

BEFORE THE  
ASSASSINATION RECORDS REVIEW BOARD

- - - - - x  
In Re: :  
PRESIDENT JOHN F. KENNEDY :  
- - - - - x

College Park, Maryland

Friday, May 24, 1996

The deposition of PIERRE A. FINCK, M.D., called for examination by counsel for Assassination Records Review Board in the above-entitled matter, pursuant to notice, at 8601 Adelphi Road, College Park, Maryland, convened at 10:22 a.m., before Alice R. Chiang, a notary public in and for the State of Maryland, when were present behalf of the parties:

APPEARANCES:

On behalf of the Assassination  
Records Review Board:

JEREMY GUNN, ESQ.  
General Counsel  
Assassination Records  
Review Board  
600 E Street, N. W.  
Second Floor

Washington, D. C. 20530

## Others Present:

DAVID G. MARWELL, Executive Director

DOUGLAS P. HORNE, Senior Analyst

TIMOTHY A. WRAY, Chief Analyst  
for Military RecordsMARK HEILBRUN, Senate Intelligence  
Committee Staff

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C O N T E N T SWITNESSEXAMINATION BY  
COUNSEL FOR ARRB

Pierre A. Finck, M.D.

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ATTACHMENTS

ARRB Master Medical Exhibit List, 5/24/96

ARRB Master Medical Illustrations List, 5/24/96

Autopsy Photographs Numbering Supplied by  
November 10, 1966 Report of Inspection

P R O C E E D I N G S

MR. GUNN: Could you swear the witness, please.

Whereupon,

PIERRE A. FINCK, M.D.,

was called for examination by counsel for Assassination Records Review Board, and having been first duly sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR

ASSASSINATION RECORDS REVIEW BOARD

BY MR. GUNN:

Q Would you please state your full name for the record, please.

A My first name is Pierre, P-i-e-r-r-e -- full second name? Antoine, A-n-t-o-i-n-e, last name Finck, F as in Frank-i-n-c-k.

Q Dr. Finck, we are in this room at the National Archives in order to conduct a deposition on behalf of the Assassination Records Review Board.

My name is Jeremy Gunn. I am the general counsel of the Assassination Records Review Board.

We have some other people here I would like to

1 introduce.

2           Sitting to my right is Doug Horne, who works on medical  
3 records at the Review Board.

4           Next is David Marwell, who is the Executive Director  
5 of the Assassination Records Review Board.

6           We have also Tim Wray, who works on military records  
7 for the Assassination Records Review Board.

8           And we have a visitor named Mark Heilbrun, who is  
9 here from the Senate Select Committee on Intelligence.

10           As you have been told, Dr. Finck, we are here not  
11 to come to any conclusions regarding the assassination of  
12 President Kennedy, but the Assassination Records Review Board  
13 is attempting to collect and clarify records related to the  
14 assassination.

15           What we would like to do after the deposition is  
16 concluded and after the court reporter has prepared a transcript  
17 of the deposition, is to send you a copy of the deposition so  
18 that you can read and make any corrections in it that you think  
19 should be made.

20           We will be keeping a tape recording of the deposition  
21 and we will keep both a copy of the deposition as originally

1 recorded and one with your corrections in it.

2           At the conclusion of this process, we will be happy  
3 to send you a completely corrected version of the deposition  
4 if you so choose. We want to make sure that the testimony that  
5 you are giving is the best that you are able to give and is  
6 true to the best of your knowledge and ability.

7           During the course of the deposition, I am going to  
8 be trying to ask questions in a clear way. If at some point  
9 the question is not clear, please do not hesitate to ask me  
10 to repeat it or to reformulate the question.

11           We also should make clear that you should let us know  
12 if you want to take a break at any point during the deposition;  
13 that can be arranged easily, just signify that you would like  
14 to have a few minutes and that is easy enough to arrange.

15           We are going to be working with some exhibits that  
16 we will be showing to you during the course of the deposition.

17           The exhibit numbers have been pre-determined to correspond  
18 with a master exhibit list that we have, so that the exhibits  
19 will not be coming to you in any particular numerical order.

20           You shouldn't hesitate to ask any questions about  
21 the exhibits that you might have.

1           Dr. Finck, I would like to make one request to you,  
2 that you not discuss with anyone the substance or the issues  
3 that are raised in this deposition until the Assassination  
4 Records Review Board is completed with its work on the medical  
5 evidence. It is our current anticipation that that will be  
6 completed by the end of this year, but we would appreciate it  
7 if you would not discuss this until that time.

8           Is that agreeable to you?

9           A     Very much so.

10          Q     Thank you.

11           Dr. Finck, have you ever testified before any  
12 government body on issues related to the assassination of  
13 President Kennedy?

14          A     Yes, I did.

15          Q     Approximately how many times have you previously  
16 testified?

17          A     Warren Commission, the Shaw trial, the Select  
18 Committee on Assassinations appointed by the House of  
19 Representatives, and in '67 when I was recalled from Vietnam  
20 to go to the Archives, I don't remember if it was a testimony.  
21 That is a total of four times.

1 Q When you mentioned the Shaw trial, were you referring  
2 to the prosecution by Jim Garrison of Clay Shaw in New Orleans?

3 A Yes.

4 Q After you made the statements in those prior  
5 examinations, were you given an opportunity to review your  
6 testimony?

7 A I don't think so.

8 Q Have you --

9 A Without being sure.

10 Q Do you have any recollection of being shown your  
11 testimony, given the opportunity to make changes or corrections  
12 in it?

13 A No.

14 Q Have you ever had the opportunity to review the  
15 testimony that you gave at any point from the Warren Commission?

16 A Can you repeat the question?

17 Q Sure.

18 Have you ever read the testimony that you gave to  
19 the Warren Commission?

20 A I don't remember was it submitted to me for  
21 corrections, or -- I don't understand the question.

1 I don't recall having the opportunity to review.  
2 Maybe I did and maybe I did not, I don't know.

3 Q The Warren Commission published your testimony in  
4 one of the volumes of exhibits.

5 A Yes.

6 Q Did you ever go back and read the testimony that was  
7 published?

8 A I think I did, but now I don't any more.

9 Oh, you are talking about the hearings, the several  
10 volumes?

11 Q Yes.

12 A I don't go back to this.

13 Q So you don't have any recollection of reading your  
14 testimony and thinking something was inaccurate in it?

15 A No.

16 Q Did you have the opportunity at any point to  
17 subsequently read the testimony from the House Select committee  
18 on Assassinations?

19 A I don't remember.

20 Q Dr. Finck, could you describe the position that you  
21 held in 1963, please.

1           A       I was in charge of the Wound Ballistics Pathology  
2 Branch of the Armed Forces Institute of Pathology.

3           Q       What areas of responsibility did the Wounds  
4 Ballistics Branch have?

5           A       It was to review cases involving injuries by missiles,  
6 projectiles.

7           Q       Approximately how many persons were in the Wounds  
8 Ballistics Branch in 1963?

9           A       A secretary and myself.

10          Q       While you were at the Wounds Ballistics Branch, did  
11 you review autopsies that had been conducted on persons that  
12 had been killed by missiles and projectiles?

13          A       Yes.

14          Q       During the time that you were at the Wounds Ballistics  
15 Branch, were you involved in any autopsy, other than the autopsy  
16 of President Kennedy?

17          A       While I was in charge of the Wounds Ballistics  
18 Pathology Branch?

19          Q       Yes.

20          A       Was I involved in autopsies?

21          Q       Did you perform or participate in any autopsies?

1           A       We performed autopsies at Soldiers Home in  
2 Washington, D. C. And we were called elsewhere to perform  
3 autopsies in cases of aircraft accidents.

4                    But your question refers specifically to missile  
5 wounds or to aircraft accidents, or autopsies in general?

6           Q       Missile wounds while you were at the Wounds Ballistics  
7 Branch.

8           A       I participated in autopsies involving missile wounds  
9 while I was there, yes.

10          Q       In a very general way, approximately how many  
11 autopsies had you participated in prior to the time you were  
12 involved in the autopsy of President Kennedy?

13          A       When I answered "yes" to your question before it was  
14 because we went to Los Angeles for the autopsy of Senator Robert  
15 Kennedy, but that was in '68. So before 1963 -- I don't  
16 remember. I don't remember specifically numbers.

17          Q       Do you have even a general idea of the number of  
18 autopsies that you were involved in?

19          A       In reviewing or --

20          Q       In participating in, where you were actually present  
21 in the morgue during the autopsy.

1 A No. No, no exact number.

2 Q Just an approximate number?

3 A No.

4 Q Is it in the hundreds, or a dozen?

5 A In the hundreds.

6 MR. GUNN: Can we go off the record for just a moment,  
7 please.

8 [Discussion off the record.]

9 MR. GUNN: We're back on the record.

10 THE WITNESS: Yes, regarding your question,  
11 performing autopsies at the AFIP on missile wounds.

12 BY MR. GUNN:

13 Q Well, the first time I'd asked questions just about  
14 autopsies that you had performed at AFIP.

15 A Yes.

16 Q And then subsequently it was any autopsy that you  
17 had participated in prior to the autopsy of President Kennedy  
18 wherever in the world.

19 A Wherever in the world?

20 Q My second set of questions was about any autopsy.

21 A Oh, yes. Because I performed autopsies in many

1 places. I performed autopsies of missile wounds in other  
2 places. I thought you were referring specifically to the AFIP.

3 I had experience in the autopsies of missile wounds,  
4 of course.

5 Q Okay.

6 Do you have just a very rough estimate of how many  
7 autopsies you had been involved in at any time prior to the  
8 autopsy of President Kennedy?

9 A Missile wounds or not missile wounds?

10 Q All autopsies.

11 A All autopsies? Hundreds of them.

12 Q Hundreds?

13 A Oh, yes. But you asked the question hundred or a  
14 dozen, it was hundreds of them.

15 Q Hundreds of them. And of those, approximately how  
16 many would have been missile wounds prior to 1963?

17 A I don't know.

18 Q I would like to ask you some questions now related  
19 to documents that you may have had in your possession at one  
20 time or another related to the autopsy of President Kennedy,  
21 so let me start out first by asking you, did you prepare any

1 autopsy notes during the course of the autopsy?

2 A I don't remember walking out of the autopsy room with  
3 notes. It was contribution, taking measurements and writing  
4 notes, but as far as knowing who wrote what, I don't know.

5 Q But did you write some things down yourself during  
6 the autopsy?

7 A Yes.

8 Q We are aware of prior statements that suggested that  
9 you did write down autopsy notes originally during the autopsy.  
10 Can you provide any clarification?

11 A No.

12 Q Do you remember a discussion that you had with some  
13 other people at the lunch room of the Armed Forces Institute  
14 of Pathology shortly after the autopsy where you said that your  
15 original autopsy notes had been or were missing and that you  
16 had had to recreate autopsy notes from memory?

17 A I don't remember that.

18 Q Do you remember ever saying to anyone that you gave  
19 to Commander Humes notes that you had taken during the course  
20 of the autopsy?

21 A Can you repeat the question?

1 Q Sure.

2 Do you remember ever saying to anyone that you had  
3 given autopsy notes to Commander Humes following the autopsy?

4 A In the autopsy room?

5 Q Notes that you had taken during the autopsy and had  
6 given to Commander Humes after the autopsy was completed.

7 A I don't remember.

8 Q Dr. Finck, I would like to show you testimony that  
9 appears to be testimony that you offered to the House Select  
10 Committee on Assassinations, House of Representatives, marked  
11 for the purposes of this deposition as MD-30. I would like  
12 to draw your attention to page 82, lines 18 through 22, if you  
13 could take a look at that. And please feel free to read anything  
14 else in the document that you would like to read. [Handing  
15 document to witness]

16 A [Perusing document] It is more accurate to determine  
17 an anatomic location when you have the wound itself on the dead  
18 body. That's what I just told you.

19 Do you have a specific question regarding this?

20 Q Yes. I would like to read for the record question  
21 from Mr. Purdy:

1 "When did you write your notes that you gave the location of  
2 the wound?

3 "Dr. Finck. During the autopsy I took measurements, but all  
4 my notes were turned over to Dr. Humes, and after the  
5 autopsy I also wrote notes, but the notes I wrote at the  
6 time of the autopsy were turned over to Dr. Humes."

7 Dr. Finck, do you recall having been asked that  
8 question by the House Select Committee on Assassinations and  
9 having given that answer?

10 A I don't, and I agree with this.

11 Q Does this passage help refresh your recollection as  
12 to whether you took any notes at the time of the autopsy?

13 A Yes.

14 Q You did take notes.

15 Do you recall how many pages of notes you took during  
16 the autopsy?

17 A No.

18 Q Do you have any recollection at all whether it was  
19 one or more than one page?

20 A No.

21 Q Dr. Finck, I would like to show you another document

1 that has been marked as Exhibit 74 to this deposition, and it  
2 is on its face an affidavit of Leonard D. Saslaw, Ph.D. And  
3 I wish that you would take a minute to read this affidavit.

4 [Handing document to witness]

5 MR. GUNN: We can go off the record.

6 [Discussion off the record.]

7 BY MR. GUNN:

8 Q Dr. Finck, have you had an opportunity to read the  
9 affidavit of Leonard D. Saslaw, Ph.D.?

10 A Yes, I did.

11 Q Let me quote from two paragraphs of the affidavit  
12 and then I will ask you if that helps refresh your recollection  
13 to any events.

14 Paragraph 6 states:

15 "I clearly heard Dr. Finck, who was speaking sufficiently loudly  
16 for his words easily to be overheard, complain that he  
17 had been unable to locate the handwritten notes that he  
18 had taken during the autopsy on President Kennedy. Dr.  
19 Finck elaborated to his companions with considerable  
20 irritation that immediately after washing up following  
21 the autopsy, he looked for his notes and could not find

1           them anywhere. He further recounted that others who were  
2           present at the autopsy also had helped him search for his  
3           notes to no avail."

