the Doctor answer one more time. The question is -- Please read it, Mr. Reporter.

THE REPORTER:

Question: "And you are telling The Court

1 that you can't mark 100 millimeters  
2 above the occipital protuberance  
3 bone on that descriptive sheet that  
4 you say you have used before?"

5 MR. OSER:

6 What is your answer?

7 THE WITNESS:

8 I could place a wound higher on that  
9 drawing but again I don't understand  
10 why I am asked to do that.

11 MR. OSER:

12 I don't think it is for the witness to  
13 determine that.

14 MR. WEGMANN:

15 Let the witness answer.

16  
17  
18 NO HIATUS HERE.  
19  
20  
21  
22  
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24  
25

1 THE COURT:

2 If you say you can place it, I suggest  
3 you leave the witness stand, step  
4 down and go place it.

5 THE WITNESS:

6 That would not be placed on X-rays, that  
7 would be a wound higher and approxi-  
8 mately in this location.

9 MR. OSER:

10 These are approximate and we can cover  
11 the matter.

12 BY MR. OSER:

13 Q Initial that, please. Thank you, Doctor.

14 THE WITNESS:

15 Your Honor, at this time I would like to  
16 make a comment for the record.

17 THE COURT:

18 No, sir, you are not running the show.

19 You either answer the question and  
20 give an explanation and don't comment.

21 MR. DYMOND:

22 May we see whether this comment is in the  
23 form of an explanation of his answer,  
24 Your Honor.

25 THE COURT:

1 Is the statement that you wish to make  
2 in further explanation of your  
3 answer to this question?

4 THE WITNESS:

5 Definitely.

6 THE COURT:

7 You may do so.

8 THE WITNESS:

9 The mark I have made --

10 THE COURT:

11 You can't volunteer information just be-  
12 cause you wish to tell us about it.  
13 You can only give us answers to a  
14 question and then an explanation.  
15 There is a difference from what you  
16 want to volunteer and what you want  
17 to explain. If you want to explain  
18 you may do it but you can't volunteer  
19 a comment and that is the legal  
20 situation of the Court. If this is in  
21 further explanation, then I will per-  
22 mit it.

23 THE WITNESS:

24 The mark I just made on -- what is the  
25 exhibit number?

1 MR. OSER:

2 68.

3 THE WITNESS:

4 On Exhibit 68 does not correspond to

5 the wound I have seen at the time  
6 of the autopsy. The wound as seen  
7 at the time of the autopsy was not as  
8 high as that. I did so because re-  
9 peatedly I am asked to show on this  
10 drawing what would the position be of  
11 a wound approximately four inches or  
12 100 millimeters above the external  
13 occipital protuberance, but I don't  
14 endorse the 100 millimeters for this  
15 drawing. Again the measurement was  
16 made on X-rays. I was more or less  
17 forced to put that on this exhibit.

18 MR. OSER:

19 I want the record to reflect the witness  
20 was not forced.

21 THE WITNESS:

22 I was asked to show on this drawing a wound  
23 four inches from the external occipital  
24 protuberance.

25 THE COURT:



Let's go on to another area.

BY MR. OSER:

Q 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,

1 which was a protective fixative used in  
2 pathology, it preserves specimens, and I  
3 did not make sections of the left side,  
4 to my recollection.

5 Q Colonel, you testified on direct that in your  
6 opinion the bullet entered the President's  
7 head from above and behind and there is an  
8 arrow indicating the proposed direction  
9 on this diagram into the left side of  
10 the President's head and you are telling  
11 me now that you didn't examine the left  
12 side of the brain?

13 MR. DYMOND:

14 There is no evidence of that in the record.

15 MR. OSER:

16 Then I withdraw the question.

17  
18 NO HIATUS HERE.  
19  
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21  
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25

1 BY MR. OSER:

2 Q What does the arrow indicate?

3 A I don't know what the arrow means on this  
4 exhibit.

5 Q Let me ask you this: If an individual, Colonel  
6 on a hypothetical question, is shot from  
7 above and to his right at some distance  
8 over 100 feet by a high speed rifle  
9 projectile traveling at approximately  
10 2175 feet per second, carrying an energy  
11 load of approximately 1676 foot pounds,  
12 and this projectile enters this individual  
13 in the back of his head, coming in from  
14 the right and above, I ask you whether or  
15 not you deem it feasible to examine the left  
16 side of the brain area in this particular  
17 individual?

