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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

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	RE CROSS
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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
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D-27	18	18	19
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S-68	64-68	68	68
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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

3

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

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

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

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

11 A I had four years of formal university training
12 in pathology, two of them at the Universi-
13 ty of Geneva Institute of pathology, and
14 two of them at the University of Tennessee
15 Medical School in Memphis, Tennessee.

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

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

24 Q Now, Doctor, of what have your duties consisted
25 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

5

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

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

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

Q Now, Doctor, have you had any additional special training or experience in connection with missile wounds?

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

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

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

1 BY MR. DYMOND:

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

5 A Yes, I did.

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

8 A The pathologist in charge of the autopsy of
9 President Kennedy was Dr. Humes,
10 H-u-m-e-s, he called me at home to come
11 to the Naval Hospital in Bethesda, Maryland,
12 and I went there. I found Dr. Humes and
13 also Dr. Boswell, B-o-s-w-e-l-l, who was
14 the Chief of Pathology in the same hos-
15 pital. Dr. Humes was the Director of
16 the Laboratory, the three of us were
17 pathologists.

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

22 A Yes, I am.

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

W2/N

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1 which had been inflicted upon President
2 Kennedy?

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

5 Q Yes.

6 THE COURT:

7 I think they have a table set up for you.

8 MR. OSER:

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

12 MR. DYMOND:

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

15 THE COURT:

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

21 BY MR. DYMOND:

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

W2/N

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:

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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

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

2 BY MR. DYMOND:

3 Q Now, Doctor, did you make --

4 A May I add one thing?

5 Q Surely.

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

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

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

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

25 A It was compatible with a wound caused by a

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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

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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.

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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

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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.

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.

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14 NO HIATUS HERE.
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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 microphone 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

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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

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1 President Kennedy at the time that he was
2 hit by this bullet, or is this an arbi-
3 trary vertical sketch? What I mean is,
4 could he have been leaning further back-
5 ward 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 deter-
18 mine 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

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23

1 shots. You can seldom do so by looking
2 at wounds, so we could describe them, in-
3 terpret the direction, have an opinion, a
4 firm opinion about the direction, but as
5 far as the sequence of the shots is
6 concerned, this was established by the
7 Zapruder film.

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

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

14 MR. DYMOND:

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

18 BY MR. DYMOND:

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

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

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1 cratering and not crating.

2 Q I thought I said "cratering."

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

4 Q Now, Doctor, in connection with the autopsy

5 performed on our late President Kennedy,

6 did you have occasion to examine and

7 analyze a head wound which appeared upon

8 his remains?

9 A Yes, I did.

10 Q Would you describe for the benefit of The

11 Jury the extent and nature of the examina-

12 tion which you made on this part of the

13 remains of President Kennedy.

14 A I saw in the back of the head of

15 President Kennedy, at the right side at

16 approximately 1 inch, 25 millimeters,

17 from a bony prominence you can all feel

18 in the back of your head, it's called the

19 external occipital protuberance, I saw

20 that wound slightly above this protuber-

21 ance.

22 Q Doctor, if I come forward, will you be able to

23 point on my head the approximate location

24 of the wound which you have just

25 described?

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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

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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

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

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

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

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

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

MR. DYMOND:

If The Court please, in connection with

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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

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.

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3/11

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

MR. DYMOND:

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

MR. OSER:

No objection.

MR. DYMOND:

May we show this to the Jury at this time?

THE COURT:

Yes.

NO HIATUS HERE

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

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W4/N2

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

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W4/N3

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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

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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

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W4/N5

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

11 Q Doctor, having examined the entire body of
12 the late President Kennedy, did you de-
13 tect other than the two wounds which
14 you have described to me any other wounds
15 on the body of the late President?

16 A I did not, no other bullet wounds.

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

21 A It was drawn by someone else.

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

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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

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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

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

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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

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

Q Now, Doctor, at the time that you co-authored the Pathological Report in connection with the autopsy performed on the late President Kennedy, had the Warren Commission yet been formed?

