

COVER SHEET

STATE OF LOUISIANA v. CLAY L. SHAW

Trip Report by Finck

Court Order, District of Columbia, requesting the appearance of Finck

Six enclosures, listed in paragraph 24 of Disposition Form



HAND CARRY


MEMO ROUTING SLIP		NEVER USE FOR APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS		ACTION
1	TO	Assistant Chief, Department of Pathology Room 127, AFIP	INITIALS <i>[Signature]</i>	CIRCULATE
2		Ch. Department of Pathology Room 131, AFIP	DATE 14 Mar 69	COORDINATION FILE
3		Deputy Director, USA Room 101A, AFIP	<i>[Signature]</i> 20. March 1969	INFORMATION
4		Deputy Director, USAF Room 101C, AFIP	<i>[Signature]</i>	NOTE AND RETURN
				PER CONVERSATION
				SEE ME
				SIGNATURE
REMARKS				
5.	The Director Room 104, AFIP			
NOTE FOR THE DIRECTOR: Do you approve sending of copies <u>listed on p. 6</u> ?				
Capt Smith does not believe it necessary to send copies to Mr. Hurst or Mr. Baswell. No copy retained. <i>[Signature]</i>				
FROM	PIERRE A FINCK COL, MC, USA Chief, Military Environmental Pathology Division			DATE 13 Mar 69
				PHONE 11-69671

DISPOSITION FORM

(AR 340-13)

REFERENCE OR OFFICE SYMBOL	SUBJECT
MEDEM-PF	Shaw Trial, New Orleans

TO THRU: Asst Ch, Dept Path  FROM Ch, Mil Env Path Div DATE 11 March 1969 CMT 1
 Room 127, AFIP Ch, Dept of Path
 Room 131, AFIP Room 411, Annex COL Finck/svh/69671
 Deputy Director, USA 
 Room 101A, AFIP
 Deputy Director, USAF
 Room 101C, AFIP

TO: The Director 
 Room 104, AFIP

1. In 1967, Jim Garrison, New Orleans District Attorney, accused Clay L. Shaw, a retired New Orleans businessman, to have conspired in 1963 to assassinate President John F. Kennedy.
2. On Sunday 16 Feb 69, E. F. Wegmann, a defense attorney for Clay Shaw, called me on the telephone at home from New Orleans. He defends the conclusions of the Warren Commission and wanted me to come to New Orleans to testify for one day, between 24 and 28 Feb 69. I answered that I would consult my superiors. I notified the following persons of this request:
 - a. CAPT Smith, AFIP Director.
 - b. Carl Eardley, Deputy Assistant Attorney General, Civil Division.
 - c. Dr. Helwig, Chief, Department of Pathology.
 - d. MAJ Moss, Legal Counsel, AFIP.
 - e. LTC W. C. Vinet, Judge Advocate, OTSG, DA.
 - f. COL Johnston, Asst Ch, Dept of Pathology.
3. On Monday 17 Feb 69, in the Office of the Director of the AFIP, I briefed CAPT Smith (Director), COL Hansen and Col Leeper (Deputy Directors), COL Cook (XO) and MAJ Moss.
4. At 1005 hours, LTC Vinet informed me that he talked to COL R. Weaver, USA, Chief, Litigation Division, who will discuss the case with BG Williams, Assistant JAG; and will bring it to the attention of the Attorney General of the U.S. MG Collins, Deputy Surgeon General, stated that he will agree with the decision of the JAG, according to Vinet.
5. On Thursday 20 Feb 69, in the Office of Eardley, room 3607, Department of Justice I reviewed the following documents:
 - a. 1968 panel review of photographs, x-ray films, documents and other evidence pertaining to the fatal wounding of President John F. Kennedy, on November 22, 1963 in Dallas, Texas, signed between 28 March and 9 April 1968 by W. H. Carnes, Professor of Pathology, University of Utah; R. S. Fisher, Professor of Forensic Pathology, University of Maryland and Chief Medical Examiner of Maryland; R. H. Morgan, Professor of Radiology, Johns Hopkins; A. R. Moritz, Professor of Pathology, Western Reserve University, and former Professor of

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Forensic Medicine, Harvard University.