4           Paragraph 7:

5           "Dr. Finck concluded his story by angrily stating that he had  
6           to reconstruct his notes from memory shortly after the  
7           autopsy."

8           The question, Dr. Finck, is do these two paragraphs  
9           help refresh your recollection first on the question of whether  
10          you took notes during the autopsy?

11          A        I don't know.

12          Q        Dr. Finck, would it have been your regular practice  
13          during the course of an autopsy in which you participated to  
14          take notes and measurements?

15          A        Yes.

16          Q        Would that be a standard practice and procedure that  
17          most prosecutors would engage in during the course of an autopsy?

18          A        Yes.

19          Q        Dr. Finck, in 1963, did you keep any kind of diary  
20          or written record of events that you were involved in?

21          A        I don't know.

1 Q Dr. Finck, you have no idea at all whether you kept  
2 something like a diary in 1963?

3 A I don't remember.

4 Q I am not trying to ask you to remember any details  
5 of what were in the notes, but just simply whether it was your  
6 regular practice and whether you have any knowledge about  
7 whether you did take notes at the time of the autopsy.

8 A I took notes.

9 Q Dr. Finck, I would like to show you a document which  
10 has been marked MD-28 for this deposition. I should -- perhaps  
11 I should state that it appears on its face to be a collection  
12 of several documents that may have been created at different  
13 points.

14 We have numbered the pages here in the bottom  
15 right-hand corner as going up to page 25. And I would like  
16 you to look at the documents here and ask you whether you have  
17 any recollection of having previously seen the documents?

18 [Handing documents to witness]

19 A [Perusing documents] I certainly agree with pages  
20 1 and 2 of that exhibit MD-28 that I signed.

21 Q Okay.

1           A       I agree with that. I recognize it.

2           MR. GUNN: Let me state for the record that the first  
3 two pages appear on their face to be a document dated January  
4 25, 1965, "Subject: The autopsy of President Kennedy Summary,"  
5 signed it appears by Pierre A. Finck on the second page.

6           BY MR. GUNN:

7           Q       Dr. Finck, is that your signature on the second page?

8           A       Yes, it is.

9           Q       Do you have a recollection of having written the  
10 document that is the first and second pages of Exhibit 28?

11          A       Yes, I do.

12          Q       Dr. Finck, when you prepared the document, the first  
13 two pages of this exhibit, did you use any notes or reference  
14 material in order to be able to write the document?

15          A       Probably so, but that's why I don't remember the  
16 details, how many pages, when did I take the notes, but I agree  
17 with those two pages.

18          Q       Did you ever create a file in any file of records  
19 and materials related to the autopsy of President Kennedy?

20          A       Well, this is an example. I signed that and this  
21 is part of the documents. More details I don't remember.

1 Q Do you have a copy of this document, that is the  
2 first two pages, in your possession in Switzerland?

3 A I don't.

4 Q Would it have been your standard practice, before  
5 writing a document like the first two pages of Exhibit 28, to  
6 refer to notes before writing the document, or would you  
7 typically write something like the first two pages from memory?

8 A I don't know. I can't answer.

9 Q Could you look at the document that is page 3 of  
10 Exhibit 28 and tell me whether you previously have seen that  
11 page [indicating]?

12 A [Perusing document] Yes. I remember that, yes.

13 Q Does this document, page 3 of Exhibit 28, help refresh  
14 your recollection as to whether you kept and compiled notes  
15 related to the autopsy of President Kennedy?

16 A Yes. But again, without details --

17 Q Dr. Finck, let me make it clear, I am not asking you  
18 at all to remember any details of what was in notes. My question  
19 now is going simply to your practice regarding the taking of  
20 notes and whether you did in fact take notes related to the  
21 autopsy of President Kennedy?

1           No specifics are being asked, just the fact of whether  
2 there is a written record, or ever was a written record created  
3 by you?

4           A     I don't remember the details, it's too much time.

5           Q     Would you please look at pages 4 through 8 of Exhibit  
6 28, please. I won't be asking you any questions on specific  
7 information. My question will be whether you previously have  
8 seen the document, pages 4 through 8 of Exhibit 28.

9           A     [Perusing document]

10          MR. GUNN: We will go off the record for a minute  
11 while Dr. Finck is looking at that.

12                   [Discussion off the record.]

13          MR. GUNN: Back on the record.

14          BY MR. GUNN:

15          Q     Dr. Finck, have you had an opportunity to examine  
16 the pages?

17          A     I am not quite through.

18          Q     Oh. Please continue. Take as much time as you need.

19          A     Thank you. [Perusing document]

20                   [Discussion off the record.]

21          MR. GUNN: Back on the record.

1 BY MR. GUNN:

2 Q Dr. Finck, have you now had an opportunity to review  
3 the pages that I have previously identified for you?

4 A I read the pages 1 through 8 of MD-28. It refreshes  
5 my memory, and I agree on that.

6 Q Does reading pages 1 through 8 refresh your  
7 recollection as to whether you originally took notes related  
8 to the autopsy of President Kennedy?

9 A Yes.

10 Q You did originally take notes related to the autopsy?

11 A That's what I did. I didn't remember details, but  
12 now this shows me that I had taken -- I remember taking  
13 measurements and I agree with everything mentioned in those  
14 eight pages.

15 Q Okay.

16 Do you now recall having given some notes to Dr. Humes  
17 after the autopsy?

18 A I don't recall now. This refreshes my memory after  
19 more than -- 30 years.

20 Q Sure.

21 Again, the questions that I am interested in now go

1 to your recollection of having taken notes and how you might  
2 have filed or organized those notes.

3 Do you have any better recollection now as to whether  
4 you did compile notes near the time of the autopsy of President  
5 Kennedy?

6 A I recognize now what I have written then.

7 Q Well, once again, Dr. Finck, I'm not asking you to  
8 remember any details from the autopsy. My questions now are  
9 simply to the question of whether you took notes during the  
10 autopsy and whether you collected notes subsequent to the  
11 autopsy?

12 A I don't know how to answer that question.

13 Q Could you please look at pages 9 through 25 of Exhibit  
14 28 and, again, I am not going to be asking you any detailed  
15 questions related to the contents of the document, but I am  
16 just going to ask you whether you have previously seen the  
17 document or documents before, on pages 9 through 25.

18 MR. GUNN: We will go off the record.

19 [Discussion off the record.]

20 MR. GUNN: Back on the record.

21 BY MR. GUNN:

1 Q Dr. Finck, have you had an opportunity to look at  
2 the remaining pages of Exhibit 28?

3 A I have.

4 Q And do you recognize those documents?

5 A I do.

6 Q Is that your signature that appears on pages 24 and  
7 25 of the documents?

8 A 24 --

9 Q The last two pages of the document.

10 A 24, that's my signature, yes. And that's my  
11 signature, yes.

12 Q Did you write those documents?

13 A I wrote those documents, but I don't recognize a  
14 sentence handwritten. this is not my handwriting on page 23,  
15 the lines crossed out and someone wrote by hand. I don't  
16 recognize my handwriting here.

17 Q Let me read those lines to you that are handwritten.  
18 "One officer who outranked me told me that my request was only  
19 of academic interest. The same officer did not agree to  
20 state in the autopsy report that the autopsy was  
21 incomplete, as I had suggested to indicate."

1           Do you now recall whether those are your words, even  
2 though that is not your handwriting?

3           A       That could be my words. I don't recognize my  
4 handwriting. I don't know what happened.

5           Q       Have you ever seen the document or seen page 23 in  
6 the form that you now have it in front of you before?

7           A       I don't remember seeing that in this form.

8           Q       Do you have a copy of any of the documents that appear  
9 in MD-28 in your personal possession?

10          A       I don't know.

11          Q       Do you have any files, either in the Untied States  
12 or in Switzerland, that contain information related to the  
13 Kennedy assassination or autopsy?

14          A       I did everything whenever I was asked, I sent those.  
15 I don't know if I have copies of everything.

16          Q       Question is whether you have any records currently  
17 in your possession or custody related to the autopsy of President  
18 Kennedy?

19          A       I don't know after all these years.

20          Q       Dr. Finck, did you do anything to prepare for this  
21 deposition today?

1           A       I did. I went through a box containing the article  
2 of the Journal of the American Medical Association, and I have  
3 sent you copies of that article.

4           Q       Did you do anything other than look at the article  
5 from the Journal of the American Medical Association?:

6           A       I looked in the box and that's the pertinent material  
7 I found.

8           Q       Was there anything else in the box that related in  
9 any way to the autopsy of President Kennedy?

10          A       I don't remember.

11          Q       How long ago did you look through the box?

12          A       Oh, since you asked me in your letters, you asked  
13 to send documents.

14          Q       So that would be sometime in the last two or three  
15 months, you looked through the box?

16          A       I would say I returned in April, so I must have looked  
17 during the month of april. And that's when I wrote to you,  
18 answering your letters, and sent you the material.

19          Q       So as you are sitting here today, you do not remember  
20 whether there was anything else in the box that related to  
21 President Kennedy's autopsy?

1 A That's right.

2 Q So even though your examination of the box was just  
3 last month, you don't remember any?

4 A That's right.

5 Q In the article for the Journal of the American Medical  
6 Association, did you prepare any written answers to questions  
7 that they put to you?

8 A Can you repeat the question?

9 Q Sure. Let me rephrase the question.

10 Did the Journal of the American Medical Association  
11 send you any written questions related to the autopsy of  
12 President Kennedy?

13 A Yes.

14 Q And did you provide written answers to JAMA?

15 A I did.

16 Q When you prepared those answers, did you make  
17 reference to any other written material, or did you answer the  
18 questions from memory?

19 A Oh, I must have referred to other materials.

20 Q What other materials did you refer to when you brought  
21 the answers?

1 A I don't remember.

2 I answered at the time. Now I don't remember.

3 Q Did you keep a copy of your written answers to the  
4 Journal of the American Medical Association?

5 A I did.

6 Q Where are those documents or where is that document,  
7 your written answer to the Journal of American Medical  
8 Association?

9 A In Switzerland.

10 Q Are they in the box that you previously made reference  
11 to?

12 A Yes.

13 Q Are there any other documents in that box that relate  
14 to the autopsy of President Kennedy?

15 A No.

16 Q Dr. Finck, prior to the deposition today, did you  
17 discuss the fact that you would be coming to the United States  
18 and having your deposition taken with anybody?

19 A No.

20 Q Other than your wife, I should say.

21 A Other than my wife, I don't remember. I don't know.

1 Q Dr. Finck, when was the last time you spoke with Dr.  
2 Boswell?

3 A I don't remember.

4 Q When is the last time you spoke to Dr. Humes?

5 A I don't remember. Years ago, but with no more  
6 precision.

7 Q Have you spoken to either Dr. Boswell or Humes at  
8 any time during the last ten years?

9 A Oh, I don't know if it was within the past ten years  
10 or not. It's a long time.

11 Q When is the last time that you saw Dr. Boswell or  
12 Dr. Humes?

13 A I don't remember. Not recently at least, I didn't  
14 see them. I don't remember the last time I saw them with  
15 precision. '67 when I was recalled from Vietnam, this is one  
16 of the times. But other than that I don't remember details  
17 over the years.

18 Q Do you remember whether you saw either Dr. Boswell  
19 or Dr. Humes at the time that you testified to the House Select  
20 Committee on Assassinations?

21 A I don't remember.

1 Q Dr. Finck, did you ever receive any orders or  
2 instructions from anyone not to discuss the assassination or  
3 autopsy of President Kennedy?

4 A At the time of the autopsy, yes.

5 Q Can you tell me what the circumstances were around  
6 that, who gave you the order for example?

7 A As far as I remember, it was in the autopsy room,  
8 and I may have recorded that somewhere, but now the name escapes.  
9 I don't remember specifically who told us not to discuss it.

10 Q Did you ever receive a written order not to discuss  
11 the autopsy?

12 A I don't remember receiving a written order not to  
13 discuss the autopsy. I don't remember.

14 Q Did you ever receive an order from Colonel Stover,  
15 Captain Stover, not to discuss the autopsy?

16 A I think this is recorded here somewhere, we read today  
17 that someone told us not to discuss it. [Perusing document]

18 Q You are referring to Exhibit 28?

19 A Page 23 of Exhibit 28 says:

20 "After the completion of the post mortem examination, the  
21 Surgeon General of the Navy"

1 -- and that refreshes my memory -- "told us not to discuss the  
2 autopsy with anyone, even among prosecutors or with the  
3 investigators involved."

4 I don't remember more than that.

5 Q Do you have any recollection whether you received  
6 any similar orders from the Surgeon General of the Army?

7 A No, I don't.

8 Q Would you turn to page 3 of the document that you  
9 have in front of you, Exhibit 28.

10 I would like to draw your attention to the paragraph  
11 numbered 2 and ask you if that helps to refresh your recollection  
12 of any other orders you may have received?

13 A Before the Warren Commission, Warren report:  
14 "Before the Warren report was published in September '64, I  
15 received directives by telephone from the White House  
16 through" -- something illegible -- "through your office."

17 Q Your office.

18 A "And through the Naval Medical School in Bethesda  
19 not to discuss subject autopsy beyond the contents of the Warren  
20 report."

21 I don't remember that.

1 Q Do you remember receiving any telephone calls from  
2 the White House?

3 A No, I don't.

4 Q Do you remember receiving any telephone call in your  
5 life from the White House?

6 A I don't.

7 Q Dr. Finck, is there any order or promise or other  
8 kind of restraint on you today that would keep you from answering  
9 questions fully and honestly?

10 A No.

11 Can you repeat again?

12 Q Sure.

13 Let me try to rephrase it. Is there any order of  
14 which you are aware that currently restricts your ability to  
15 answer questions in this deposition fully and honestly?

16 A Definitely not.

17 Q Similarly, is there any promise that you have made  
18 to anyone that you feel would constrain your ability to answer  
19 questions fully and honestly here today?