18 A Yes, it would be but again the brain was  
19 removed and preserved for further section-  
20 ing and as far as the exit is concerned  
21 it is the examination of the scalp and  
22 bone which shows the lesions of the out  
23 wound or the exit wound. The brain is a  
24 structure which is different from that  
25 and I know the brain contained many

1 fragments.

2 Q How many did the left side of the brain con-

3 tain?

4 A What is your question?

5 Q How many fragments were there in the left side

6 of the brain or did the left side of the

7 brain contain?

8 A I don't remember the locations of these

9 metallic fragments.

10 Q Why?

11 A Right now I don't remember.

12 Q I thought you said, Colonel, you didn't

13 section the brain.

14 A We took X-rays of this brain, far as I remember

15 someone did, to determine the presence of

16 metallic fragments after it was removed,

17 as I can remember, but I don't recall

18 making sections of that brain. I believe

19 Dr. Humes did section that brain.

20 Q As of this date in February, February 24, 1969,

21 can you tell me the results of that

22 sectioning of the left side of the brain?

23 A No.

24 Q Can you tell me what the rectangular structure

25 measuring approximately 13 x 20 millimeters

1 as found by the four panelists in the  
2 brain of the President could be?

3 A I don't know what it means.

4 Q How long is 13 x 20 millimeters?

5 A 1 inch is 25 millimeters so 13 millimeters is  
6 smaller than 1 inch and 20 millimeters is  
7 almost 1 inch but not quite 1 inch  
8 because 1 inch is 25 millimeters just  
9 about.

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

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

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

23 A At this time I can't interpret this. There are  
24 numerous bone fragments produced by this  
25 explosive force in the head leading to

1 many bone fragments and I can't positively 19:  
2 identify this structure you are referring  
3 to.

4 Q Did you find any bone fragments this size?

5 A Where?

6 Q In the brain.

7 A I don't recall.

8 Q Did you mention this 13 x 20 millimeters or  
9 1/2 inch by 3/4 inch rectangular object  
10 in the brain of the President in your  
11 report of January 1967?

12 A I don't think I did.

13 Q Did you mention this 3/4 x 1/2 inch object  
14 in the President's brain in your autopsy  
15 report of November 24, 1963?

16 A No, but we would have to refer to the supple-  
17 mental report which I don't have with me  
18 involving the brain descriptions by  
19 Dr. Humes. In the report of November '63  
20 I don't remember a fragment from the  
21 brain for the very good reason that as I  
22 remember on Sunday the 24th of November,  
23 1963 the brain was still being preserved,  
24 fixed, as I say in formalin. To the  
25 best of my recollection it was not

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.

Q Am I correct, Colonel, did I hear your answer that it was "no" and then you explained it?

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

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

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

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

A I don't remember.

Q If you had would you remember?

NO HIATUS HERE



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

1 377 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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A I don't have this supplemental report with  
me now.

NO HIATUS HERE.

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

13/P2

208

1 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



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

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

Q Have you ever seen such a pellet?

A Bullet?

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

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

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

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

an absolute necessity.

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

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

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

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

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

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

Q Colonel, are you familiar with how much weight

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

1 MR. OSER:

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

5 THE COURT:

6 You may proceed.

7 BY MR. OSER:

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

13 MR. DYMCND:

14 We object on the ground that we are get-  
15 ting outside the field of expertise  
16 of pathology and into the field of  
17 ballistics.

18 THE COURT:

19 Did you weigh it yourself, Doctor?

20 THE WITNESS:

21 No, sir.

22 THE COURT:

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

25 THE WITNESS:

Sir, I know the weight from reports.

BY MR. OSER:

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

MR. DYMOND:

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

THE COURT:

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

BY MR. OSER:

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

A I am, I am.

Q Are you familiar with the resume made in this particular report that traces of metal were found in the throat area from reviewing, from viewing autopsy X-rays of 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

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:



No, Your Honor.

THE COURT:

Well, then, rephrase the question.