- b. Statement of J. J. Humes, J. T. Boswell and P. A. Finck, signed 26 Jan 67, following the review of x-ray films and photographs taken at the time of the autopsy of President Kennedy.
- c. An 84-page transcript of proceedings, 14 Feb 69, D. C. Court of General Sessions, Civil Division:
- (1) State of Louisiana, Petitioner, v. Dr. J. B. Rhoads, Archivist of the United States.
 - (2) Appearances:
 - (a) On behalf of the U.S.: Carl Eardley, Deputy Assistant Attorney General; J. M. Hannon, Assistant U. S. Attorney, Chief, Civil Division.
 - (b) On behalf of the State of Louisiana: N. Bertel, Office of the District Attorney, New Orleans; B. Fensterwald, 927-15th Street, N.W., Washington, D. C.; C. H. Wecht, Research Professor of Law and Director, Institute of Forensic Science, Duquesne University School of Law.
- d. Appendix D, a critique of President Kennedy's autopsy by C. H. Wecht, in a book written by Josiah Thompson, "Six Seconds in Dallas", Bernard Geis Associates, distributed by Random House, New York, 1967.
6. The Assistant Attorney General in charge of the Civil Division is William D. Ruckelshaus.
7. On Friday 21 Feb 69, 1200 hours, Eardley called me on the telephone at home notifying me that he had a check and a D. C. Court Order for me to appear in the New Orleans Court.
- a. At 1345 hours, at the Pick Motel, 12th and K Streets N.W. (bus terminal), I picked up the check and the court order.
 - (1) The D. C. Code, Title 23, Section 802, "Hearing on Recall of Out-of-State Witnesses by State Courts - Determination - Travel allowance - Penalty" states that if the Judge of the D. C. Court of General Sessions determines that a witness is material and necessary and that it will not cause undue hardship to the witness, the witness may be ordered to testify in the court of another state. The Judge will give the witness protection from arrest. The witness is entitled to 10¢ a mile and \$5.00 a day. (NOTE: According to the Delta Airline employee, the air distance between Washington, D. C. and New Orleans is 1001 miles one way). The Court Order from the D. C. Court of General Sessions, Civil Division, Criminal Number 825-69A, State of Louisiana v. Clay L. Shaw, was signed by Judge C. W. Halleck and filed on 21 Feb 69 at 1128 hours.

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The Court Order directs Pierre A. Finck to appear as a witness in the Criminal District Court, Parish of Orleans, in the case of State of Louisiana v. Clay L. Shaw, on 22 Feb 69.

- (2) The check, no number, was from the National Bank of Commerce in New Orleans, dated 19 Feb 69, payable to COL Pierre Finck, Clay Shaw Defense Account, in the amount of \$233.60. I did not cash the check. (NOTE: I deposited the check on the account of the Treasurer of the United States, on 28 Feb 69, and obtained a receipt from MAJ C. D. Lee, F. C., Finance and Accounting Officer, Walter Reed Army Medical Center.)

8. On 21 Feb 69, 1355 hours, I left the Pick Motel by bus. My authority to travel was: AFIP Orders, dated 18 Feb 69, Number A-M 32. I left Friendship at 1530 hours EST and arrived at New Orleans airport at 1540 hours CST, Delta Flight 921.

9. At 1745 hours, I arrived at the Monteleone Hotel and went to see the four defense attorneys, at 1900 hours, American Bank Building, room 2106, 200 Carondelet Street:
- a. F. I. Dymond, Chief Defense Counsel
 - b. E. F. Wegmann
 - c. W. J. Wegmann
 - d. S. Panzeca

I was told to be at the Criminal District Court the following day at 1000 hours. I left the office of the attorneys at 2005 hours.

10. H. P. Rowley, Assistant U. S. Attorney, New Orleans, area code (504) 527-2921, called me at the hotel to offer his help.