A Would you repeat that question, please.

MR. DYMOND:

Strike that question.

BY MR. DYMOND:

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

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

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

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

4/N11

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

Q I see. Now, Doctor, your opinion as to the direction of these bullets and the other matter which you have testified to here today, is that an honest, professional opinion on your part, or was it in any way affected by the desires or requests of anybody of Government or any individual?

A My opinion is an honest, professional opinion.

MR. DYMOND:

We tender the witness.

THE COURT:

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

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

NO HIATUS HERE.

PH
DL/1

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

43

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

1 and based on the crater seen in the rib of 4.
2 that soldier, I could determine that the
3 wound of entry was in the back of that
4 soldier, and I also had experiments made
5 on the bone, on the rib, showing that when
6 you strike that bone from the back you
7 produce a similar lesion as that observed
8 in the actual criminal case.

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

15 A This is correct, but I would like to say at
16 this time that I have carried out experi-
17 ments after my testimony before the Warren
18 Commission.

19 Q Where did you carry those experiments out after
20 you testified before the Warren Commis-
21 sion?

22 A Where?

23 Q When.

24 A When? In Edgewood Arsenal; it was in December
25 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

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signed the autopsy report.

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

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

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

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

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

A Definitely.

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

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

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

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

D1/6

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1 an approximate time. I can give you the
2 reason why he called. As I have stated
3 before, having a wound of entry in the
4 back of the neck, having seen no exit in
5 the front of the neck, nothing from the
6 radiologist who looked at the whole body
7 X-ray films, I have requested as there
8 was no whole bullet remaining in the
9 cadaver of the President, that was a very
10 strong reason for inquiring if there were
11 not another wound in the approximate
12 direction corresponding to that wound of
13 entry in the back of the neck, because in
14 the wound of the head with entry in the
15 back of the head and exit on the right
16 side of the head, I never had any doubt,
17 any question that it was a through-and-
18 through wound of the head with disintegra-
19 tion of the bullet. The difficulty was
20 to have found an entry in the back of the
21 neck and not to have seen an exit
22 corresponding to that entry.

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

25 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

D1/8

1 enforcement officers, military people with 4'
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.

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21 NO HIATUS HERE
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D2-N1

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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

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D2-N3

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

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

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

13 Q There were Admirals?

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

22 Q You were told not to discuss the case?

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

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

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D2-n4

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

MR. DYMOND:

Your Honor, I object to that.

THE COURT:

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

MR. OSER:

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

MR. DYMOND:

I think that is irrelevant to the medical
testimony.

THE COURT:

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

MR. OSER:

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D2-N5

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

BY MR. OSER:

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

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

Q To who, Doctor?

A To you.

Q It is?

A It is a public document.

Q Go ahead. How many?

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

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

A Yes, I did.

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

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D2-N6

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1 MR. DYMOND:

2 What part are you talking about?

3 (Conference between Counsel.)

4 BY MR. OSER:

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

13 A (Comparing documents) It is.

14 Q Your answer is that it is, Doctor?

15 A Yes.

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

18 A Yes.

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

22 BY MR. OSER:

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

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

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

MR. OSER:

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

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

"A Yes, I did.")

THE WITNESS:

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

BY MR. OSER:

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

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

THE COURT:

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

MR. WILLIAM WEGMANN:

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

THE COURT:

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

MR. EDWARD WEGMANN:

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

THE COURT:

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

THE WITNESS:

D2-N10

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Yes, sir, yes, sir.

THE COURT:

All right. You may pose your next question.

MR. DYMOND:

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

THE COURT:

I thought he was finished. You may proceed.

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

NO HIATUS HERE.

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

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

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

15 A It is extremely useful.

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

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

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

D/3/3

62

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

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thereafter, in conjunction with
Commander Humes and Commander Boswell?