20 A Can you repeat this?

21 Q Yes. Have you made any promise to anyone that --

1 A No.

2 Q -- would keep you from answering questions fully and  
3 honestly today?

4 A No.

5 Q Were you ever told that the Kennedy family did not  
6 want you to discuss issues related to the autopsy of President  
7 Kennedy?

8 A No.

9 [Discussion off the record.]

10 BY MR. GUNN:

11 Q Dr. Finck, are you aware of any type of autopsy manual  
12 or autopsy rules that would govern autopsies in the military,  
13 in the area of 1963?

14 A Yes.

15 Q Can you tell me what kinds of materials or rules,  
16 or regulations or manuals you are aware of?

17 A Oh, there was an autopsy manual for example, there  
18 were several autopsy manuals, besides the autopsy manual of  
19 the Army.

20 Q I would like to show you a document that is marked  
21 Exhibit 7 and ask you if this is the autopsy manual you are

1 referring to? [Handing document to witness]

2 A Oh, I have seen that autopsy manual. Yes, I recognize  
3 that.

4 Q When you were involved in performing autopsies, did  
5 you do your best to conform to the standards of the autopsy  
6 manual?

7 A Yes.

8 Q Were there any other regulations or standards that  
9 you followed in the course of your performing autopsies in the  
10 1960's?

11 A Besides the autopsy manual? I can't answer that  
12 specifically.

13 Q What was your understanding of the purpose of the  
14 autopsy manual? What was it supposed to do as best you  
15 understand it?

16 A To find the cause of death, the purpose of an autopsy  
17 is to find the cause of death.

18 Q Okay. And what is the purpose of the autopsy manual?

19 A To list the procedures of an autopsy.

20 Q Is it your understanding that an autopsy manual  
21 provides certain forms of standard guidelines for the

1 performance of autopsies?

2 A Yes.

3 Q Then the autopsy manual would create at least minimal  
4 requirements that should be performed in the course of  
5 conducting an autopsy?

6 A Yes.

7 Q Are you familiar with the term "medical/legal  
8 autopsy"?

9 A Yes.

10 Q What is your understanding of what medical/legal  
11 autopsy means?

12 A An autopsy in relation to the law.

13 Q And what --

14 A To find the cause of death, and based on the autopsy  
15 and other investigations, the manner of death.

16 For example, in the clothing of someone dead, there  
17 is a suicide note indicating that the person wishes to commit  
18 suicide. The autopsy itself doesn't indicate a suicide. In  
19 poisoning a toxicologic analysis is necessary. These are  
20 investigations related to the autopsy, but not necessarily  
21 answered at the time of autopsy. You may have to wait a few

1 hours or few days for an answer, and you put all the pieces  
2 together in reaching a conclusion in medical/legal autopsy,  
3 based on the autopsy and other investigations. That's my  
4 understanding of a medical/legal autopsy.

5 Q Would it be fair to say that medical/legal autopsies  
6 are performed in order to determine evidence that would be  
7 legally important?

8 A Yes. For example, if you perform an autopsy and you  
9 find a bullet, you turn that bullet over to the police for  
10 examination.

11 Q In a medical/legal autopsy, would the goal be in part  
12 to determine whether there was, for example, more than one person  
13 who shot at a victim?

14 A Based on the autopsy itself, you can find projectiles  
15 in the body, but that doesn't tell you necessarily about the  
16 number of people involved. What you find in the body is what  
17 counts, the evidence.

18 Q Sure. And one of the goals, would it not be fair  
19 to say, would be to determine what the cause of death is, would  
20 that be correct?

21 A The purpose of an autopsy to determine what the cause

1 of death is?

2 Q Yes.

3 A Yes.

4 Q And would it be also important to determine whether  
5 there was more than one injury to a body?

6 A More than one injury? Oh, yes. The autopsy shows  
7 that.

8 Q And it could be that two people are both shooting  
9 at one person at the same time and one of them may have killed  
10 the victim and one of them may have just caused superficial  
11 damage. Would it be fair to say that in a medical/legal autopsy,  
12 part of the goal is to determine as best one can what injuries  
13 have been received by what causes, by the victim?

14 A What kind of injury and the causes of those injuries,  
15 yes.

16 Q At the time that you completed the autopsy of  
17 President Kennedy, did you believe that the standards as set  
18 forth in the autopsy manual had been satisfied for the autopsy  
19 of President Kennedy?

20 A You mean at the time the autopsy was completed?

21 Q Yes.

1           A       I didn't -- I did not ask myself the question.

2                    We examined the wounds and there were questions  
3 answered following the autopsy. It was clear that there was  
4 a wound of entry in the upper back, but it is, thanks to Dr.  
5 Humes, that next morning he found out there was a wound in the  
6 front of the neck. At the time of the autopsy, we did not see  
7 the exit in the front of the neck. For the head it was clear,  
8 but for the neck it was not. So this was clarified the next  
9 day.

10                   So to answer your question, at the time the autopsy  
11 was completed, there was still no answer.

12                   It shows once more that you have to wait for certain  
13 things to be put together.

14           Q       Do you believe that everything that was done,  
15 everything that should have been done during the time of the  
16 autopsy on President Kennedy was in fact done during the autopsy?

17                   Was there any procedure, for example, that should  
18 have been performed that was not performed?

19           A       The removal of the organs of the neck. In my training  
20 we were trained to remove the organs of the neck. And in this  
21 particular case, they were not removed.

1 Q Isn't that particularly important in the autopsy of  
2 President Kennedy in the sense that there is believed to have  
3 been a wound that went through the neck?

4 A Yes.

5 Q And isn't it important in a medical/legal autopsy  
6 to be able to track the course of a bullet through the body?

7 A Yes.

8 Q When you were performing the autopsy of President  
9 Kennedy, did you make any attempts to track the course of the  
10 bullet --

11 A Yes.

12 Q -- that you referred to as the upper back?

13 A Yes. That was unsuccessful with a probe from what  
14 I remember.

15 Q What kind of probe did you use?

16 A I don't remember.

17 Q Is there a standard type of probe that is used in  
18 autopsies?

19 A A non-metallic probe.

20 Q In using the probe, did you attempt to determine the  
21 angle of the entrance of the bullet into President Kennedy's

1 body?

2 A Yes. It was unsuccessful from what I remember.

3 Q In the probes that you did make, did you find any  
4 evidence that would support a bullet going into the upper back  
5 and existing from the place where the tracheotomy incision had  
6 been performed?

7 A From what I recall, we stated the probing was  
8 unsuccessful. That's all I can remember.

9 Q My question is did you find any evidence during the  
10 course of the autopsy that would link the wound in the upper  
11 back to the exit wound in the throat?

12 A I don't recall.

13 Q Do you recall anyone during the course of the autopsy  
14 suggesting that the bullet wound in the upper back might have  
15 exited from the throat?

16 A I don't remember.

17 Q Dr. Finck, are you familiar with the term "fixed body  
18 landmark"?

19 A Yes.

20 Q For example, would the midline in the cranium be  
21 considered to be a fixed body landmark?

1 A No.

2 Q When one is attempting to determine the location of  
3 a wound, we'll say, in the thoracic cavity, would it be  
4 appropriate to use as a fixed body landmark a mastoid process?

5 A No.

6 Q For purposes of identifying the wound in the back,  
7 the thoracic cavity.

8 A An immobile bony structure is a fixed body landmark.

9 Q Well, for the identification of the location of a  
10 wound in the thoracic cavity --

11 A Thoracic cavity.

12 Q -- is a mastoid process a standard and understood  
13 fixed body landmark?

14 A For the thoracic cavity, no. Because it is part of  
15 the head, and the head is moving, could move.

16 Q So that the mastoid process would not be a standard  
17 fixed body landmark for the purposes of identifying the location  
18 of a wound in the thoracic region, is that fair to say?

19 A Yes.

20 Q Dr. Finck, I would like to show you a document that  
21 has been marked as Exhibit 6, and I would like to ask you whether

1 you have ever seen the document marked Exhibit 6? [Handing  
2 document to witness]

3 MR. GUNN: I will state for the record that Exhibit  
4 6 appears on its face to be a certificate of death, signed it  
5 appears by Rear Admiral George Gregory Burkley, dated November  
6 23rd, 1963.

7 [Witness perusing document]

8 BY MR. GUNN:

9 Q Again, my question to you, Dr. Finck, is whether you  
10 previously have seen the document before that is now marked  
11 Exhibit 6?

12 A I don't remember.

13 Q Do you know who George Burkley was?

14 A Physician to the President. Yes, I recall now that  
15 I see this.

16 Q Do you recall whether Admiral Burkley was in the  
17 autopsy room at the night of the autopsy of President Kennedy?

18 A I think he was.

19 Q I would like to draw your attention to the second  
20 page of the document, the fourth line down. Do you see the  
21 reference there to the third thoracic vertebra?

1 A I do.

2 Q For the purpose of locating a wound in the back, would  
3 the third thoracic vertebra be considered to be a fixed body  
4 landmark?

5 A Yes.

6 Q Was Dr. Burkley correct in identifying the posterior  
7 back wound as being at the level of the third thoracic vertebra?

8 A I don't know.

9 Q Did you make any attempt during the night of the  
10 autopsy to locate the upper back entry wound with any vertebra?

11 A I don't recall.

12 Q Is there any reason that you would not have attempted  
13 to locate the back wound in connection with a vertebra?

14 A No.

15 Q During the course of an autopsy, what was the  
16 standards practice in the 1960's for recording measurements  
17 and information gathered during the course of an autopsy?

18 A To locate the wound in reference to anatomic  
19 landmarks.

20 Q Was it the general practice for somebody to record  
21 the measurements in writing during the autopsy?

1 A Yes.

2 Q During the autopsy of President Kennedy, did anyone  
3 record the measurements?

4 A Yes.

5 Q Who first made the measurements during the course  
6 of the autopsy?

7 A I remember taking measurements.

8 Q Do you recall anyone else taking measurements?

9 A The other people, the two other prosecutors probably.

10 Q Was there one or more persons responsible for writing  
11 down the measurements?

12 A I wouldn't know.

13 More than one person responsible for?

14 Q Recording.

15 A I wouldn't know that.

16 Q Do you consider it an important function to record  
17 measurements during an autopsy?

18 A Yes.

19 Q What is the purpose for recording measurements in  
20 an autopsy?

21 A To keep a record of the measurements. After the body

1 is gone, it's too late to take measurements, so you have to  
2 keep records while the body is there.

3 Q Were the measurements that were recorded during the  
4 autopsy of President Kennedy measurements that conformed to  
5 standard autopsy procedures in the 1960's?

6 A Yes.

7 Q Dr. Finck, I would like to show you a document that  
8 is now marked Exhibit 1 to this deposition, which previously  
9 has been identified as the autopsy face sheet for President  
10 Kennedy, [Handing document to witness]

11 My first question to you, Dr. Finck, will be whether  
12 you have previously seen the document that is now marked as  
13 Exhibit 1?

14 A [Perusing document] I think so.

15 Q Is any of the handwriting on Exhibit 1 your  
16 handwriting?

17 A No.

18 Q Dr. Finck, the only record in existence which we are  
19 aware of notes taken during the course of the autopsy is Exhibit  
20 1 that you have before you. Can you identify anything in Exhibit  
21 1 that you believe is substandard in terms of reporting

1 measurements from an autopsy?

2 A [Perusing document] I don't know how to answer that.

3 Q Could you look at the top part of the face sheet,  
4 the portion where it refers to weights [indicating]. Do you  
5 see that?

6 A Yes, I do.

7 Q Is there a weight that is recorded for the brain?

8 A No.

9 Q President Kennedy was killed by a gunshot wound to  
10 the head, is that correct?

11 A Yes.

12 Q Should the brain have been recorded as a relevant  
13 measurement in a medical/legal autopsy?

14 A I don't think I can answer that question by yes or  
15 no, because when you perform an autopsy, you put the brain in  
16 formalin, which is a preservative, and that is what we did.  
17 And the brain was weighed later on. But it was severely damaged  
18 at the time of the autopsy and we put it in formalin, so I don't  
19 think I can answer that question simply.

20 Q Should the brain have been weighed before it was put  
21 in formalin?

1           Let me withdraw that question and ask another  
2 question.  Is it standard autopsy practice when the brain is  
3 removed in an autopsy to weigh a brain --

4           A     Yes.

5           Q     -- before it is put in formalin?

6           A     Yes.

7           Q     Is there a reason that that was not -- the brain weight  
8 was not recorded for President Kennedy?

9           A     I don't know.

10          Q     Do you recall whether the brain of President Kennedy  
11 was weighed before it was put in formalin?

12          A     No, I don't.

13          Q     Is it correct to say that in the autopsy, it was  
14 concluded that President Kennedy had been killed or had been  
15 hit by two gunshot wounds, one to the head and one to the upper  
16 thoracic cavity?

17          A     The President was struck by two bullets.

18          Q     And it was the final autopsy conclusion that the  
19 bullet to the head was the fatal --

20          A     Yes.

21          Q     -- bullet?

1           And that he was also shot by a bullet that entered  
2 in the upper thoracic cavity and exited from the throat?

3           A     Yes.

4           Q     Are there any weights of any organs of the neck that  
5 appear on the autopsy face sheet?

6           A     I don't see organs of the neck on that autopsy face  
7 sheet.

8                     So you mean we removed organs of the neck?

9           Q     You removed organs --

10          A     Oh, they were not removed, the organs of the neck.  
11 I know so.

12          Q     So that I'm clear here, the two parts of the body  
13 of President Kennedy that were actually struck by the bullets  
14 were not weighed during the course of the autopsy, is that  
15 correct?