11. On Saturday 22 Feb 69, 0940 hours, I took a taxi to arrive at 0955 hours at the Courts of Criminal Justice, Parish of Orleans, State of Louisiana, Division C, Judge E. A. Haggerty, 2700 Tulane Avenue (Tulane Avenue and Broad Street). At 1040 hours, I met Mr. Carrière, Assistant U.S. Attorney. At 1120 hours, I saw the blond secretary of Melvin Belli asking to have access to the courtroom. Her request was granted shortly thereafter.

12. During the recess of the court, 1200-1330 hours, I walked with Carrière. He gave me the address of the U.S. Attorneys office: 500 St Louis Street, New Orleans, Louisiana 70130, area code (504) 527-2921.

13. Panzeca told me that the Shaw Trial has cost the State of Louisiana more than a million dollars.

14. A closed circuit TV camera, monitored by the Sheriff's office, protects the access to the courtroom of the Shaw Trial. A curtain was placed to avoid shooting from a nearby room into the hall outside the courtroom.

15. A deputy sheriff searched the persons coming into the courtroom.

16. I waited all day Saturday 22 Feb 69, outside the courtroom, without being called as a witness. FBI Agent Frazier, Firearms Examiner, was testifying.

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17. On Monday 24 Feb 69, 0800 hours, I saw the Assistant U.S. Attorneys at the U.S. Attorneys office: H. P. Rowley, J. D. Carrière, R. M. Olsen and H. F. Connick, Chief Criminal Division, New Orleans. Connick asked to see my Court Order and military orders.

18. At 0855 hours, I arrived at the court with Connick and Olsen.

19. At 0900 hours I walked into the courtroom. The deputy sheriff did not search me. I had introduced myself previously to him outside the courtroom, as a Colonel in the U.S. Army.

- a. The courtroom was crowded. The four defense attorneys were present. The four prosecuting attorneys were: Oser, Alcock, Sciambra and Alford. I testified from 0900 to 1200 and from 1330 until 1740. Chief defense counsel Dymond gave the direct examination. Assistant District Attorney Oser cross-examined for more than 5 hours. Oser asked me several questions that I could not answer by yes or no. The Judge asked him repeatedly to break down his questions. Repeatedly, the Judge asked Oser to speak into the microphone.
- b. The 1968 panel review mentions a hole in a lateral x-ray film of the skull, approximately 100-mm above the external occipital protuberance. Oser asked me to place a wound 100-mm above the external occipital protuberance, on the anatomic drawing, used by Dr. Boswell at the time of the autopsy. I objected to being asked to place on an unscaled anatomic drawing a mark obtained from an x-ray film.
- c. The following Warren Commission exhibits (CE) were present in the courtroom at one time or the other of my testimony, 24 or 25 Feb 69:
 - (1) CE 385 - drawing of profile of President Kennedy, head and neck. Entry back of neck, exit front of neck.
 - (2) CE 387 - autopsy report signed by Humes, Boswell and Finck.
 - (3) CE 388 - drawing of profile of President Kennedy, head and neck. Entry back of head, exit right side of skull.
 - (4) CE 391 - supplemental report of autopsy, signed Humes.
 - (5) CE 397 - autopsy worksheet, front and back of body, with handwritten notes and measurements, page 45, Vol XVII.
 - (6) CE 399 - 6.5-mm bullet with rifling marks.
 - (7) CE 400 - perforating missile wound of the skull. Scheme prepared by Medical Illustration Service, AFIP, according to my instructions. I used the exhibit to explain to the jury how I could identify entry and exit in bone.
- d. I testified that I had the firm opinion that President Kennedy had a WOUND OF ENTRY IN THE BACK OF THE NECK AND A WOUND OF ENTRY IN THE BACK OF THE HEAD. I testified that President Kennedy had a wound of exit in the front

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of the neck on the basis of the examination of the shirt, that I had the opportunity to examine for the first time in March 1964 when I prepared my testimony before the Warren Commission. I stated that the telephone conversation of Dr. Humes with the Dallas surgeon led to the conclusion that there was a wound of exit in the front of the neck, included in the incision for the tracheotomy. I stated that I made a positive identification of a wound of exit, approximately 13-cm in diameter, in the right side of the skull, on the basis of a crater seen on the external aspect of a portion of bone from this large wound. I testified that at my request, whole body x-ray films were obtained. They ruled out the presence of an entire bullet in the cadaver of President Kennedy. I testified that I saw numerous metallic fragments in the x-ray films of the head of the President.