NO HIATUS HERE

1 BY MR. OSER:

2 Q The sixth floor being 60 feet above ground  
3 level, and that this bullet, Mr. Dymond,  
4 struck the man in the back at approxi-  
5 mately five and three-eighth inches  
6 below the top of his collar and one  
7 and three-quarter inches to the right  
8 of the center seam, exited from his  
9 throat in the necktie area of this indi-  
10 vidual, then struck an individual in  
11 front of him seated in a car, entering  
12 the second individual in the back near  
13 the right armpit, going through his  
14 chest, fracturing the fifth rib, exiting  
15 from below the second individual's right  
16 nipple, past his right forearm, causing  
17 multiple fractures of the wristbone,  
18 leaving numerous fragments and then  
19 entering his left thigh --

20 MR. DYMOND:

21 I hate to interrupt Counsel in the  
22 middle of his question. It is  
23 axiomatic. A hypothetical ques-  
24 tion must stay within the bounds  
25 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:

MR. OSER:

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

MR. DYMOND:

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

THE COURT:

What is that? I could not hear.

MR. DYMOND:

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

THE COURT:

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

2 today and that is why I overrule  
3 your objection.

4 MR. DYMOND:

5 To which ruling of The Court Counsel  
6 respectfully objects and reserves a  
7 Bill of Exception making a part  
8 thereof the question, the answer,  
9 the entire testimony of this witness,  
10 the objection, together with the  
11 reasons, together with The Court's  
12 ruling and the entire record parts  
13 of the bill.

14 THE WITNESS:

15 Would you reread it please?

16 BY MR. OSER:

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

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



1 so testify, Colonel?

2 THE WITNESS:

3 I would like to --

4 MR. OSER:

5 Answer yes or no.

6 THE WITNESS:

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

9 THE COURT:

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

16 BY MR. OSER:

17 Q Did you or did you not?

18 A Read it back.

19 THE REPORTER:

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

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

THE WITNESS:

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

THE COURT:

Certainly.

THE WITNESS:

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

THE COURT:

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

THE WITNESS:

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

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

and he said, "No, it did not."

Then I asked him in regard to this particular question whether or not he answered a question of Mr.

Specter regarding 399 not involving the head at all, whether or not 399 could have done the injuries and type of damage it did in Governor Connally's wrist, and the Colonel answered that question. In fact, this is the second time the Colonel has answered it.

THE COURT:

He answered that this morning.

MR. DYMOND:

Have you finished, Mr. Oser?

MR. OSER:

Yes.

MR. DYMOND:

Now the Jury is out of the Courtroom and now let me read to Your Honor the preceding testimony.

Mr. Specter: "And could that bullet possibly have gone through President 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

1 recess the trial until tomorrow  
2 morning.

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

7  
8  
9  
10 . . . . Thereupon, at 5:40 o'clock p.m.,  
11 the proceedings herein were adjourned  
12 until Tuesday, February 25, 1969 . . . .  
13  
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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

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

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w1/n 1

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.**  
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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.		2	13	27

E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>RECEIVED</u>
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NONE

W1/N2

2

THE COURT:

Bring the Jury down.

I trust you Gentlemen had a good night.

For the record, Mr. Court Reporter, all  
Counsel are present, the Defendant  
is present, and I am reminding the  
witness that his previous oath is  
still binding.

You may proceed, Mr. Oser.

PIERRE A. FINCK, M.D.,

having been sworn and having testified previously,  
resumed the stand for a continuation of the

CROSS-EXAMINATION

BY MR. OSER:

Q Colonel, I direct your attention to Page 4 of  
your autopsy report of November, 1963,  
and to the fourth paragraph which states,  
"The complexity of these fractures and  
the fragments thus produced tax satis-  
factory verbal description and are better  
appreciated in photographs and roentgeno-  
grams which are prepared." Now, Colonel,  
can you tell me and tell the Court how  
you refer in your autopsy report that the  
fractures and the fragments are better

W1/N3

3

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

4 MR. DYMOND:

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

10 THE COURT:

11 You are coming to the aid of a witness  
12 unsolicited.

13 MR. DYMOND:

14 You cannot compare something to nothing,  
15 Your Honor.

16 THE COURT:

17 Do you understand the question?

18 THE WITNESS:

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

W1/N4

4

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

9 BY MR. OSER:

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

13 A This is correct.

14 Q Also in your autopsy report on the same page,  
15 Page 4, I direct your attention to the  
16 last paragraph, the last paragraph under  
17 "2," where you said in your report, "The  
18 second wound presumably of entry," and  
19 now you state in Court that you are positive  
20 it was of entry.

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

23 Q Admiral Galloway?

24 A Yes.

25 Q Told you to put that word "presumably"?



W1/N5

- 1 A 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?

W1/N6

6

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?

W1/N7

7

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

W1/N8

8

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

W1/N9

9  
1 had been alleged, were you aware of that?