16          A     Oh, you don't weigh the organs of the neck. Even  
17 if you remove them, you don't weigh them.

18          Q     Okay.

19          A     Can you rephrase your questions?

20          Q     Sure.

21                     Would it be fair to say two parts of the body that

1 were injured by the gunshot wounds were not analyzed at the  
2 time of the -- let me withdraw that.

3           Could you tell me what, in just a very brief way,  
4 the thyroid is --

5           A     Well, the thyroid is a gland in the front of the  
6 throat.  Removed with the organs of the neck, it would be weighed  
7 separately.

8           Q     So it would have been possible to weigh an organ of  
9 the neck and that would have been a standard --

10          A     Oh.

11          Q     -- part of an autopsy?

12          A     But in that case, the weight of the thyroid would  
13 be irrelevant.

14          Q     Let me try asking you a question again that I posed  
15 to you before.

16                 As you now look at the autopsy face sheet, is there  
17 anything that you believe should have been present on the autopsy  
18 face sheet that is not on the autopsy face sheet with regards  
19 to measurements?

20          A     Measurements.  [Perusing document]

21                 I can't answer that.

1 Q Dr. Finck, are you surprised that the exhibit marked  
2 Exhibit 1 to this deposition is the only note or record currently  
3 in existence related to the autopsy of President Kennedy?

4 Let me withdraw that.

5 Are you surprised that the only document that we have  
6 of notes taken during the course of the autopsy is Exhibit 1?  
7 Would you have expected there to be more notes, or more complete  
8 notes?

9 A Can't answer that.

10 Q In the course of --

11 A No.

12 Q -- of a standard autopsy conducted during the 1960's,  
13 would there be more of a written record from the time of the  
14 autopsy than is present in Exhibit 1?

15 A I don't know.

16 Q In terms of the autopsies that you yourself performed  
17 up until the autopsy of President Kennedy, was it your practice  
18 to have more detailed notes than appear in Exhibit 1?

19 A Yes.

20 Q Are you able to identify any reason why the autopsy  
21 of the President of the United States has no more detail than

1 we have in Exhibit 1?

2 A No.

3 Q Let me ask again whether any of our recent discussion  
4 has refreshed your recollection on whether you yourself took  
5 notes during the course of President Kennedy's autopsy?

6 A Some of the documents I have seen, I recognize, and  
7 signed. They refresh my memory.

8 Q But my question is simply whether you have any kind  
9 of better recollection right now as to whether you took notes  
10 during the time of President Kennedy's autopsy?

11 A Maybe so.

12 Q When you say "maybe so," do you now recall that you  
13 took notes during President Kennedy's autopsy?

14 A I must have when I see those documents, but I don't  
15 -- after more than 30 years, I cannot recall details about it.

16 Q Dr. Finck, in standard medical/legal autopsies during  
17 the 1960's, was it the standard practice to examine the clothing  
18 the victim was wearing at the time of the injury?

19 A Yes.

20 Q During the course of the autopsy of President Kennedy,  
21 did you examine the clothing that he was wearing at the time

1 that he was shot?

2 A No.

3 Q During the course of the autopsy, did you or any other  
4 doctor ask to see the clothing President Kennedy was wearing?

5 A I asked to see the clothing.

6 Q What were you told?

7 A That it was not available.

8 Q Were you told why it was not available?

9 A No.

10 Q Do you know where the clothing was?

11 A No.

12 Q After you were told that it was not available, did  
13 you make any further inquiry as to where it was or what might  
14 be done to bring the clothing --

15 A No.

16 Q -- to you?

17 A Would it have been useful to have the clothing  
18 available for examination?

19 A Yes.

20 Q Who told you that the clothing was not available?

21 A I don't remember.

1 Q Do you remember whether it was a person in uniform  
2 or a person in civilian clothes?

3 A I don't know.

4 Q Did you ask that any further efforts be undertaken  
5 to obtain the clothing President Kennedy was wearing? Or just  
6 one question then you dropped it?

7 A I don't remember.

8 I am positive that I asked to see the clothing.

9 Q Dr. Finck, was it standard practice in autopsies for  
10 prosectors to speak with treating physicians of a victim?

11 A Can you please repeat?

12 Q Sure.

13 During the 1960's, was it standard procedure for  
14 doctors performing an autopsy to attempt to speak with doctors  
15 who may have treated the victim before the death?

16 A Yes. You need information at the time of the autopsy  
17 regarding the circumstances preceding death.

18 Q And it would have been standard practice in the 1960's  
19 for autopsy physicians to attempt to contact the doctor who  
20 treated the patient before he died, is that correct?

21 A Yes.

1 Q Was there any attempt made to contact any of the  
2 treating physicians of President Kennedy during the course of  
3 the autopsy?

4 A I don't know.

5 Q Should someone have attempted to contact one of the  
6 treating physicians of President Kennedy during the course of  
7 the autopsy?

8 A Yes.

9 Q Were you aware during the time of the autopsy that  
10 one or more physicians who had treated President Kennedy had  
11 appeared in a press conference and described the wounds?

12 A I don't know.

13 Q Were you aware that during the time that you performed  
14 the autopsy of President Kennedy, the doctors who had treated  
15 President Kennedy in Dallas had already prepared written  
16 statements about what they observed during their treatment of  
17 President Kennedy?

18 A I'm not aware.

19 Q Should in the ordinary course, if doctors have  
20 prepared statements regarding treatment of a victim, should  
21 those statements have been made available to doctors performing

1 an autopsy?

2 A Yes.

3 Q That would have been standard procedure--

4 A Yes.

5 Q -- in 1963? But as far as you are aware, that was  
6 not done in the case of President Kennedy?

7 A As far as I know.

8 Q Were you aware at the time that you performed the  
9 autopsy that there had been a motion picture camera that had  
10 filmed the assassination of President Kennedy? During the time  
11 that you were performing the autopsy, were you aware of that?

12 A No.

13 Q In the ordinary course, if you had had available for  
14 your inspection a motion picture of an injury, would that have  
15 been useful or helpful in the course of performing an autopsy?

16 A Yes.

17 Q But no one told you that there was a motion picture  
18 available of the assassination?

19 A No one.

20 Q Are you aware of anyone in the autopsy room having  
21 called Dallas to speak to either police or treating physicians

1 regarding any observations that were made at the time of the  
2 assassination?

3 A I am not.

4 Q Were you aware of any calls that came to the autopsy  
5 room during the course of the autopsy from Dallas by either  
6 police or some other official related to the injuries sustained  
7 by President Kennedy?

8 A No.

9 Q Were you ever informed, prior to the time that you  
10 signed the autopsy protocol, that the motion picture depicting  
11 the assassination of President Kennedy showed his body moving  
12 backwards after he was hit by the bullets?

13 A At the time of the autopsy?

14 Q Prior to the time that you signed the autopsy  
15 protocol, not during the autopsy but by the time you signed  
16 the autopsy protocol, had you ever been told that the motion  
17 picture showing the assassination of President Kennedy also  
18 depicted President Kennedy's body moving backwards after he  
19 was hit by a bullet?

20 A No.

21 Q Would such information have been relevant to you in

1 making and preparing the autopsy protocol?

2 A A motion picture showing the movement from front to  
3 back?

4 Q Yes.

5 A Would it have been useful?

6 That still does not indicate the position of the  
7 wounds, so that is why I don't think it would have been useful.

8 The movement shown on the motion picture does not  
9 identify anterior exit.

10 Is that your question?

11 Q No, that was not my question. My question was whether  
12 knowing that the President moved backwards after being hit,  
13 would that information have been useful in the preparation of  
14 the autopsy protocol?

15 A I don't think so.

16 Q Is it relevant in determining cause of death in a  
17 gunshot case knowing whether the victim moved forwards or  
18 backwards after having been hit?

19 A It's very difficult to answer a question like that,  
20 because the movement does not indicate necessarily the direction  
21 of the bullet path. That's my answer if I answer your question

1 correctly.

2 Q My question is not whether the direction of the  
3 movement necessarily shows anything. My question is whether  
4 the movement of the body is a relevant factor that should be  
5 taken into consideration when attempting to determine cause  
6 of death?

7 A No.

8 Q No relevance whatsoever?

9 A A movement seen on a motion picture does not specify  
10 a cause of death.

11 Q Again, my question is not whether it specifies a cause  
12 of death, but whether that is information that is relevant along  
13 with other information in helping to determine circumstances  
14 surrounding a death.

15 A By itself, no.

16 Q Again, my question is not by itself. My question  
17 is whether that is one piece of evidence that is relevant and  
18 should be considered along with other evidence in helping to  
19 determine the nature of injuries?

20 A I can't answer that. I don't know how relevant it  
21 can be.

1 Q A few moments ago I was referring to the autopsy  
2 protocol. I would like to show to you the document I was  
3 referring to. [Handing document to witness]

4 A [Perusing document]

5 MR. GUNN: I have handed Dr. Finck a document that  
6 has been marked MD-3 for the purposes of this deposition. This  
7 was Commission Exhibit Number 387 to the Warren Commission.  
8 It appears on its face to be an autopsy protocol for President  
9 Kennedy.

10 BY MR. GUNN:

11 Q My first question to you, Dr. Finck, will be whether  
12 you previously have seen the document that is now marked Exhibit  
13 3 to this deposition?

14 A Yes.

15 Q Would you turn to the last page of Exhibit Number  
16 3 and tell me whether that is a reproduction of your signature  
17 that appears at the bottom right-hand corner?

18 A Yes.

19 Q I would like to draw your attention to the second  
20 page of the autopsy protocol.

21 I would like to read for you the first lines of the

1 second paragraph where it says:

2 "Three shots were heard and the President fell forward bleeding  
3 from the head."

4 Did I read that correctly?

5 A "Three shots were heard and the President fell forward  
6 bleeding from the head."

7 Q Those are the words that are in the autopsy protocol.  
8 Can you tell me why in an autopsy protocol it would  
9 be written that a victim fell forward? What relevance does  
10 that have to an autopsy protocol?

11 A "Fell forward, bleeding from the head."

12 Well, this is part of the clinical summary, the  
13 information given, and it's part of the information provided,  
14 "fell forward."

15 See, this is not the words of the pathologist. It  
16 is information provided to them.

17 Q And so the pathologists at the time that they wrote  
18 the autopsy protocol were under the impression that President  
19 Kennedy had fallen forward after being shot, is that correct?

20 A Yes.

21 Q That's all for that.

1           Dr. Finck, I would like to shift to another topic  
2 now and ask you about something of which there has been a great  
3 deal of controversy and I hope that you can help clarify some  
4 of the issues.

5           Could you please tell us what your understanding is  
6 of who was in charge of the autopsy?

7           A     Of the autopsy itself? I would say Dr. Humes, who  
8 was the chief of the laboratory.

9           Q     Was there anyone during the course of the autopsy  
10 who gave Dr. Humes instructions regarding the scope of the  
11 autopsy?

12          A     Throughout the autopsy, we were told about the wishes  
13 of the family to limit the autopsy to the head, and then it  
14 was extended to the chest, but --

15          Q     Does that mean that Dr. Humes, Dr. Boswell and  
16 yourself were not free to perform a complete medical/legal  
17 autopsy on President Kennedy?

18          A     That's right.

19          Q     Who, to the best of your understanding, was the person  
20 who gave the instructions to Dr. Humes that limited the scope  
21 of the autopsy?

1           A       Well, there were several people around us, and that  
2 may have been recorded, I don't know, who relayed the wishes  
3 of the Kennedy family to us.

4           Q       Did you or any of the other prosecutors respond that  
5 you believed that you needed to conduct a full medical/legal  
6 autopsy on President Kennedy?

7           A       Well, it would have been desirable to have a full  
8 autopsy. We were limited in our doing by the family.

9           Q       On what information do you base your understanding  
10 that it was the family, rather than somebody else, who was  
11 limiting the scope of the autopsy?

12          A       We were told during the autopsy about the wishes of  
13 the family.

14          Q       Would it be fair to say that you had no independent  
15 knowledge yourself of what the family's wishes were, other than  
16 what you had been told?

17          A       Can you repeat that, please?

18          Q       Sure. Let me try a different kind of question.

19                   I assume that you did not, you or Dr. Humes did not  
20 talk to the Attorney General, Robert Kennedy?

21          A       We did not.

1 Q I assume that you did not personally speak to Jackie  
2 Kennedy?

3 A We did not.

4 Q Your understanding during the course of the autopsy  
5 about their wishes came from somebody else?

6 A Right.

7 Q Is that fair?

8 Approximately how many people were in the autopsy  
9 room during the course of the autopsy?

10 A I have a figure of 26. Because someone took notes  
11 in the autopsy room asking the people present who they were,  
12 and I found that out after the autopsy, that so many people  
13 were there.

14 I know there were too many people at the time, but  
15 at the time, if I had been asked the question, I wouldn't have  
16 been able to answer. And now it's from printed documents that  
17 I have read after the autopsy that there were those 26 people.

18 Correct me if I am wrong. Is it the number, 26?

19 Q There are different numbers that have been given,  
20 and that is one of the numbers.

21 A And that list is available. there was someone in

1 the autopsy room, an official, who took those names and titles.

2 Q During the course of the autopsy, did anyone in the  
3 room ask any questions about what was occurring during the  
4 autopsy?

5 Just as an example, did somebody say, "Why are you  
6 doing that procedure?"

7 Did you get any questions from anyone in the room?

8 A I don't remember.

9 Q Do you recall whether anyone in the room expressed  
10 any interest in the angle in which the bullets hit President  
11 Kennedy?

12 A I don't.

13 Q Did anyone in the room give any orders or instructions  
14 limiting what you could be doing regarding the autopsy other  
15 than what you have already mentioned?

16 A No.

17 Q For the people who were present in the autopsy room,  
18 the observers, were they generally quiet during the autopsy,  
19 or were they talking? What were the conditions like?

20 A I remember a large number of people.

21 Quiet or not quiet, I can't answer that.

1 Q Do you recall whether the room during the autopsy  
2 was noisy or somber? What was the --

3 A No, I don't remember excessive noise.

4 MR. GUNN: Can we go off the record a minute.

5 [Discussion off the record.]