- e. I testified that at the time we signed the autopsy report on Sunday 24 Nov 63, at approximately 1200 hours, we could not determine the sequence of the shots. I stated that the great value of the Zapruder film, I saw for the first time in March 1964, was to determine the sequence of shots and also to establish the position of President Kennedy at the time of the shooting. I stated that the examination of the Zapruder film was not the material of choice to determine the direction of the shots. (NOTE: two pathologists, C. H. Wecht, from Pittsburgh and J. Nichols from the University of Kansas testified that on the basis of the Zapruder film, President Kennedy was shot from the front.)
- f. Dymond asked me what was more important in the interpretation of injuries by missiles: the examination of the wounds themselves or the examination of photographs of wounds. I stated that the examination of the wounds themselves was more valuable than the examination of photographs.
- g. Oser questioned me at length on the autopsy and supplemental autopsy reports of 1963, my Warren Commission testimony of 1964, the statement of Humes, Boswell and Finck, January 1967, regarding the x-ray films and photographs taken at the autopsy, as well as on the 1968 panel review by Carnes, Fisher, Morgan and Moritz, regarding the photographs, x-ray films, documents and other evidence. I testified that I saw the x-ray films of the whole body radiologic survey of the cadaver of President Kennedy on 22 Nov 63 at the time of the autopsy, but that I saw the autopsy photographs for the first time in January 1967.
- h. I testified that according to the wishes of the Attorney General, then Robert F. Kennedy, x-ray films and photographs were not available when I prepared my testimony before the Warren Commission.
- i. I testified that we complied with the wishes of the family during the performance of the autopsy.
- j. I testified that the purpose of the autopsy was to determine the nature of the wounds and to establish a cause of death. I stated that we had fulfilled both missions when we signed the autopsy report on Sunday 24 Nov 63.

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20. During a recess of the court, I visited the New Orleans jail. There are between 800 and 1000 inmates for a foreseen capacity of 400.
21. On Tuesday 25 Feb 69, I testified from 0900 to 1000 hours for redirect examination by Dymond and cross-examination by Oser. Judge Haggerty excused me at approximately 1000 hours.
22. I testified for more than 7 hours, including more than 5 on cross-examination.
23. On Wednesday 26 Feb 69, 1045 hours, I had my last contact with the U.S. Attorney Office and was granted permission to leave New Orleans. At 1100 hours, CST, I took a limousine to the New Orleans airport and arrived home at 1630 hours, EST.
24. Incl 1 is a copy of the Court Order from the D.C. Court of General Sessions directing me to appear in the New Orleans court. Incl 2 & 3 are copies of the D. C. Code Title 23, Section 802. Incl 4 is a copy of a check for \$233.60 and a receipt by the Finance and Accounting Officer, WRAMC, as evidence that I deposited the check on the account of the Treasurer of the U.S. Incl 5 is a copy of my AFIP orders. Incl 6 is a copy of the Memorandum for the Chief of Staff, U.S. Army, dated 18 Feb 69, and signed by MG L. J. Fuller, USA, the Assistant Judge Advocate.
25. The Washington Post of Saturday 1 Mar 69 stated that after a 50-minute deliberation, an all-male, 12-member jury declared unanimously that Clay Shaw was not guilty of conspiring to assassinate President Kennedy.
26. Per diem allowances are grossly inadequate. A single room at the Monteleone Hotel costs \$23 per day. I was advised by LTC Vinet not to go to New Orleans without a court order. His recommendation was to travel on TDY Army orders, to refuse any expert medical witness fees and to deposit on the account of the U.S. Treasurer any check received according to the D. C. Code, Title 23, Section 802.

Incl 6
a/s

Pierre A. Finck
PIERRE A. FINCK
Colonel, MC, USA

cc (without inclosures):
Asst Ch, Dept of Path
✓ Legal Counsel, AFIP
✓ Archivist, AFIP
Ch, Forensic Path Br.
✓ Judge Advocate, OTSG, DA
Dr. Humes
Dr. Boswell

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