2 MR. DYMOND:

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

7 MR. OSER:

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

12 THE COURT:

13 Break the question down.

14 MR. DYMOND:

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

17 THE COURT:

18 I am going to rule it out.

19 MR. OSER:

20 We have had a lot of hearsay.

21 THE COURT:

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

1/N10

10

you either did or you didn't.

THE WITNESS:

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

BY MR. OSER:

Q Do you have any notes in regard to the recon-  
struction 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 ob-  
jection, the ruling of the Court,  
parts of the bill.

W1/N11

11

1 BY MR. OSER:

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

4 THE COURT:

5 Yes, answer the question.

6 THE WITNESS:

7 As I remember, I found out about these  
8 reconstructions and tests when I read  
9 the Warren Report when it was pub-  
10 lished in September, 1964, to the  
11 best of my recollection.

12 BY MR. OSER:

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

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

25 Q And did you have an occasion to read over the

W1/N12

1                   final draft, the one that you signed,  
2                   Colonel?

3     A     I did.

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

7     A     Essentially I do.

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

14           MR. DYMOND:

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

18           THE COURT:

19                   We had a lot of spelling yesterday in the  
20                   record.

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

23           THE WITNESS:

24                   There should be an "a."

25           THE COURT:



W1/N13

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-

1/N14

1 age of giving visual results of what you  
2 see after the wounds are no longer availa-  
3 ble and the body is no longer available.  
4 These things supplement each other and as  
5 a rule in the autopsy report there are  
6 gross descriptions supplemented by photo-  
7 graphs, but not always, you will not have  
8 photographs in all autopsy reports.

9 Q Doctor, from the standpoint of gathering the  
10 necessary information for the purpose of  
11 your arriving at a conclusion in connec-  
12 tion with a death, which is more important  
13 to the doctor who is gathering that in-  
14 formation, seeing photographs of the  
15 cadaver or seeing the cadaver itself?

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

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

22 A We did.

23 NO HIATUS HERE.  
24  
25

W2/P1

Q When were these X-rays taken and when were they made available to you?

A When I arrived at the hospital at approximately 8:00 o'clock at night on the 22nd of November, 1963 X-rays of the head had been taken prior to my arrival, and Dr. Humes had told me so over the phone when he called me at home, asking me to come over. After I found the wound of entry in the back of the neck, no corresponding exit, I requested a whole body X-ray, the purpose of having whole body X-rays of an autopsy is to be sure there is no -- in a case like that, no bullet in some part of the body that would remain there, leave with the body and nobody would know that it was there, that is the reason for X-rays, because X-rays will reveal the presence of a bullet, the presence that no operation or autopsy, as complete as it may be, may definitely reveal, was my reason for those body X-rays.

Q Did you get the whole body X-rays?

A I requested them, and we waited, I would say,

W2/P2

16

an hour or more for these whole body X-rays, and they were interpreted by a radiologist of the Bethesda Hospital who had reviewed those, so the X-rays of the head showing numerous fragments, but he stated that there was no entire bullet remaining in the cadaver, there were fragments, metallic fragments in the head, but there was no bullet in that cadaver.

Q Was all this before you wrote your autopsy report?

A Yes.

Q Referring to "Exhibit S-69 and S-70," which appear on the Board over there and which are blow-ups of smaller exhibits of the same nature which the Defense has exhibited and offered into evidence, do the sketches purport to be scale drawings?

A No.

Q Now, under whose supervision were the sketches made?

A Under the supervision of Dr. Humes.

Q Was he one of the doctors who joined with you in performing the autopsy and signing the autopsy report?

W2/P3

17

1 A It was the Pathologist in charge of the  
2 autopsy.

3 Q Now, when you say they were drawn at his direc-  
4 tion, what part did Dr. Humes play in  
5 this, if you know?

6 A As far as I know, Dr. Humes gave the results  
7 of our observations at the time of the  
8 autopsy to a Navy enlisted man who made  
9 the drawings in the preparation of our  
10 testimony before the Warren Commission in  
11 March of 1964.

12 Q Now, Doctor, you have testified with reference  
13 to S-69 that you did not dissect the track  
14 of that bullet through the President's  
15 neck. Is that correct?

16 A That is correct.

17 Q Why did you not dissect it, was it necessary or  
18 not?

19 A Well, this creates a great deal of mutilation  
20 to dissect, and we limited our examination  
21 in that respect, not to create unnecessary  
22 mutilation of the cadaver. I was satisfied  
23 with the aspect of the wound of entry in  
24 the back of the neck, a bruise in the upper  
25 part of the lung and the lining of the

w2/P4

18

1 chest cavity which is called the pleura,  
2 and I did not do any extensive dissection  
3 along the bullet path.