6 MR. GUNN: We will go back on the record.

7 BY MR. GUNN:

8 Q Dr. Finck, I would like to turn to some circumstances  
9 immediately surrounding the autopsy. And what I would like  
10 to do is to go through some of the events with you in  
11 chronological order. So if we could start from the time that  
12 you first heard that you would be involved in the autopsy of  
13 President Kennedy, how did you first hear that you would be  
14 involved?

15 A In the afternoon of the twenty-second of November,  
16 I was alerted that I may be called.

17 Q Who was it who first alerted you that you might be  
18 called?

19 A I think it was Dr. Helwig. The Chief of Pathology  
20 of the AFIP.

21 Q What did you do after hearing that you might be

1 involved in the autopsy?

2 A I worked downtown, went home, and was called during  
3 dinner. I was having dinner with my wife. I was called to  
4 go to Bethesda.

5 Q Do you recall approximately what time you first heard  
6 from Bethesda regarding the autopsy?

7 A Oh, it was at dinner time, 1930 hours or so.

8 Q Some of the records we have seen suggest the time  
9 was 1930 and some suggest that it was 2000 hours.

10 Do you have a recollection of which of those?

11 A Oh, one of the two. It is close enough -- 1930.

12 Q Approximately -- who was it who called you?

13 A Dr. Humes.

14 Q From Bethesda?

15 A Yes.

16 Q What did he say to you during that telephone call?

17 A That I was to come to the autopsy room of the Bethesda  
18 Hospital, Naval Medical Center.

19 Q Had you been to the autopsy room there before? At  
20 Bethesda?

21 A I don't remember. I don't think so.

1 Q Approximately how long did it take you from the time  
2 that you heard from Dr. Humes until the time that you arrived  
3 at the autopsy room?

4 A Oh, I left almost immediately from home. The exact  
5 time it took me I don't recall.

6 Q Do you recall whether it would have been more or less  
7 than an hour to get --

8 A About, about an hour or so.

9 Q Could you describe what Bethesda Hospital looked like  
10 at the time that you arrived with respect to people who were  
11 there, or activities that were going on around the building?

12 A I may have written that somewhere. But now when asked  
13 the question, I don't know how to answer.

14 Q Do you remember, for example, whether it was crowded  
15 around the hospital or whether security people were keeping  
16 people away? Any recollection?

17 A No.

18 Q I would like to show you again Exhibit 28. I would  
19 like to draw your attention to page 4 and the first, or the  
20 second paragraph [indicating].

21 A Yes.

1 Q If you could read that, the first two sentences to  
2 yourself, while I read them outloud.

3 "I arrived at the Naval Hospital at 2030 hours. I saw what  
4 appears to be a helicopter on the ground."

5 Do you now have any recollection of having seen a  
6 helicopter on the ground at --

7 A No.

8 Q -- Bethesda?

9 A No. I have written this. It's right. I recognize  
10 the document. But now when asked the question, I don't  
11 remember.

12 Q Do you have any idea why you would have written down  
13 that "there was a helicopter on the ground at Bethesda"?

14 A No. Why did I write that? I don't know.

15 Q Other than with your telephone call with Dr. Humes,  
16 had you heard any other information about the nature of President  
17 Kennedy's wounds prior to the time that you arrived in the  
18 autopsy room?

19 A I don't remember details about this.

20 Q Just a question of whether you heard anything at all  
21 about the nature of the wounds, not any details.

1 A I don't.

2 Q So, for example, had you heard on the radio what  
3 anybody had said about wounds?

4 A I don't remember.

5 Q Dr. Finck, I am going to show you a document that  
6 we have marked as Exhibit 22 to this deposition, which is a  
7 portion of the May 27th, 1992, issue of JAMA. I would like  
8 to show you one particular passage from that.

9 Turn to page 2798. It's part of a conversation with  
10 Dr. Humes. I would like for you to read to yourself the portion  
11 starting with the word "Still" in the center column, and I will  
12 read it out loud. According to the JAMA article, it says:

13 "Still, he says" -- and it's quoting Dr. Humes -- "that the  
14 scene in the autopsy room was `something like trying to  
15 do delicate neurosurgery in a three-ring circus.'"

16 Dr. Finck, did --

17 A Who said that?

18 Q According to the JAMA article, that was Dr. Humes.

19 A Oh. Humes emphasizes there was a lot of commotion.

20 [Perusing document] "-- somewhat like trying to do delicate  
21 neurosurgery in a three-ring circus."

1 Q Is it your recollection now that the scene in the  
2 autopsy room was one where there was a great deal of commotion,  
3 and would it be fair to say that it was something like a  
4 three-ring circus?

5 A Well, there were a lot of people and -- I remember  
6 it was crowded. That's all I can say.

7 Q Was there a great deal of commotion in the autopsy  
8 room?

9 A Commotion in what respect, commotion?

10 Q People coming and going, noise.

11 A Yes.

12 Q During the course -- for standard medical/legal  
13 autopsies, is there any guidelines for observers present in  
14 an autopsy room?

15 A I don't know.

16 Q Do you believe that in a medical/legal autopsy, there  
17 should be observers in the room other than doctors or medical  
18 students?

19 A Yes. For example, police officers in charge of a  
20 case. In the cases for which I was responsible, I always made  
21 an effort to ask to have the investigator of the case present

1 in the autopsy room. If I removed a bullet, for example, I  
2 turned it over to him. I could ask him questions about the  
3 circumstances of death, the scene. It was my habit to do so.

4 Q In the autopsy of President Kennedy, is it your  
5 present opinion that there were more people present in the  
6 autopsy room than should have been present for the purposes  
7 of performing a thorough and comprehensive autopsy?

8 A Yes.

9 Q Did you or either of the other prosecutors make any  
10 suggestions to anyone that people be asked to leave the room  
11 during the autopsy?

12 A I don't recall that.

13 Q Could you please describe what President Kennedy's  
14 body looked like, in just a general description, at the first  
15 time that you saw him when you arrived in the autopsy room?

16 A He was on his back with no clothing.

17 Q Had there been any incisions in the thorax?

18 A Oh, the autopsy had been in progress before my  
19 arrival. I cannot give you details.

20 Q Do you recall whether the brain had been removed at  
21 the time that you arrived?

1 A I think it had been.

2 Q When you first arrived at the morgue, what did you  
3 do in conjunction with the autopsy?

4 A I was one of the three prosectors taking measurements,  
5 participating in the autopsy.

6 Q Did you start participating in the autopsy  
7 immediately upon arrival?

8 A I would say so.

9 Q Was there something that you first paid attention  
10 to or focused on in terms of your own work?

11 A I looked at the wounds.

12 Q When did you first identify there being a wound in  
13 the upper back?

14 A I don't remember the details as to when.

15 Q Do you recall whether it was shortly after your  
16 arrival or much later in the autopsy?

17 A I don't.

18 Q I would like to show you a passage from Exhibit 28  
19 which you have seen previously. I am going to ask if it helps  
20 to refresh your recollection on the condition of President  
21 Kennedy's body at the time that you arrived. [Handing document

1 to witness]

2 I draw your attention to --

3 A Oh, it is.

4 Q -- the middle of page 4.

5 A The brain, the heart and lungs had been removed before  
6 my arrival.

7 So now that I read this, I recognize this. But when  
8 asked those questions you are asking me, many of them, I say  
9 I don't recall, now I recall because I read something I have  
10 written and signed. The brain, the heart and the lungs had  
11 been removed before my arrival. Very plain.

12 Q Does that help you recall what the first things were  
13 that you yourself did at the time you arrived in the morgue?

14 Does that help put a context in it that helps jog your memory?

15 A No.

16 Q Did you leave the autopsy room at any time prior to  
17 the completion of the autopsy?

18 A I don't remember.

19 Q Do you recall whether Drs. Humes or Boswell left the  
20 room at any time during the autopsy?

21 A I don't.

1 Q When you first saw the body of President Kennedy,  
2 had the scalp been reflected at all?

3 A Well, the scalp must have been reflected for the  
4 reason that the brain had been removed before my arrival, which  
5 means the scalp must have been reflected in order to be able  
6 to remove the brain.

7 Q Do you have any recollection now yourself as to what  
8 the cranium looked like when you first saw the body, as to whether  
9 the scalp was back or not?

10 A No.

11 Q Were you involved in any examination of the brain  
12 at all?

13 A Yes. We examined the formalin-fixed brain, but at  
14 a later date. You have to wait a few days until the brain is  
15 fixed, as the pathologist says, which means it becomes harder.

16 At the time of the autopsy it was severely lacerated,  
17 damaged, but it was examined a few days later.

18 This is in the record somewhere, when I went to  
19 Bethesda to look at the brain.

20 Q Do you have any recollection in examining the brain  
21 at the time of the autopsy itself? Not the supplementary

1 examination, but during the autopsy?

2 A It had been removed before my arrival. I don't  
3 remember seeing it at the time of the autopsy.

4 Q You don't remember seeing the brain at all?

5 A I can't answer the question. It is too far back.  
6 I have to refer to written records, because --

7 Q Would it have been standard practice in 1963 to  
8 conduct any form of examination of a brain that had suffered  
9 from a gunshot wound at the time of the autopsy?

10 A Well, this would depend, so I can't answer that  
11 question about standard practice. It depends upon the case.

12 Q In your own practice when there had been a gunshot  
13 wound to the head, would you normally have examined the brain  
14 at the time of the autopsy?

15 A In the fresh state, I would say yes. And then place  
16 it in formalin for further examination.

17 Q Sure. I don't mean the complete examination --

18 A Yes.

19 Q -- but the first time.

20 Can you tell anything about direction of wounds in  
21 a brain by looking at the brain in its fresh state?

1 A Direction of the bullet path?

2 Q Yes.

3 A No.

4 Q Why is it that you would not be able to tell anything  
5 about bullet path by looking at a brain?

6 A I don't know.

7 Can you repeat your question?

8 Q Sure. It's just, the question is -- let me try a  
9 different question.

10 What I am interested in knowing is what kind of  
11 information a competent prosector can determine by looking at  
12 a fresh brain when that brain has been subjected to a missile?

13 A Well, it would depend upon the case and the degree  
14 of destruction of the brain, and I can't answer yes or no.

15 Q Sure. I just want to know what kinds of information  
16 and how you would be able to tell information by looking at  
17 the fresh brain.

18 A That would depend upon the case really. I can't  
19 answer by yes or no.

20 Q I'm not asking you to answer yes or no, so it shouldn't  
21 be any question about that. But just what kind of information

1 can be gained by looking at the fresh brain?

2 A The extent of brain damage, that would be my answer.

3 Q That's the only thing you would be able to tell us,  
4 the gross damage?

5 A But again, it depends upon the case.

6 Q Well, and I'm just -- all kinds of cases, what other  
7 kinds of things might you be able to determine? What's the  
8 range of possibilities?

9 A I don't know about the range of possibilities.

10 Q I would like to show you a document that we have marked  
11 as Exhibit 29, and this is volume 2 of testimony that you offered  
12 in the Clay Shaw trial that there has been previous reference  
13 to. I would like to show you question and answer on page 196  
14 of your testimony from Monday, February 24, 1969. And the  
15 question states -- I'll read this for the record, starting on  
16 line 12, question to you:

17 "I thought you said, Colonel, you didn't section the brain."

18 Your answer was:

19 "We took x-rays of this brain, as far as I remember someone  
20 did, to determine the presence of metallic fragments after it  
21 was removed as I can remember, but I don't recall making sections

1 of that brain. I believe Dr. Humes did section that brain."

2 A I can't answer that.

3 Q In standard autopsy practice, is it a common  
4 occurrence to x-ray a fresh brain when that brain has been  
5 subjected to a missile?

6 A That can be helpful, yes.

7 Q So would it be a standard practice to conduct an x-ray  
8 of a fresh brain in order to determine missile fragments in  
9 the brain?

10 A I don't know if it is standard practice.

11 Q Is it a practice that you yourself would recommend  
12 when there is a gunshot wound to the head to perform an x-ray  
13 on a fresh brain?

14 A It would depend upon the case.

15 Q What kind of case would you recommend that there be  
16 an x-ray of the fresh brain?

17 A If you suspect the presence of metallic fragments.

18 Q In the case of President Kennedy, did you suspect  
19 the presence of metallic fragments in the fresh brain?

20 A Yes, because there were metallic fragments on the  
21 x-ray film of the head.

1 Q So then would it have been part of your standard  
2 practice to have requested that x-rays be taken of the fresh  
3 brain?

4 A Maybe so.

5 Q When you testified in the Clay Shaw trial, were you  
6 doing the best that you could to testify truthfully and  
7 accurately?

8 A Yes.

9 Q Dr. Finck, during the autopsy, did you ever see one  
10 or more photographers in the morgue?

11 A I saw one photographer. If I saw more, I don't  
12 remember.

13 Q Do you know who that photographer was?

14 A No. His name was recorded. I don't remember now  
15 who he was.

16 Q Do you recall whether that photographer was taking  
17 flash photographs or what kind of photographs were being taken?

18 A No.

19 Q Did you request that the photographer take any  
20 particular photographs to assist you in your work?

21 Dr. Finck, let me show you a portion of Exhibit 28,

1 page 6. I am going to draw your attention to a sentence in  
2 the first paragraph, the sentence beginning with the word "I."

3 Do you see that sentence, which I will read for the  
4 record:

5 "I helped the Navy photographer to take photographs of the  
6 occipital wound, external and internal aspects as well  
7 as the wound in the back."

8 A Now that I read this, I remember. But when you asked  
9 me the question before, it's hard for me to answer. But now  
10 I see that I helped the Navy photographer to take photographs  
11 of the occipital wound. So that's what happened.

12 Q Do you now recall any suggestion that you made to  
13 the photographer in terms of placement or angle of the shot  
14 or any such thing?

