

2036

90

CRIMINAL DISTRICT COURT

PARISH OF ORLEANS

STATE OF LOUISIANA

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

PROCEEDINGS IN OPEN COURT,
Monday, February 24, 1969

VOLUME II

B E F O R E :

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

Dietrich & Pickett, Inc.

Stenotypists

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

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

E X H I B I T S

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

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

call?

A I don't recall making notes at the time of the autopsy. As I recall, Dr. Boswell was making those notes.

Q Can you tell me how the final draft of the autopsy report which you signed along with Commander Humes and Commander Boswell came about? How was that put together?

A We signed that autopsy report, as I remember, on Sunday, the 24th of November, 1963, in the office of Admiral Galloway, who was one of the Admirals in charge of the Navy hospital. I had reviewed with Dr. Humes his draft of the autopsy report prior to that time, and, as I recall, the three of us, that is Humes, Boswell and myself, were present at that time in the office of Admiral Galloway on that Sunday, to the best of my recollection.

Q Doctor, I show you from Volume 17, Page 30 through Page 47, and ask you if you would view the contents of those pages.

A Yes, sir. This is Volume 17 of the hearings before the President's Commission on the 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

NO HIATUS HERE.

- 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they were taken into account. It 11
certainly has no place in this trial
and is completely irrelevant to the
issues and irrelevant to the credibili-
ty and qualifications of the Doctor
and irrelevant to the material on
which he is testifying.

NO HIATUS HERE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

I believe that the witness did state a few moments ago that he was not there personally and they did have to accept what Mr. Oser termed as hearsay. I believe the question being put by the District Attorney is to find out what other hearsay evidence they received.

MR. OSER:

That's right.

THE COURT:

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

MR. DYMOND:

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

MR. OSER:

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

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

8 MR. DYMOND:

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

18 THE COURT:

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

1 persons said. 11

2 BY MR. OSER:

3 Q Colonel, besides what you referred to in para-
4 graph 2 of the report, were you furnished
5 with any other alleged statements by any
6 of the witnesses in Dealey Plaza, namely
7 the witnesses to the assassination of
8 President Kennedy on November 22?

9 MR. DYMOND:

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

12 MR. OSER:

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

15 THE COURT:

16 It is restricted to that period.

17 BY MR. OSER:

18 Q Were you furnished statements by anyone else?

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

21
22 THE COURT:

23 Let me interrupt you a second. You say

24 "we," I presume you mean you and the
25 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

1 the track?

2 THE COURT:

3 Let him finish his answer.

4 THE WITNESS:

5 I was told that the family wanted an exam-
6 ination of the head, as I recall, the
7 head and chest, but the prosecutors
8 in this autopsy didn't remove the
9 organs of the neck, to my recollec-
10 tion.

11 BY MR. OSER:

12 Q You have said they did not, I want to know why
13 didn't you as an autopsy pathologist at-
14 tempt to ascertain the track through the
15 body which you had on the autopsy table
16 in trying to ascertain the cause or causes
17 of death? Why?

18 A I had the cause of death.

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

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

22 Q I didn't hear you.

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

25 Q You said you didn't do this; I am asking you why

1 didn't do this as a pathologist? 1

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

1 recall at this time?

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

5 Q You are one of the three autopsy specialists
6 and pathologists at the time, and you
7 saw what you described as an entrance
8 wound in the neck area of the President of
9 the United States who had just been
10 assassinated, and you were only interested
11 in the other wound but not interested in
12 the track through his neck, is that what
13 you are telling me?

14 A I was interested in the track and I had observed
15 the conditions of bruising between the
16 point of entry in the back of the neck and
17 the point of exit at the front of the
18 neck, which is entirely compatible with
19 the bullet path.

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

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

24 Q Did you attempt to probe this wound in the back
25 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

1

It is not like a pipe, like a channel.

11

2

It may be extremely difficult to probe

3

a wound through muscle.

4

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

5

6

A The first fraction of an inch.

7

Q If you had dissected this area, Doctor,

8

wouldn't you have been able to ascertain

9

what the track was, as you have described

10

in this courtroom, without dissecting it?

11

A I don't know.

12

Q You don't know?

13

A I don't know. Wounds are different in one

14

case from another, and I did not dissect -

15

Q Let me ask you this, Doctor: Let me ask you

16

whether or not in dealing with this

17

particular back of the neck wound, as you

18

describe it, whether you dissected the

19

skin area, took a cross-section of the

20

skin, submitted that to microscopic

21

examination, to ascertain whether or not

22

there was any singed area or burnt area

23

as a result of a high speed bullet pass-

24

ing through the skin? Did you or did you

25

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

1 questions to one at the time.