4 Q Was this mutilation of the remains of  
5 President Kennedy necessary in order for  
6 you to gather enough information as to  
7 satisfy yourself as an expert as to the  
8 path of that bullet?

9 A I did not consider dissection at that time.

10 Q I say was it, was dissection necessary in order  
11 for you to get enough information to  
12 satisfy yourself as to the path of the  
13 bullet?

14 A I don't know what it would have shown. I can't  
15 say it was necessary.

16 Q You cannot say it was necessary, you say?

17 A I don't know.

18 Q Well, did you form a firm opinion as to the  
19 path of the bullet which you say entered  
20 the President's back?

21 A Oh, yes.

22 Q How did you form that opinion?

23 A There was a wound with regular edges, they were  
24 inverted, and they had the characteristics  
25 of a wound of entry.

W2/P5

19

Q Is that a firm opinion?

A It is a firm opinion that the wound in the back of the neck was a wound of entry, without a dissection.

Q Now, Doctor, did you ever have occasion to perform any examinations of the wounds of Governor Connally of Texas?

A No, I never met Governor Connally.

Q Now, yesterday under cross-examination you were asked whether you had not testified before the Warren Commission that "Commission Exhibit No. 339" which has been marked for identification "State-64" could not have gone through the wrist of Governor Connally. Is that what you testified to, and, if not, I wish you would explain what you did testify to in that connection.

A I testified before the Warren Commission that this bullet, "Commission Exhibit No. 399," or S-64 did not disintegrate and there were too many fragments in the wrist of Governor Connally to be compatible with an injury caused by such a bullet. As I remember, I made that statement because I was referring to metallic

W2/P6

1 fragments to the best of my recollection, 2  
2 a word which I don't see in my testimony  
3 before the Warren Commission. I don't  
4 think that such a bullet having lost such  
5 little weight could cause a wound in the  
6 wrist in which many metallic fragments are  
7 seen.

8 Q Did you have occasion to examine X-rays of  
9 Dr. Connally's wrist or not?

10 A I don't remember, sir.

11 MR. OSER:

12 I think it is Governor Connally.

13 MR. DYMOND:

14 Governor Connally, that's right.

15 THE WITNESS:

16 I may have had the reports at the time of  
17 our testimony before the Warren  
18 Commission regarding the injuries of  
19 Governor Connally, but I don't recall  
20 seeing X-rays or photographs of  
21 Governor Connally.

22 BY MR. DYMOND:

23 Q Now, Doctor, you testified yesterday on  
24 Cross-Examination that under certain con-  
25 ditions the wound of entrance in a fleshy



W2/P7

1 area can be larger than the wound of  
2 exit. Is that correct?

3 A It could be.

4 Q Does the same apply to a skull wound or a  
5 projectile going through the skull under  
6 those circumstances, can the wound of  
7 exit be smaller than the wound of  
8 entrance?

9 A Most of the time when the bullet goes through  
10 bone, in and out, in a through-and-through  
11 wound, the wound of exit is larger than  
12 the wound of entry, the reason being that  
13 the bullet often disintegrates, creates  
14 fragments, producing a larger wound.

15 Q Now, Doctor, when an individual is hit in a  
16 fleshy area, that is an area not backed up  
17 by bone, and is hit by a high velocity  
18 bullet, is it possible for there to be  
19 some stretching of the skin in connection  
20 with the penetration and a retraction of  
21 the skin after the penetration?

22 A Definitely. Very often the skin retracts after  
23 the passage of the bullet to some extent.  
24 The skin is more elastic, the tissue, then  
25 bone, it is a very common finding to find

W2/P8

1 some retraction of skin after the passage 22  
2 of a bullet, the position of the bullet  
3 in relation to the target will have an  
4 influence on the shape of the wound, of  
5 course.

6 Q Now, Doctor, referring to State Exhibit-68,  
7 and more particularly the sketch on the  
8 lower portion of this, and the red dot  
9 which you placed on the right-hand figure  
10 of that sketch, does that purport to  
11 represent accurately the location of the  
12 back head wound as described in the  
13 reviewing pathological report of 1968?