MR. DYMOND:

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

MR. OSER:

I asked if he was present when it was
done.

MR. DYMOND:

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

THE COURT:

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

MR. OSER:

Yes, sir.

THE COURT:

Why don't you ask him that question first?

MR. OSER:

D3/7

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I thought I had, Your Honor.

THE COURT:

Maybe you did.

BY MR. OSER:

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

MR. DYMOND:

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

THE COURT:

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

D3/8

67

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

4 THE WITNESS:

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

16 THE COURT:

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

22 MR. DYMOND:

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

D3/9

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

MR. OSER:

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

THE COURT:

It shall be admitted.

MR. DYMOND:

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

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

NO HIATUS HERE.

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D4/N1

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MR. OSER:

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

THE COURT:

You may do so.

(Exhibit mounted on display board.)

BY MR. OSER:

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

A This was not prepared by me.

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

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

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

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

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

Q Part of the case. Fine.

A At this time I would like to add something.

As a pathologist, you put down what you find in a mock-up scene to show the location, the approximate location. There may be variations between drawings and photographs, for example, but the advantage of having those immediate records is to put down the information mentioned -- number of wounds, location of wounds, dimensions taken at the time of autopsy.

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

THE WITNESS:

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D4/N3

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Mr. Wegmann, can you kindly show the mark?

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

THE WITNESS:

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

BY MR. OSER:

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

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

Q I am not arguing.

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,

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D4/N5

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

MR. WILLIAM WEGMANN:

But also I think, Your Honor, if we are
going to follow the Court's ruling,
I think Mr. Oser should make his ques-
tions such that they are susceptible
of a yes or no answer.

MR. OSER:

Read it back.

MR. WILLIAM WEGMANN:

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

THE COURT:

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

MR. OSER:

I wish to have it read back.

THE COURT:

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

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D4/N6

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Rephrase your question and let it
be answered.

BY MR. OSER:

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

THE WITNESS:

I would like to ask Mr. Wegmann to --

THE COURT:

Answer yes or no and then explain, Doctor.

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

MR. WILLIAM WEGMANN:

May I interject myself?

THE COURT:

Certainly.

MR. WEGMANN:

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

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.

76
D4/N8

76

1 Q The general location then, Doctor, of where --
2 A The general location of the mark I have made
3 on the shirt of Mr. Wegmann, the general
4 location approximately corresponds to the
5 location on the skin.
6 Q Can you tell me whether or not Mr. Wegmann is
7 the same height as President Kennedy was?
8 THE WITNESS:
9 Can you stand up, Mr. Wegmann?
10 (Whereupon, Mr. Wegmann complied.)
11 A I think President Kennedy was taller.
12 BY MR. OSER:
13 Q I believe you said, Doctor, you measured from
14 the tip of the mastoid bone behind the
15 ear, down, is that correct, in one direc-
16 tion?
17 A Well, you have to take several -- I measured a
18 certain distance from the tip of the
19 mastoid, and that certain distance was
20 14 centimeters as I recall. Let me verify
21 this -- (referring to document) -- 14
22 centimeters from the right mastoid process,
23 which is (using ruler) approximately five
24 and a half inches.
25 Q Now, the measurements, Doctor, that you placed

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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

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D4/N10

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Defense Exhibit D-27?

A Yes, that it is.

MR. OSER:

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

MR. DYMOND:

No objection.

THE COURT:

It is part of the same exhibit as what?

MR. DYMOND:

D-27.

MR. OSER:

The upper half of D-27.

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

BY MR. OSER:

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

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.
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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

82

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

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

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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 opportun-
6 ity 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.

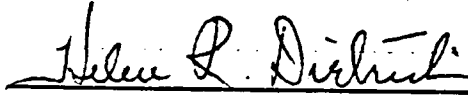
. . . . Thereupon, at 11:58 o'clock
a.m., a recess was taken until 1:30
o'clock p.m.

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