15 A Angle of ?

16 Q Let me withdraw, let me withdraw the question.

17 What I am interested in now is whether you currently  
18 have a recollection of this event or whether you are just  
19 confirming what has been written here?

20 A I'm confirming what is written.

21 Q But you have no independent recollection yourself?

1 A That's too far back.

2 Q Do you have any recollection of photographs being  
3 taken with probes inserted into the wounds?

4 A I don't.

5 Q Dr. Finck, do you recall having seen any x-rays at  
6 the time of the autopsy?

7 A X-ray films of the head, yes.

8 And I recall asking for more x-ray films and I don't  
9 remember when I saw them, probably during the autopsy. There  
10 was a radiologist present, and it was his job to interpret the  
11 x-ray films. But I am the one who asked for more x-ray films  
12 in addition to the ones of the head. That I recall.

13 Q Why did you ask that additional x-rays be taken?

14 A To detect the possibility of presence of projectiles  
15 in the body outside of the head,. The head had been x-rayed,  
16 and I wanted to have a more complete survey.

17 Q Is this because you were attempting to locate the  
18 path of the bullet that entered in the upper thoracic?

19 A Yes.

20 Q And when you looked for the bullet, where was it that  
21 you were looking in the body?

1           A       Well, there was no bullet in the body, in addition  
2 to the fragments in the head, we did not see a bullet in other  
3 parts of the body and that was the reason for asking for more  
4 x-ray films, having an entrance and no exit at the time of the  
5 autopsy.

6           Q       At the time you concluded the autopsy, on the night  
7 of November 22nd-23rd, did you have any conclusion in your own  
8 mind about what had happened to the bullet that entered the  
9 upper thoracic cavity?

10          A       No. And that was the reason for the phone call of  
11 Dr. Humes the following morning, and he found out there was  
12 a wound of exit in the front of the neck. But at the time of  
13 the autopsy, we were not aware of that exit wound in the front  
14 of the neck.

15          Q       Can you explain to me why there was no prosecutor who  
16 apparently had believed that the thoracic wound would have  
17 exited from the throat? Why was it that that was not being  
18 considered as an option?

19          A       I don't know.

20          Q       Did you insert a probe into the wound in the back?

21          A       From what I remember, we tried at the time. It was

1 unsuccessful.

2 Q Did the angle of the probe show that the bullet, at  
3 least of what you were aware of at the time, went down into  
4 the thoracic cavity rather than out the throat?

5 A Can you repeat that?

6 Q Sure.

7 Did the angle of the probe when you inserted the probe  
8 into the wound, begin in a direction that pointed down into  
9 the thoracic cavity rather than out the throat?

10 A I don't think I can answer the question, because we  
11 said the probing was unsuccessful. So how can I determine an  
12 angle if the probing was unsuccessful?

13 Q How far into the wound did the probe go?

14 A I don't know.

15 We said it was unsuccessful from what I remember,  
16 and not how far it would go.

17 Q Do you recall whether any fragments, bullet  
18 fragments, were removed from President Kennedy's body during  
19 the autopsy?

20 A Somewhere we recorded that metallic fragments were  
21 removed, but this is in the record. I can't recall the details

1 now when you ask the question.

2 Q So you don't have any current recollection right now  
3 of whether there were fragments removed or not? Recollections  
4 from the night of the twenty-second.

5 A There were metallic fragments, but how many and from  
6 where in the head, I don't know.

7 I remember that many metallic fragments were seen  
8 on the x-ray of the head, and metallic fragments being removed.

9 Q Dr. Finck, I would like to show you a document that  
10 is marked Exhibit 44 to this deposition, which on its face  
11 appears to be an attachment to another document. The title  
12 of it is "Autopsy of President John Fitzgerald Kennedy," and  
13 on the last page, it appears to be -- not on the last page,  
14 toward the end it appears to have been written by James Sibert  
15 and Francis O'Neill, dated 11/27/63.

16 My first question to you, Dr. Finck, will be -- is  
17 that previously in this deposition you referred to somebody  
18 having made a list of people who attended the autopsy. My  
19 question to you is whether this document, now marked Exhibit  
20 44, is the document you were referring to?

21 A Ah. [Perusing document]

1 Q I will draw your attention particularly to page 2.

2 A Ah, here is the list of people. The following  
3 individuals attended the autopsy -- [counting] Twenty-six.

4 So the people present in the autopsy room could be  
5 counted from the document, am I right?

6 Q That is one way, yes.

7 A So this is the document that you were referring to  
8 earlier?

9 A Oh, I don't know. I remember seeing a document  
10 regarding the number of people. Is it that one or not I don't  
11 know. I would have to read everything.

12 Q Could you turn to page 4 of the document.

13 A Excuse me?

14 Q I will draw your attention to the paragraph beginning  
15 "This opening was probed."

16 If you could read that to yourself, please.

17 A Yes. What kind of opening is this? This opening  
18 was -- [Perusing document]

19 Q Dr. Finck, does reading that paragraph on page 4 of  
20 Exhibit 44 help refresh your recollection as to whether there  
21 was any angle determined or hypothesized for the entrance wound

1 in the back?

2 A I really don't remember that. I can't answer.

3 Q Okay.

4 Dr. Finck, I show you a document that has been marked  
5 Exhibit 19, which is a memorandum prepared by an attorney for  
6 the House Select committee on Assassinations, and it contains  
7 in it an interview with Dr. Humes. I would like to draw your  
8 attention to one paragraph in particular, but you can read as  
9 much of this as you would like. The paragraph I would like  
10 to draw your attention to is on page 8. I will read for the  
11 record. It says:

12 "Dr. Humes said that no major blood vessels were struck by the  
13 bullet passing through the President's neck. Regarding  
14 his assertion in the Warren Commission testimony that the  
15 bullets entered at a 45 to 60 degree angle, Dr. Humes said  
16 it was a guesstimate."

17 I would like you to take a look at that and see if  
18 that helps refresh any recollection you may have had about a  
19 discussion or a guesstimate of the angle of the entrance wound  
20 for the back?

21 A [Perusing document] I can't comment on this. I

1 don't know what to say about this paragraph.

2 Q It just doesn't help refresh your recollection?

3 A No.

4 Q Okay.

5 Dr. Finck, do you recall that during the course of  
6 the autopsy, some skull fragments arrived later in the autopsy?

7 A Yes.

8 Q What is your recollection regarding the arrival of  
9 those skull fragments?

10 A In what respect?

11 Q For example, who brought them in, do you recall?

12 A I don't.

13 Q How many fragments were there?

14 A This is recorded, but by memory I cannot give you  
15 details.

16 Q Dr. Finck, I would like to draw your attention to  
17 page 5 of Exhibit 28, which again are your notes. Could you  
18 please refer to the first full paragraph on page 5. [Handing  
19 document to witness]

20 A [Perusing document]

21 Q Have you had an opportunity to read that now?

1 A I have read the first paragraph.

2 Q Okay.

3 I would like to discuss the nature of the wounds in  
4 the skull of President Kennedy. Now, first, you identified,  
5 I believe, there being an entrance wound in the back of the  
6 head?

7 A Yes.

8 Q Is that correct?

9 A Yes.

10 Q In the autopsy protocol, copy of which I have shown  
11 you before, that wound is identified as being 2-1/2 centimeters  
12 to the right and slightly above the external occipital  
13 protuberance.

14 A Yes.

15 Q Is that your recollection of where the entrance wound  
16 was?

17 A From the record, yes.

18 Q In addition to that entrance wound, there was also  
19 an exit wound. Do you recall that?

20 A [Perusing document] Close to midnight, portions of  
21 cranial vault -- portions of cranial vault are received from

1 Dallas, Texas, and identified an exit. Yes.

2 Q Okay.

3 We have just discussed, or identified two separate  
4 holes that were in the President's head. Were there any other  
5 holes besides the exit wound and the entrance wound?

6 A No.

7 Q Three holes or just two?

8 A Two.

9 Q And which bone was the entrance wound located in?

10 A The occipital bone. It was recorded as occipital.  
11 We should refer to the record for that.

12 Q Was the entrance wound a hole that perforated the  
13 occipital bone, or is it one that split the occipital bone such  
14 that there would be, for example, a half circle with part of  
15 --

16 A No, it perforated, I was able to see a crater from  
17 the inside. I said that right here [indicating].

18 Q You are referring to Exhibit 28.

19 A Right occipital, lacerated occipital corresponds to  
20 the wound.

21 "The skull shows a portion of a crater, the beveling

1 of which is obvious on the internal aspect of the bone. On  
2 that basis I told the prosecutors and Admiral Galloway that this  
3 occipital wound is a wound of entrance." This is  
4 unquestionable.

5 Q And so just so I am clear, I understand that you have  
6 identified as being beveled but I want to know whether the wound  
7 is a circular wound in the sense that the shell, the skull all  
8 around the wound is intact, or is part of the adjacent skull  
9 blown away from the portion of the entrance wound?

10 A It was a perforation of the occipital bone.

11 Q In his testimony before the Assassination Records  
12 Review Board, Dr. Boswell stated that -- and his words will  
13 speak for themselves, so this is my recharacterization of them  
14 -- he said that you needed to place a loose piece of fragment  
15 back onto the skull before you could identify the full circle  
16 for the entrance wound.

17 Is it your current recollection that Dr. Boswell would  
18 be mistaken in that regard?

19 A You are referring to the wound of entrance?

20 Q Wound of entrance.

21 A I don't remember. I don't know what you are saying.

1 I have a clear picture of that wound of entrance.  
2 I don't understand what you said about the wound of entrance.

3 I have to do what with the wound of entrance?

4 Q That in order to see the full circle of the wound  
5 of entrance, you would need to put a piece of skull fragment  
6 back into place in order to identify the full circle for the  
7 entrance.

8 A I don't remember that.

9 Q At the time that you observed the skull wounds, prior  
10 to the time that any additional skull fragments came,  
11 approximately how large was the larger one to the skull?

12 A The wound of exit?

13 Q The wound of exit.

14 A Well, because it says here 130 millimeters, 13  
15 centimeters. I agree with that. 130 millimeters.

16 It was a large diameter for the wound of exit.

17 Q I'm going to show you a circle that is 13 cm in  
18 diameter. [Handing document to witness]

19 A 13 centimeters. Yes, it is.

20 Q Okay.

21 What I would like to do is to hand you a plastic skull

1 marked Exhibit 77 -- it doesn't have markings on it -- and have  
2 you place it approximately where that wound was.

3 A [Complying with request]

4 Q Did the large exit wound cover any part of the  
5 occipital bone?

6 A This is in the record.

7 Q You don't have any current recollection?

8 A No. This is in the record.

9 The bones involved in that very large wound of exit,  
10 it is in the record.

11 Q During the course of the autopsy, did you make any  
12 conclusion about the direction of the bullet that hit the cranium  
13 at the time that it hit the cranium?

14 Let me say that again. At the time the bullet struck  
15 the skull, did you reach any conclusion about the direction  
16 it was moving at the time it struck the skull?

17 A About an angle?

18 Q About the angle, yes.

19 Did you attempt to identify that?

20 A I don't remember.

21 Q You have previously testified that the bullet struck

1 the President at an area 2-1/2 centimeters to the right and  
2 slightly above the external occipital protuberance.

3           What is the portion of the brain that is on the inside  
4 of the skull at approximately the portion where -- position  
5 where the brain was hit, where the skull was hit?

6           A     One would have to look at it.

7           Q     Is the portion of the brain on the inside of the skull  
8 near the external occipital protuberance the cerebellum or the  
9 cerebrum?

10          A     Yes.

11          Q     Was the cerebellum of President Kennedy's brain  
12 disrupted or lacerated by the entrance wound?

13          A     Well, it was -- there was extensive damage. I can't  
14 answer that.

15          Q     To the cerebellum?

16          A     I can't answer that.

17          Q     During the course of the autopsy, did you attempt  
18 to identify whether any cerebellum was disrupted from the bullet  
19 wound that entered in the back of the skull?

20          A     I don't remember.

21          Q     Did you at any time attempt to reconstruct this skull

1 with the fragments that had come later in the autopsy?

2 A I don't remember.

3 Q Do you remember at all attempting to determine which  
4 part of the bone that arrived would have fit into which part  
5 of the cranium?

6 A I don't know.

7 Q Would that have been standard practice during the  
8 course of an autopsy to attempt to reconstruct the skull to  
9 determine which parts of the cranium had been blown out?

10 A Yes.

11 Q So to the extent that the autopsy was performed  
12 properly, that is a procedure that you assume you did attempt  
13 to do? A I think I did what I  
14 could.

15 Q Do you recall whether there was any skull that was  
16 missing by the time the autopsy was concluded? Was there still  
17 missing skull?

18 A I don't remember details.

19 Q Do you remember ever hearing about skull fragments  
20 being found in Dallas after the time of the autopsy?

21 A It is during the course of the autopsy that we received

1 bone fragments from Dallas. In addition to that, I don't know.

2 [Whereupon, at 1:32 p.m., the taking of the deposition

3 was recessed, to reconvene at 2:00 p.m. the same day.]

4

## 1 AFTERNOON SESSION

2 [2:15 p.m.]

3 MR. GUNN: We are back on the record now.

4 Whereupon,

5 PIERRE A. FINCK, M.D.,

6 resumed the stand, and having been previously duly sworn, was

7 examined and testified further as follows:

8 EXAMINATION BY COUNSEL FOR ARRB [Resumed]

9 BY MR. GUNN:

10 Q Dr. Finck, I would like to ask you if you could tell  
11 me about the types of ammunition that typically were used in  
12 rifles during the early 1960's, the kinds of ammunition that  
13 would be used in homicide cases, and I have given to you a copy  
14 of your testimony from the Warren Commission where you mentioned  
15 several different types of ammunition on page 384. The document  
16 that I have shown you is Exhibit MD-27.