14 A It does not, and let me explain this. I was  
15 asked yesterday by Mr. Oser to place a  
16 wound 4 inches or 100 millimeters,  
17 approximately, above the external occi-  
18 pital protuberance. The reason for doing  
19 so was that in the 1968 panel, P-A-N-E-L,  
20 in the chapter entitled "X-rays," this  
21 is S-72 on page 11, you will find this  
22 figure of 100 millimeters above the  
23 external occipital protuberance, but in  
24 the first line of that paragraph you see  
25 the word "films" on one of the lateral

W2/P9

23

1 films of the skull, a hole measuring  
2 approximately 8 millimeters in diameter  
3 on the outer surface of the skull and as  
4 much as 20 millimeters on the external  
5 surface can be seen in profile approxi-  
6 mately 100 millimeters above the  
7 external occipital protuberance, so this  
8 measurement of 100 millimeters or 4 inches  
9 refers to a measurement made on X-ray  
10 film and not on the photographs or skull  
11 itself. I saw that wound of entry in the  
12 back of the head at approximately 1 inch  
13 or 25 millimeters to the right and slightly  
14 above the external occipital protuberance,  
15 and it was definitely not 4 inches or 100  
16 millimeters above it, so I was asked to  
17 put on the drawing a measurement coming  
18 from the X-ray measurement.

19 Q Now, Doctor, when you take an X-ray picture of  
20 an individual or individual's head, does  
21 the size of that X-ray picture coincide  
22 exactly with the size of the individual's  
23 head?

24 A It does not. There is a distortion, there is a  
25 change in size related to the distance

W2/P10

24

between the X-ray tube and the film.

There are many technical factors that the X-ray film you see does not give a scale reproduction of the subject.

Q Now, Doctor, the measurement that you have related as to the location of the wounds on President Kennedy, did you take those measurements from the actual cadaver itself?

A I did.

Q Do the locations of the wounds as pointed out yesterday by you on the back of Mr. Wegmann's shirt by a pen mark and on the back of my head with a finger coincide with the measurements that you actually took from the cadaver?

A Yes.

Q Now, Doctor, referring again to this blow-up, "Commission Exhibit 385," which is "State Exhibit-69," with respect to the angle of the wound in the President's neck, would that angle be affected by his leaning either forward or backward at the time he was hit?

A To some extent, yes.

W2/P11

1 Q Referring to State Exhibit No. 60, State  
2 Exhibit No. 70 which is a blow-up of  
3 Commission Exhibit 388, with the direction  
4 of the President's head, that is whether  
5 it were turned to one side or the other,  
6 or straight ahead, affect the angle of  
7 entrance of the bullet which went into  
8 the back of his head, I mean the angle  
9 through the head of that bullet?

10 A Yes, it would, to some extent.

11 Q Now, Doctor, you testified that you did not  
12 conduct an examination of the left half  
13 of the brain of President Kennedy. Is  
14 that correct?

15 A At the time, when we signed the autopsy report  
16 the brain was still preserved in formula,  
17 which is a hardener, for future studies.  
18 The brain was examined after the autopsy  
19 report was signed and you will find this  
20 examination in the supplementary autopsy  
21 report signed by Dr. Humes.

22 Q Did Dr. Humes ultimately render a supplementary  
23 report covering the President's brain?

24 A He did, and you will find it on page 987 of  
25 Volume XVI of the hearings before the

W2/P12

26

1 President's Commission on the Assassina-  
2 tion of President Kennedy, it is  
3 Commission Exhibit No. 391, this report  
4 was forward on 6 December, 1963, by  
5 Dr. Stover.

6 Q Now, Doctor, what was the purpose of the  
7 autopsy which you and Dr. Humes and  
8 Dr. Boswell conducted?

9 A The purpose of the autopsy was to determine the  
10 nature of the wounds and the cause of  
11 death. When we signed the autopsy report  
12 we were satisfied with the nature of the  
13 wounds, the direction, and the cause of  
14 death. This was the purpose of the  
15 autopsy, and in my opinion this autopsy  
16 report fulfills this mission.

17 Q Now, Doctor, as a result of having performed an  
18 autopsy, to what firm opinions did you  
19 arrive?

20 A At the time we signed the autopsy report --

21 Q That is correct.

22 A -- I had the firm opinion that there was a  
23 wound of entry in the back of the neck,  
24 a wound of exit in the front of the neck,  
25 which had been included in a tracheotomy

W2/P13

27

1 incision, a wound of entry in the back  
2 of the head and a wound of exit on the  
3 right side of the head. The head wound  
4 was the fatal wound, we had the cause of  
5 death.