2 THE COURT:

3 Break the question down, Mr. Oser.

4 BY MR. OSER:

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

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

22

23

24

25

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

THE COURT:

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

BY MR. OSER:

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

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

Q Did it strike any bones?

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

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

MR. DYMOND:

Your Honor, I think this is repetitious.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Doctor has already testified --

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

A On the skin?

Q Yes.

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

Q You saw the incision.

A In the front of the neck, definitely.

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

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

1 time?

2 A I remember taking the measurements but the
3 exact position of the cadaver I don't
4 recall for the reason we removed the
5 cadaver to examine it. To take measure-
6 ments it had to be held to take those
7 measurements.

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

19 A There would be some variation depending on the
20 movement of the head. From what I recall
21 we had the measurements made with the
22 head turned in a generally forward direc-
23 tion.

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

1 time?

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

5 Q Can you define rigor mortis for me?

6 THE COURT:

7 I cannot hear you, Mr. Oser.

8 BY MR. OSER:

9 Q Can you define rigor mortis for me?

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

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

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

25 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

1 bullet go in?

2 A Well --

3 MR. DYMOND:

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

17 THE COURT:

18 I understand it. In other words, your
19 horizontal line down from the head
20 through the mid-line, a fictitious
21 mid-line, would be the straight line.
22 You have a horizontal line so you
23 have a right angle, and you have to
24 have an entrance and an exit. Unless
25 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

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

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

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

11 A Please repeat your question.

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

14 A The purpose of this, as I recall, was to
15 correlate our autopsy report of November
16 1963, and the X-rays and photographs of
17 the wounds, because we had seen the X-rays
18 at the time of the autopsy but we hadn't
19 seen the photographs in November 1963 or
20 in March 1964, so in 1967 we were asked to
21 look at those X-rays and photographs.

22 Q By whom were you asked to do this?

23 THE COURT:

24 Are you waiting for an answer?

25 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MR. OSER:

Your Honor, I am going to a new area.

Do you want to take a coffee break now?

THE COURT:

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

(SHORT RECESS.)

NO HIATUS HERE

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 mad-
25 by Dr. Perry and the procedures performed th-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

prior to death." Is that correct?

A Yes.

Q Did you have occasion, Colonel, to speak to Dr. Perry and I ask you if you did whether or not Dr. Perry classified the wound he found in the throat?

MR. DYMOND:

I object on the grounds that he never --

THE COURT:

First let's find out if the witness spoke with Dr. Perry.

BY MR. OSER:

Q Did either you, Colonel, or one of your fellow members of the autopsy report speak to Dr. Perry in Dallas?

A I personally did not talk to Dallas, to a Dallas doctor but Dr. Humes called him after the autopsy and he told me so.

Q Did you have a conversation with Dr. Humes regarding what was learned in Dallas, Texas from the Dallas doctors concerning --

THE COURT:

Make it one question.

MR. OSER:

I just asked him whether or not he did.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

Rephrase your question.

BY MR. OSER:

Q Did you talk to Dr. Humes about his conversation?

A I did.

THE COURT:

That breaks it down.

BY MR. OSER:

Q Will you tell us whether or not you had any knowledge that the wound in the area where the tracheotomy was performed was classified as that of an entrance wound in Dallas, Texas?

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did you have available to you a further description of this small wound that they found in Dallas, Texas prior to performing the tracheotomy?

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

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

MR. DYMOND:

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

MR. OSER:

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

THE COURT:

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

1 THE WITNESS:

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

4 BY MR. OSER:

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

7 A I did not.

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

10 A Again I cannot pinpoint names of these Dallas
11 surgeons with whom Dr. Humes communicated
12 with. I know the results of the communi-
13 cation but I cannot say he did or did not
14 speak to this one or that one.

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

18 A It was a long sideways surgical incision.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

THE COURT:

I'm going to stop this if it is repetitious.

NO HIATUS 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,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of course, depends on various factors.

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 1
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 1
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. OSER:

I will ask that question.

THE WITNESS:

Whether or not it was larger?

BY MR. OSER:

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

MR. DYMOND:

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

THE COURT:

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

MR. OSER:

Let me ask you again, Doctor --

THE COURT:

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

MR. OSER:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE REPORTER:

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

1 back of the head and exit on the right
2 side?

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

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

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

18 A It is a diagram showing --

19 MR. OSER:

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

22 THE COURT:

23 You should answer.

24 BY MR. OSER:

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

1 porter read it back.