17 Let me try a question to you. Dr. Finck, what types  
18 of ammunition were used in rifles in the early 1960's? Just  
19 in a very general way.

20 A Well, military ammunition?

21 Q As one type, one possibility, jacketed?

1 A Jacketed bullet I would say for military ammunition.

2 Q Okay.

3 A Fully jacketed bullets.

4 Q What other kind of ammunition would be common in the  
5 early 1960's?

6 A You can't answer that, in a general way, what kind  
7 of ammunition in the 1960's.

8 Q Well, Dr. Finck, if you can refer to your testimony,  
9 even to the Warren Commission, you mentioned several different  
10 types of ammunition.

11 A Yes, I see that.

12 There are many types of bullets -- jacketed, not  
13 jacketed, pointed, hollow nose, hollow points, flat nose, round  
14 nose, all different shapes will have a different influence on  
15 the pattern of the wound and the degree of fragmentation. It  
16 would be on a case-to-case basis.

17 Q Sure.

18 In the wounds that existed in President Kennedy's  
19 head, were the wounds typical for jacketed or soft nosed bullets?

20 Were you able to make any determination at the time of the  
21 autopsy?

1           A       The bullet that disintegrated was probably a jacketed  
2 bullet.

3           Q       Are jacketed bullets more or less likely to  
4 disintegrate than, say, a hollow point bullet in your  
5 experience?

6           A       The question is for a fire arms unit expert more than  
7 for a pathologist, who gets his knowledge from others. To get  
8 the specific answer, the experts should be asked.

9           Q       When you conduct autopsies on victims of gunshot  
10 wounds, do you as an autopsy pathologist attempt to make any  
11 determination about the kinds of ammunition that was used in  
12 the murder?

13          A       Well, again, where the evidence is removed, it should  
14 be turned over to firearms examiners.

15          Q       Sure. And I'm sure that's the case.

16          A       Yes.

17          Q       But do you as a ballistics pathologist attempt to  
18 make any determination of that sort during the course of an  
19 autopsy?

20                   Or put in another way, is that kind of information  
21 relevant to a medical/legal autopsy?

1           A       Well, for the sake of completeness, you want to know  
2 as much as possible. That's all I can say.

3           Q       For the wounds that were in President Kennedy's head,  
4 were those wounds more indicative of a jacketed or an unjacketed  
5 bullet from your experience?

6           A       Well, there were two different wounds. In the wound  
7 involving the upper back and the neck, the bullet did not  
8 disintegrate, which is very possible.

9                    In the case of the wound in the head, the bullet struck  
10 bone and did disintegrate.

11          Q       Based upon that evidence alone, can one make any  
12 inference regarding whether the bullets that struck the skull  
13 and struck the upper back were different bullets, or would one  
14 even know?

15          A       They could be the same type of bullet hitting  
16 different structures. When it strikes bones, it will  
17 disintegrate more than when it does not strike bones.

18          Q       Is an unjacketed bullet more likely to disintegrate  
19 than a jacketed bullet?

20          A       Well, it would depend.

21          Q       I'm sure it does depend, but is it more likely than

1 a jacketed bullet would disintegrate or that an unjacketed  
2 bullet would disintegrate?

3 A It depends upon the structure hit. I can't say more  
4 likely or less likely.

5 Two identical bullets may disintegrate or not  
6 disintegrate depending upon the structures hit.

7 Q Again, I'm sure that is true, but the question is,  
8 is an unjacketed bullet more likely to disintegrate than is  
9 a jacketed bullet, all other things being equal?

10 A I don't understand how I can answer that. I really  
11 don't know.

12 It is perfectly possible that these two wounds came from  
13 the same type of bullet, that one hit bony structures and the  
14 other one did not, and that explains the difference between  
15 the patterns of these wounds. I think this answers the  
16 question.

17 Q You are reading from your testimony to the Warren  
18 Commission --

19 A Yes.

20 Q -- is that correct?

21 Now, I notice that in your statement, you said it

1 is perfectly possible.

2 A Yes.

3 Q And again, I'm not questioning the possibility. My  
4 question relates more to the probability or the likelihood.  
5 So although I'm not questioning the testimony of the Warren  
6 Commission, I am asking for any further degree of scientific  
7 statement that you can make; that is, one is more likely to  
8 disintegrate than the other?

9 A I have nothing to add or modify in relation to what  
10 I said there. Honestly.

11 Q Okay.

12 Let me try one last question. If you were to try  
13 to find out the answer to that question by consulting some  
14 source, where would you go to find out the answer to the question  
15 whether a jacketed bullet was more or less likely to disintegrate  
16 than an unjacketed bullet?

17 A The firearms examiner.

18 Q Is there any written source that you would go to?  
19 Standard treatise or standards work?

20 A No.

21 Q Dr. Finck, earlier in the deposition you made

1 reference to a supplementary examination of the brain. Do you  
2 recall having made that reference earlier in the deposition?

3 A Examination of the brain?

4 Q Yes.

5 That is, after it had been set in formalin and you  
6 examined the brain again, do you recall that?

7 A Yes.

8 Q Approximately how long after the autopsy did you  
9 conduct the supplementary examination of the brain?

10 A This is in the records somewhere. I don't recall.

11 Q Do you recall whether it was within one or two days  
12 afterwards, such as over the weekend? Or was it a week or two  
13 later? Do you have any recollection at all?

14 A I don't recall exactly when it was examined and the  
15 extent of the examination.

16 Q Again, I am not asking you to tell me exactly, but  
17 I'm just asking whether you remember whether it was within a  
18 day or two or whether it was within a week or two?

19 A Oh, it was not a day or two. That's too short.

20 Q Who else was present when you were at the  
21 supplementary examination?

1           A       Oh, I would say Dr. Humes and Dr. Boswell probably.  
2       Who else I don't know.

3           Q       Dr. Humes and Dr. Boswell, when they testified to  
4       the Review Board, had an initial recollection that they had  
5       done a supplementary examination within two or three days after  
6       the autopsy. There is no evidence that you were present as  
7       far as I am aware in a supplementary examination within two  
8       or three days after the autopsy.

9                    Do you have any knowledge whether there was more than  
10       one supplementary examination of the brain?

11          A       No.

12          Q       When you first saw the brain at the supplementary  
13       examination, do you recall having any reaction that the brain  
14       appeared differently from what you would have expected?

15          A       No.

16          Q       I would like to -- first, do you have a recollection  
17       as to approximately what percentage of the fresh brain had been  
18       destroyed or had been blasted out in the attack on President  
19       Kennedy?

20          A       A large portion. How large I can't be more precise.

21          Q       I would like to show you Exhibit 4, which appears

1 on its face, and has previously been identified as being the  
2 supplementary report of autopsy on President Kennedy. It is  
3 marked as Exhibit MD-4.

4 I would like for you to look at the very first-- I'm  
5 going to ask you one question first, do you recall having  
6 previously seen the document that is now marked Exhibit 4 to  
7 this deposition? [Handing document to witness]

8 A [Perusing document]

9 Q Again, Dr. Finck, my question was do you recall having  
10 previously seen the document that is now marked Exhibit 4?

11 A I don't -- I am not sure.

12 Q Could you look at the first sentence of Exhibit 4  
13 where it makes reference to the weight of the brain, and I'll  
14 read that for the record:

15 "Following formalin fixation, the brain weighs 1500 grams."

16 Do you yourself have any recollection as to the weight  
17 of the brain after it had been fixed in formalin?

18 A I think so. 1500 grams sounds right.

19 Q Is 1500 grams for a brain that is fixed in formalin  
20 a large brain or small brain on average?

21 A Well, in that case, there were portions of the brain

1 missing, so the weight of the brain doesn't tell you everything  
2 for the reason that there was mutilation, destruction of part  
3 of the brain.

4 Q Do you recall we previously looked at the autopsy  
5 manual, Exhibit 7 to this deposition? [Handing document to  
6 witness]

7 Do you recall that?

8 A I saw that, yes.

9 "Average weights and measurements."

10 Q We are now looking at Appendix Number 3--

11 A Yes.

12 Q -- to our Exhibit Number 7.

13 Can you tell me what it says for the average weight  
14 of a male brain?

15 A It says 1400.

16 Q So now, with President Kennedy, with a large portion  
17 of his brain having been blasted away, it is still above weight  
18 for an average brain? Is that correct?

19 A Well, not necessarily so, because it was formalin  
20 fixed, which doesn't give you the weight of the brain in the  
21 fresh state, so I cannot answer with precision.

1 Q Approximately how much weight does formalin fixation  
2 add to the weight of a brain?

3 A I wouldn't know.

4 Q Is there anything that strikes you as being odd  
5 between the weight of the brain as measured in the supplementary  
6 report and the brain of President Kennedy as described as having  
7 a significant portion blasted away?

8 A No. Again, it was formalin fixed, so I can't  
9 elaborate on this.

10 Q In the original autopsy face sheet, the weight of  
11 the brain was not recorded, isn't that correct?

12 A That's right.

13 Q Do you recall any other person in addition to Drs.  
14 Boswell and Humes being present when you attended a  
15 supplementary examination of the brain?

16 A No.

17 Q For example, was there anyone else there from the  
18 Armed Forces Institute of Pathology?

19 A I don't remember.

20 Q Do you know the name Dick Davis as being affiliated  
21 with the Armed Forces Institute of Pathology?

1 A I know a pathologist, Richard Davis?

2 Q Yes.

3 A Yes, I have known Richard Davis, a neuropathologist.

4 Q If he had been present at the supplementary brain  
5 examination, would you have recalled that do you think?

6 A Probably so.

7 Q But you don't recall --

8 A No.

9 Q -- his having been present?

10 A No.

11 Q Do you recall whether there were any photographers  
12 present at the supplementary brain examination?

13 A I don't.

14 MR. GUNN: Go off the record for a moment.

15 [Discussion off the record.]

16 MR. GUNN: Back on the record.

17 BY MR. GUNN:

18 Q Dr. Finck, I would like to show you one of the prints  
19 from the original autopsy photographs of President Kennedy.  
20 The one that you are being shown now is Exhibit Number 42.  
21 I would like to ask you whether you have seen that photograph

1 previously? [Photograph exhibited to witness]

2 For the record --

3 A I don't remember for the reason that I still see the  
4 gap, the scalp on this one.

5 When I arrived, from what I read here, the brain had  
6 been removed, so that photograph must have been taken before  
7 I arrived.

8 Have I seen it or not, I don't know. Probably so.  
9 Too much time has elapsed.

10 Q So it is your current recollection that you never  
11 would have seen President Kennedy in the condition as he is  
12 shown here in the sense that this was taken before your arrival  
13 and before the brain was removed?

14 A In the record that we read today, the brain had been  
15 removed before my arrival, so that shows that this photograph  
16 was taken before my arrival. That's my understanding.

17 Q Dr. Finck, this is the photograph that I understand  
18 was shown to you by the House Select Committee on Assassinations  
19 when they spoke to you on the record. Does that help refresh  
20 your recollection as to whether you have seen this photograph  
21 before, or is that not helpful?

1           A     If you tell me that I saw it then, I have no reason  
2 to say I did not.

3           Q     Now, there was a question raised during the time of  
4 the House Select Committee on Assassinations whether the  
5 entrance wound in the back of President Kennedy's head was near  
6 the red spot that appears very generally close to the cowlick,  
7 or whether the entrance wound was down approximately in the  
8 area where there is a piece of matter or some artifact of some  
9 sort [indicating].

10                   Do you have any recollection now as to the approximate  
11 location of the entrance wound in relationship to the markings  
12 on the photograph in front of you?

13           A     What markings?

14           Q     Just the two things I made reference to, the red spot  
15 near the cowlick area and then the piece of tissue or whatever  
16 that is down towards the hair line.

17           A     I don't understand your question.

18           Q     You identified the location of the entrance wound  
19 during the course of the autopsy?

20           A     Yes.

21           Q     If you were to attempt to determine where that

1 entrance wound is in relationship to the photograph in front  
2 of you, where would you place that entrance wound,  
3 approximately?

4 A In the occipital region.

5 Q So relatively closer to the hairline than to that  
6 piece of tissue?

7 A To the right. I don't know how to answer that.

8 Q Is there anything in the photograph that would make  
9 you question or wonder whether that is a true and accurate  
10 photograph of President Kennedy?

11 A What is the question?

12 Q Is there anything that you see in this photograph  
13 that would make you question whether this is an authentic  
14 photograph that was taken at the autopsy of President Kennedy?

15 For example --

16 A That makes me doubt?

17 Q Yes.

18 A I don't have any reason to doubt.

19 Q Okay.

20 A That is your question?

21 Q Yes. Okay.

1 MR. GUNN: For the record, the photograph that we  
2 looked at was described previously as a "Wound of entrance in  
3 right posterior occipital region."

4 BY MR. GUNN:

5 Q Dr. Finck, you are now being shown a photograph,  
6 Number 44, that has been described as "Missile wound of entrance  
7 in posterior skull following reflection of scalp."

8 I would like to ask you, Dr. Finck, whether you recall  
9 ever having previously seen the photograph that's before you  
10 now? [Photograph exhibited to witness]

11 A Can you describe that photograph, in the text?

12 Q It was described at one point as "Missile wound of  
13 entrance in posterior skull following reflection of scalp."

14 A I don't understand.

15 Q Let me say for the record, it was defined as such  
16 in a report of inspection by Naval Medical Staff on November  
17 1st, 1966, at National Archives, of x-rays and photographs of  
18 autopsy of President John F. Kennedy, copy of which I am showing  
19 to you now, Exhibit 13 to this deposition, signed by Drs. Humes,  
20 Boswell, Ebersole, and Mr. Stringer -- not signed by you, sir.