6 Q As of this date, Doctor, have you gotten any  
7 information which has caused you to change  
8 those firm opinions?

9 A No.

10 MR. DYMOND:

11 We tender the witness.

12 RE-CROSS-EXAMINATION

13 BY MR. OSER:

14 Q Colonel, in referring to State Exhibit-68,  
15 the autopsy descriptive sheet, can you tell  
16 me whether or not the mark placed on the  
17 rear portion or the rear diagram of a body  
18 which is indicated with the arrow and  
19 marked ragged, slanting 15 x 6 millimeter,  
20 can you tell me whether or not this spot  
21 on this diagram corresponds to a position  
22 on the head of 1 inch, approximately 1  
23 inch above the external occipital protuber-  
24 ance or does it apply to 100 millimeters  
25 above the external occipital protuberance?

W2/P14

A It refers to an approximate location on this drawing and it refers to the wound I saw at 1 inch from the external occipital protuberance.

Q All right.

A It was definitely not 4 inches or 100 millimeters above it.

Q Does that report of the panel show or make any reference to a hole in the President's head approximately 1 inch in the vicinity of the external occipital protuberance?

A I haven't seen that.

Q Now, I believe you told Mr. Dymond that at the time, preparing your original autopsy report of November 1963, that all the X-rays were available to you. Is that correct?

A I had seen them in the -- I had seen the X-ray films of the head and the radiologist had reviewed the whole body X-rays before we prepared, before we signed the autopsy report.

Q Do you know whether or not the X-rays that you viewed were all of the X-rays that were taken?



W2/P15

1 A Well, here again, this review was made by the  
2 radiologist, I am not a radiologist and  
3 a qualified man to look at the X-rays  
4 was the Bethesda radiologist. He did it  
5 at our request and he said there was no  
6 bullet remaining in the cadaver.

29

NO HIATUS HERE.

W3/N1

30

1 Q I believe you said, Colonel, there was a  
2 radiologist present during the 1968  
3 panel report. Is that correct?

4 A Yes, one of these four names is a radiologist.

5 Q Do you know, Colonel, whether or not to your  
6 knowledge that two rolls of the X-ray  
7 film taken of the President on the  
8 autopsy table did not come out?

9 A To my knowledge, the film that did not come  
10 out were gross photographs, --

11 Q Do you know whether --

12 A Not X-ray films.

13 Q Do you know whether or not all of the X-ray  
14 films came out or not, to your knowledge?

15 A To my knowledge, they came out all right.

16 Q Now, if, Colonel, you viewed the X-ray film  
17 of the head or had been viewed by a  
18 radiologist, can you tell me why there  
19 was no mention in your report of a three-  
20 quarter by one-half inch rectangular  
21 shaped object in the President's brain?

22 A No.

23 Q Can you tell me why there is nothing in your  
24 report making mention of metallic substances  
25 in the track?

W3/N2

31

1 A Before you go to that second question, if I  
2 may say something, in that panel review  
3 of 1968 there was a rectangular structure  
4 and they say it is not identifiable to  
5 this panel.

6 Q If it was there, Colonel, in the X-rays, would  
7 you say it was there in the brain at the  
8 time of the autopsy?

9 MR. DYMOND:

10 What page are you referring to, Doctor,  
11 what page are you referring to?

12 MR. OSER:

13 The panel of 1968, the pages are not  
14 numbered.

15 THE WITNESS:

16 That is "S-72."

17 MR. OSER:

18 Page 8, Mr. Dymond.

19 THE WITNESS:

20 "There can be seen a gray-brown rectangular  
21 structure measuring approximately  
22 13 by 20 millimeters, its identity  
23 cannot be established by the panel."  
24 I don't know what this refers to.

25 BY MR. OSER:

W3/N3

32

1 Q Did you see such at the time of your autopsy,  
2 did you see such a substance in the brain  
3 of the President?

4 A I don't remember.

5 Q I believe you told Mr. Dymond, Colonel, the  
6 reason you did not dissect the track of  
7 the bullet through the throat was because  
8 you did not want to mutilate the body of  
9 the President. Is that correct?

10 A I did not consider this dissection --

11 Q Did you or did you not tell Mr. Dymond a  
12 few moments ago that you did not dissect  
13 the track of the President's throat be-  
14 cause of the mutilation of the body that  
15 would result?