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

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

8 BY MR. OSER:

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

12 A I would not say this drawing is incorrect.

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

17 A We are looking at things only on one plane.

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

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

25 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

If I may suggest that Mr. Dymond use himself for the witness to demonstrate on, for Dr. Finck to give the exact location of entrance and why don't you do it on you, Mr. Oser, and get it over with.

MR. OSER:

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

THE COURT:

You may proceed.

BY MR. OSER:

Q Doctor, --

THE COURT:

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

NO HIATUS HERE.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

70 -- Describe the acromion.

1
2 A The acromion is the bony prominence in the
3 shoulder and I can't pinpoint this on
4 this exhibit.

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

7 A Approximately?

8 Q Yes.

9 A I would say that the wound was higher.

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

13 A Mr. Oser, may I?

14 Q Certainly.

15 A Expand on this?

16 Q Certainly.

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

20 Q I know what I am referring to, Colonel.

21 A States the drawing itself may be somewhat mis-
22 leading as to the location making it
23 appear at a point lower than it actually
24 was.

25 Q Colonel, if the photographs were misleading

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

then why did you use them?

MR. DYMOND:

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

THE COURT:

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

BY MR. OSER:

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

MR. DYMOND:

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

MR. OSER:

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

C5/P5

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

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

1 Exhibit 397 includes a drawing which
2 purports to show the approximate lo-
3 cation of the wound and specifically
4 notes it was five and a half inches
5 from the tip of the mastoid process
6 behind the right ear and the same
7 thing 14 centimeters from the tip of
8 the right acromion.

9 Photograph 12, 11, 38 and 39 concern the
10 accuracy of the measurements. The
11 drawing itself may be somewhat mis-
12 leading as to the location of the
13 wound. Now if I would know what that
14 refers to because no one photograph
15 shows the wound of the back of the
16 neck and the wound of the throat.

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

23 BY MR. OSER:

24 Q 397, Colonel, is the handwritten --

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

A May I see it?

Q Yes. Now, Colonel --

A Let me answer your question now.

THE COURT:

He wants to answer your question.

THE WITNESS:

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

BY MR. OSER:

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

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

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

1 lar autopsy descriptive sheet, is that
2 correct?

3 A We stated so in that statement issued on the
4 26th of January, 1967 and I can say that
5 you can expect differences between schematic
6 drawings which are made ahead of time and
7 used as a work sheet and photographs.

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

NO HIATUS HERE.

1

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

1 not based on measurements on X-rays.

2 Those 100 millimeters --

3 BY MR. OSER:

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

6 A He did not.

7 Q Then how did he do it?

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

14 Q He was told by Commander Humes that?

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

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

23 A On your head I agree but the measurement of 100
24 millimeters was made on an X-ray and that
25 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

1 locations on there and in X-rays and
2 I am not going to force him to do it.

3 MR. OSER:

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

5 THE COURT:

6 If he can do it.

7 MR. OSER:

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

14 THE COURT:

15 If the Doctor can do it.

16 THE WITNESS:

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

22 MR. OSER:

23 Your Honor, may I ask the witness --

24 THE COURT:

25 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MR. OSER:

What is your answer?

THE WITNESS:

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

MR. OSER:

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

MR. WEGMANN:

Let the witness answer.

NO HIATUS HERE.

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:

1 Let's go on to another area.

2 BY MR. OSER:

3 Q How many pieces of skull, Colonel, did you have
4 to use at the time of the autopsy being
5 turned over to you from some other place?

6 A As I recall, there were three bone fragments
7 and on one of them I saw a definite
8 beveling which allowed me to identify
9 this portion of a wound of exit as part of
10 a wound of exit. The appearances of these
11 portions of skull had the same general
12 characteristics, as far as the appearance
13 of bone, as the lining of the skull of
14 President Kennedy and I made a positive
15 identity of exit seeing the beveling from
16 outside after having oriented this specimen
17 as regards the outer and inner surfaces
18 of the bony specimen.

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

22 A I did not.

23 Q Why?

24 A The most massive lesions were on the right side
25 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
20
21
22
23
24
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.

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

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

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

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

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

20 A I don't remember.

21 Q If you had would you remember?

22
23 NO HIATUS HERE
24
25

- 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

201

Q But you didn't have Commander Humes' supplemental autopsy report?

A I do not.

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

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

A Repeat your question, please.

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

A This, again, is information we obtained when this report was prepared. I cannot pin down the source. It may have been somebody in the car, the Presidential limousine, some witnesses of the incident, so 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

BY MR. OSER:

Q Colonel, you did view the entire Zapruder film?