21 A I see.

1 Q And it is described in --

2 A November '66.

3 Q Right.

4 A November '66 I was in Vietnam.

5 Q Then we should say, so there isn't any question in  
6 your mind, that the orientation of this particular photograph  
7 is controversial and the fact that this describes it as  
8 "posterior skull" doesn't mean that that's necessarily what  
9 it is. The words that I used are just description given here,  
10 but this is not necessarily accurate.

11 But now, if you could turn to the photograph yourself,  
12 are you able to yourself orient what that photograph depicts?

13 And let me just put it in the simplest way, can you  
14 identify whether that is in posterior portion of the scalp --  
15 or the skull, frontal portion of the skull, or not even possible  
16 to tell?

17 A I cannot say much about this.

18 Q And why is it that you can't say very much about it?

19 A I have difficulties to orient this.

20 Q I would like to point out to you towards the center  
21 of the photograph, there is a roundish segment from the skull.

1 do you see that point --

2 A Yes.

3 Q -- that I am pointing to [indicating]?

4 A Yes.

5 Q Towards the center, a semicircle.

6 Does that help you identify whether you have seen  
7 part of this fragment from President Kennedy's brain, or is  
8 it not helpful for you?

9 Your answer? Does that semicircular notch help you  
10 orient the photograph or help refresh your recollection as to  
11 what the photograph depicts?

12 A No.

13 Q Okay.

14 I would like to show you a color transparency that  
15 is from color photograph number 38, which is described in this  
16 same report as "The posterior view of wound of entrance of  
17 missile high in shoulder."

18 You can go over to the transparency.

19 [Transparency shown on light box.]

20 A Yes, I see a wound here.

21 Q Could you describe the wound that you see?

1           A     It is an oval wound in the upper back, base of the  
2 neck.

3           Q     You are referring to the wound that has been  
4 previously described as the upper back, is that --

5           A     Yes.

6           Q     -- fair?

7                     And do you see that there is a small, a smaller object  
8 that is lower on the back?

9           A     A spot, yes, below the wound?

10          Q     Yes. Is that any kind of bullet entry wound or exit  
11 wound?

12          A     Not that I can see. It's a spot.

13          Q     Okay.

14          A     There was only one wound of entry in the upper back,  
15 the base of the neck. There were not two wounds.

16          Q     Okay. Could you look at the skull in the photograph,  
17 particularly the portion at the top of the skull, and could  
18 you describe what you see at the top of the photograph?

19          A     Very close to the margin --

20          Q     Yes.

21          A     -- of the photograph?

1 Q Yes.

2 A There is part of the scalp and, above that, red tissue,  
3 yes.

4 Q Did you ever see President Kennedy's body in a  
5 condition such as you can observe it here now in this photograph,  
6 or had the body already been changed before you arrived at the  
7 autopsy?

8 A I can't answer.

9 Q It appears to me that there is something like a  
10 straight line that goes onto the right side of President  
11 Kennedy's head, quite straight.

12 Can you tell me what that depicts from your own  
13 observations?

14 A Parallel to the upper edge of the transparency?

15 Q Yes.

16 A The edge of the scalp.

17 Q So, for example, were you able to tell whether that  
18 is a laceration from a bullet wound, or whether that would have  
19 been a surgical incision, for example?

20 A You are referring to this edge of the scalp  
21 [indicating]?

1 Q Yes.

2 A That is not the bullet wound.

3 It is the edge of the scalp. The bullet wound's much  
4 lower.

5 Q Does it appear to you as well that there is a straight  
6 line in the scalp, or line that appears somewhat straight in  
7 the scalp, on the right of the mid to the right of the midline?

8 A Yes. Not made by a bullet though.

9 Q Can you tell me how it would be, how it would come  
10 to be?

11 A It is an incision.

12 Q Did you yourself see an incision during the time of  
13 the autopsy that would have resulted in that sort of cut?

14 A I don't remember.

15 Q Dr. Finck, if I could ask you to look just once more  
16 to see if you can see any evidence in this photograph of where  
17 the bullet entry wound was in the head of President Kennedy,  
18 if you can see any evidence of that in this photograph?

19 A It is very difficult to do with preciseness in a  
20 photograph.

21 I examined the wounds themselves. To look at a

1 photograph is not like the examination of the wound itself.

2 Q Okay.

3 Could we see that first x-ray, please.

4 This x-ray has been described as "An anterior  
5 posterior view of skull, slightly heat damaged."

6 Do you recall having seen this x-ray at the time of  
7 the autopsy? [Transparency in light box]

8 A I remember seeing an x-ray film at the time of the  
9 autopsy, but I can't say that it is this very x-ray film.

10 Q Are you able to determine yourself right now whether  
11 this x-ray is an x-ray of President Kennedy?

12 A No.

13 Q I would like to draw your attention to a portion,  
14 to an object that is on the right hemisphere that is circular  
15 in shape, reasonably prominent there [indicating].

16 Do you know what that object is?

17 A I don't. It's a radiopaque object, opaque to x-rays.

18 Q Do you recall at the time of President Kennedy's  
19 autopsy being made aware of an object, radiopaque object in  
20 his head that would be commensurate with the dimensions of that  
21 object as it appears in the x-ray?

1 A Can you repeat the question?

2 Q Sure.

3 Do you remember during the time of President Kennedy's  
4 autopsy seeing an x-ray of an object of those dimensions?

5 A X-ray of an object. Separate from this  
6 x-ray film?

7 Q Within --

8 A An x-ray of an object?

9 Q Just putting aside whether it's this x-ray or another  
10 x-ray, any object appearing in an x-ray film that was  
11 approximately that size?

12 A If I remember an object being of approximately that  
13 size?

14 Q Yes.

15 A I don't.

16 Q Does that object as it appears seem to you to be larger  
17 or no different from the types of bullet fragments that were  
18 removed from President Kennedy?

19 A I don't understand that question.

20 Q All right.

21 A I see fragments on that x-ray film and do they look

1 like fragments I have seen removed from the body?

2 Q The large one is what I am referring to.

3 Do you remember one of that dimension being removed  
4 from President Kennedy's body?

5 A I don't. But that doesn't mean I didn't see it.  
6 It means I don't recall.

7 Q Okay.

8 Could we see the final x-ray, Number 2.

9 Dr. Finck, I would like you to take a look at x-ray  
10 Exhibit Number 2, which is a right lateral view of the skull  
11 with two angle lines overdrawn. [Transparency on light box]

12 First, do you recall this x-ray as having been an  
13 x-ray taken at the autopsy of President Kennedy?

14 A I don't.

15 Q Do you recall in any x-rays of President Kennedy there  
16 being a radiopaque snow trail that crossed from the x-ray left  
17 to right?

18 A No, I don't recall.

19 Q From this x-ray of President Kennedy, are you able  
20 to identify the approximate location of an entrance wound in  
21 the skull?

1 A I don't.

2 Q Is it surprising to you at all that you would not  
3 be able to identify an entrance wound in the skull?

4 A No, because it is a different type of evidence.

5 I have looked at wounds. I was able to identify entry  
6 and exit when looking at wounds.

7 Now we're looking at this x-ray. I can't elaborate  
8 on this.

9 Q So it wouldn't be unusual not to be able to identify  
10 an entrance wound from an x-ray of the skull? Is that a fair  
11 statement?

12 A Yes.

13 Q That it is often not possible to identify an entrance  
14 wound in the skull from an x-ray of the skull?

15 A It would depend upon the case. It is not always  
16 possible I would say.

17 Q But in your judgment, there is nothing unusual about  
18 not being able to identify the entrance wound from this x-ray?

19 A It depends upon the type of x-rays. The type of  
20 information they give. The answer is yes or no based on a  
21 specific x-ray film. I cannot answer that in a general way.

1 Q Are you able to identify from this x-ray the external  
2 occipital protuberance?

3 A Can it be moved a little bit to the right? To your  
4 side?

5 I don't want to touch it. This is a lateral view  
6 and there are protuberances in the occipital area. There is  
7 a protuberance here [indicating], but on one x-ray film only,  
8 I can't say much.

9 Q All right.

10 Dr. Finck, if you would take one last look at the  
11 x-ray and tell me whether the snow trail of radiopaque objects  
12 is in the location that you would expect it to be for a bullet  
13 entrance wound that is slightly above the external occipital  
14 protuberance?

15 A Possible so.

16 Q When there is a snow trail of radiopaque objects for  
17 a skull wound to the head, would it be typical for the radiopaque  
18 trail to track the direction of the bullet?

19 A Yes.

20 Q Wouldn't that be the ordinary --

21 A Only on a case-by-case basis.

1 Q Okay.

2 Dr. Finck, I would like to show you one last document.

3 A Oh.

4 Q If you would take a look at it, it is marked Exhibit  
5 14 to this deposition. It's handwritten date on the top  
6 right-hand corner 1/26/67. And I will draw your attention to  
7 the last page of the document that appears to have your signature  
8 on it. [Handing document to witness]

9 If you would just take a look at the document and  
10 tell me whether you previously have seen it?

11 A [Perusing document] So I read MD-14.

12 Q And with the exception of the very last page of the  
13 document, which is just a record identification form, have you  
14 previously seen the document marked Exhibit 14?

15 A I don't know when, but I think I did.

16 Q Did you sign the document? Is that your signature  
17 on that [indicating]?

18 A I recognize my signature.

19 Now I remember the date, 26 January of  
20 '67, I was recalled from Vietnam.

21 Q Previously when we were looking at Exhibit Number

1 13, you mentioned the fact that you were in Vietnam at the time  
2 this document was written.

3 A That is correct. I was called on the phone, told  
4 to go to Washington.

5 Q Who called you on the phone?

6 A I don't remember the name of the person who called  
7 me.

8 From what I remember, it must have been two o'clock  
9 in the morning. The man calling me did not realize there were  
10 11 or 12 hours of difference between Saigon and Washington,  
11 depending upon the season. The person said: "Are you willing  
12 to be in Washington for that purpose?"

13 And so I made arrangements to leave and come to  
14 Washington.

15 Q When you arrived in Washington, how long was it  
16 between the time of your arrival and the time that you went  
17 to the National Archives to look at photographs?

18 A I don't remember.

19 It was January '67, but to give you hours with  
20 precision, I can't.

21 Q Okay.

1           In the document it makes reference to the fact that  
2 you saw the photographs --

3           A     For the first time in January '67.

4           Q     -- on January 20th of 1967.

5           A     I recall it was the first time I saw the photographs,  
6 in January '67. We met on January 20.

7                     I know no way to challenge that date, so I signed  
8 it.

9           Q     I would like to show you the date of the signature  
10 here, which is --

11          A     Later on, 26 January '67.

12          Q     -- six days later.

13          A     I cannot explain.

14          Q     Do you recall anything that happened during this week  
15 between the time you saw the photographs and the time that you  
16 signed the document?

17          A     No.

18          Q     Do you know who wrote the document that is in front  
19 of you right now?

20          A     No, I don't.

21          Q     Do you know whether it was written by any of the

1 doctors who signed it, or whether it was written by someone  
2 at the Department of Justice? Do you have any recollection?

3 A Oh, I wouldn't have signed this if it had been written  
4 by somebody else. I am pretty sure I participated in this.

5 Q Dr. Finck, I would like to ask you one last short  
6 set of questions about your testimony in the Shaw case.

7 When you were in New Orleans, did you meet with any  
8 officials who were representatives of the U. S. Government?  
9 Attorneys, for example, of the U. S. Government.

10 A I don't remember names specifically, but I must have  
11 met government attorneys.

12 Q I would like to show you a document marked Exhibit  
13 36 to the deposition and ask you first whether you recognize  
14 the document? [Handing document to witness]

15 And you are welcome to read it, but you don't need  
16 to read it for this purpose. The question is whether you  
17 recognize the document itself.

18 A [Perusing document]

19 Q Dr. Finck, I am not going to ask you about any of  
20 the substance here. The one portion I am going to be asking  
21 you about is this portion on page 4 [indicating].

1           A        "At 0855 hours I arrived in the court with Connick  
2 and Olson"?

3           Q        Yes.

4                    The first question, the one pending right now, is  
5 do you recognize this document as having been a document that  
6 you prepared yourself?

7           A        I recognize my signature at the end of it.

8           Q        Now turning --

9           A        It is a trip report. That is what we were required  
10 to do at the Institute when returning.

11          Q        Do you have any recollection at all of any discussions  
12 that you had with the persons identified on page 4 of the  
13 document?

14          A        You asked me if I remember those names, Connick and  
15 Olson?

16          Q        No, just if you have any recollection whatsoever about  
17 having met with anybody in the  
18 U. S. Attorney's Office in conjunction with the Shaw trial?

19          A        I think so, yes.

20          Q        What was the purpose of your meeting with the  
21 attorneys? And just your best recollection.

1           A       He was there to help me during my stay in New Orleans,  
2 so he accompanied me to the court.

3           Q       Did they help prepare you for the trial?

4           A       I don't --

5           Q       Talk to you --

6           A       -- remember that, no.

7           Q       -- about what was going to be happening at the trial?

8           A       I don't remember that.

9           Q       Dr. Finck, I would now like to give you the opportunity  
10 if you are interested in making any statement that you think  
11 might help clarify the record, either about today's testimony  
12 or about the assassination of President Kennedy or the autopsy.  
13 You should feel free to say what you believe should be said,  
14 or do not make a statement if you would prefer not to.

15          A       I would like to remind you that I am 72 years old,  
16 that there are things I remember, others I don't. I am often  
17 embarrassed to have to answer "I don't know" and if I hesitate  
18 to answer, I am embarrassed.

19                   And one thing I did not do is to lie or hide something.

20                   And to me, it is a real burden to have to repeatedly  
21 answer questions, being asked "Do you remember this, do you



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CERTIFICATE OF DEPONENT

I have read the foregoing 143 pages which contain the correct transcript of the answer made by me to the questions therein recorded.

\_\_\_\_\_

PIERRE A. FINCK, M.D.

- - -

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1996.

\_\_\_\_\_

Notary Public in and for:

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