16 A Yes, I did say that.

17 Q And you also told me yesterday you were told  
18 not to go into the throat area?

19 A Yes, I don't remember the details about this,  
20 who said what.

21 Q You were told?

22 A From what I remember.

23 Q And you did not do it?

24 A We did not remove the organs of the neck,  
25 obviously.

W3/N4

33

1 Q Describe to me what you did with the body in  
2 autopsy, what did you do with the body  
3 and how did you perform this autopsy?

4 A Please repeat your question, I did not hear it.

5 Q Will you describe for me what incisions you made  
6 into the body of the President.

7 A I did not make the incisions into the body, as  
8 I recall I was called to examine the wounds  
9 and the incisions were made by the other  
10 two pathologists who performed the  
11 autopsy, Dr. Humes and Dr. Boswell, and  
12 who signed this autopsy report. My role  
13 in this autopsy was to emphasize the  
14 wounds, to examine the wounds, that is why  
15 I was called.

16 Q Well, Colonel, you were present at the autopsy  
17 room, were you not, the entire time?

18 A I arrived after the -- a short time after the  
19 beginning of the autopsy.

20 Q Did you or did you not see the chest cavity of  
21 the President open?

22 A Yes, I did, and there was a bruise, there was  
23 a bruise in the upper part of the chest  
24 cavity, a bruise produced by the bullet  
25 that entered in the back of the neck.

W3/N5

Q Did you or did you not see the scalp and head area of the President open at autopsy?

A I saw the skull and the scalp of the President open.

Q And during autopsy, am I not correct that the standard operating procedure is a Y incision down to this area (indicating), and then another incision down in the rib cage to expose -- so you can get to the vital organs of the body you are performing the autopsy on?

A The usual Y-shaped incision is made, I don't remember making that incision because I again was not the pathologist performing the autopsy.

Q You saw the President on the table after the incision had been made, did you not?

A Yes.

Q And you are telling me that you did not go into the throat area because you did not want to mutilate the body, is that correct?

MR. DYMOND:

I think he answered that three times.

BY MR. OSER:

3/N6

35

1 Q Now, Colonel, also along the line of the  
2 dissecting of the throat area, you were,  
3 at the time of the autopsy, on that night  
4 I believe puzzled by what you found be-  
5 cause you found no exit wound at that  
6 time of the hole you found in the back.  
7 Is that correct?

8 A It is.

9 Q I believe you answered Mr. Dymond before that  
10 you were not taking orders from anybody  
11 in the autopsy room. Is that right?

12 MR. DYMOND:

13 I think that is a misquotation of the  
14 witness.

15 MR. OSER:

16 I asked the Colonel whether or not he  
17 told Mr. Dymond on redirect examina-  
18 tion that he was not taking orders  
19 from anybody in the autopsy room.

20 MR. DYMOND:

21 I asked the witness on redirect whether  
22 anybody gave him any orders as to what  
23 his professional opinion should be.

24 MR. OSER:

25 Your answer was no, is that correct,

W3/N7

36

Colonel?

THE WITNESS:

Right.

BY MR. OSER:

Q But you did take orders and did not dissect  
the throat area?

A Well, these are not direct orders, these are  
suggestions and directions. I was not  
told, "I give you a direct order" or that  
sort of thing.

Q And at the time, Colonel, you were a Lieutenant  
Colonel, were you not?

A Yes.

Q And there were Admirals and Generals in that  
room, were there not?

THE COURT:

We are going over the same thing.

MR. OSER:

Orders were brought up on redirect.

MR. DYMOND:

We object on the grounds --

THE COURT:

I sustain the objection, repetitious.

MR. OSER:

That's all.



W3/N8

1 THE COURT:

2 Is Dr. Finck released from the obligation  
3 of his subpoena?

4 MR. DYMOND:

5 He is.

6 At this time may we have five minutes?

7 We have a couple of witnesses whom  
8 we are expecting.

9 THE COURT:

10 Take the Jury upstairs.

11 We will have a recess.

12 (Whereupon, a brief recess was taken.)

13  
14  
15  
16 NO HIATUS HERE.  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, the undersigned, Paul W. Williams, do hereby  
certify:

That the above and foregoing (37 pages of type-  
written matter) is a true and correct transcription  
of the stenographic notes of the proceedings had herein,  
the same having been taken down by the undersigned and  
transcribed under his 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 25th 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.

*Paul W. Williams*

PAUL W. WILLIAMS