A Yes.

MR. DYMOND:

That was much after this report was given.

BY MR. OSER:

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

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

Q Colonel, on the last page of the autopsy report of November, 1963, the last paragraph states, "A supplementary report will be submitted following more detailed examination of the brain and of microscopic sections." Was that done, and, if so, do you have it, the results?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

13 Q Have you ever seen such a pellet?

14 A Bullet?

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

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

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

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

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:

1 Sir, I know the weight from reports.

2 BY MR. OSER:

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

8 MR. DYMOND:

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

12 THE COURT:

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

15 BY MR. OSER:

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

20 A I am, I am.

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

- 1 A Where is that passage, please.
- 2 Q I will find it for you. I refer you, Colonel,
3 to page, let me count them because they
4 are not numbered or marked, 13.
- 5 A 13.
- 6 Q The top of the page says, "Neck Region," four
7 lines down, where it states "also several
8 somewhat metallic fragments are present
9 in this region."
- 10 A I don't know what they are referring to, or
11 rather I don't recall seeing metallic
12 fragments on the X-rays of this region of
13 the neck. I don't recall.
- 14 Q And from their report, Colonel, would you say
15 that they viewed three X-ray pictures, do
16 they refer to pictures 8, 9 and 10?
- 17 MR. DYMOND:
18 I object having this witness say what
19 someone else did.
- 20 MR. OSER:
21 I will withdraw it.
- 22 THE COURT:
23 Try not to talk at the same time, please.
24 I have been asking you to do that
25 for three weeks. Let's see if we

1 can do it that way.

2 MR. OSER:

3 I will withdraw the question.

4 BY MR. OSER:

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

10 MR. DYMOND:

11 Your Honor, we object unless we are talk-
12 ing about only from the standpoint
13 of direction. There is no evidence
14 here that this gentleman ever
15 examined the wrist of Governor
16 Connally and I don't recall if he
17 ever examined the pellet listed as
18 or represented by 399. If he's
19 talking about direction only, I will
20 withdraw the objection.

21 THE COURT:

22 Is it contained, is the foundation of that
23 question contained in the original
24 autopsy report submitted by the
25 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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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-

1 dition as you saw it?

2 A I don't know.

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

14 THE COURT:

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

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

1 MR. OSER:

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

4 MR. DYMOND:

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

12 THE COURT:

13 That is correct.

14 MR. DYMOND:

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

23 MR. OSER:

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

25 THE COURT:

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

2 MR. OSER:

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

5 MR. DYMOND:

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

15 THE COURT:

16 What is that? I could not hear.

17 MR. DYMOND:

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

21 THE COURT:

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

1 contradictory to this statement made
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

1 Governor Connally's wrist.'

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

7 THE WITNESS:

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

10 THE COURT:

11 Certainly.

12 THE WITNESS:

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

15 THE COURT:

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

20 THE WITNESS:

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

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT:

Let me make one observation. I understand Dr. Finck's answer to Mr. Specter, that he didn't think Commission Exhibit 399 could retain its shape as it is while going through, irrespectively whether it was going through President Kennedy's head or neck, could remain in that shape because of hitting bones in the leg of Governor Connally, irrespectively of what -- what difference does it make if it goes through the neck or head that it couldn't remain in the same condition because of the fragments in the wrist.

MR. DYMOND:

Let me --

MR. OSER:

Maybe I can clarify it further.

THE COURT:

You got it mixed up enough now.

MR. OSER:

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

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

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

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

13 THE COURT:

14 He answered that this morning.

15 MR. DYMOND:

16 Have you finished, Mr. Oser?

17 MR. OSER:

18 Yes.

19 MR. DYMOND:

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

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

1 to Exhibit 388."

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

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

6 Colonel Finck: "Definitely not."

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

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

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

17 THE COURT:

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

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

22 THE COURT:

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

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.

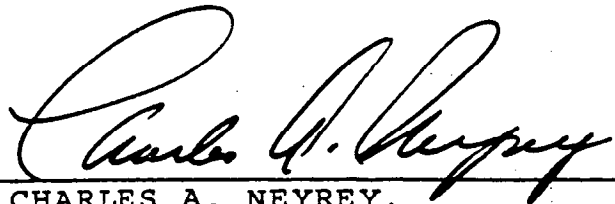
7
8
9
10 Thereupon, at 5:40 o'clock p.m.,
11 the proceedings herein were adjourned
12 until Tuesday, February 25, 1969

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