



Journal of Liberal Arts and Humanities (JLAH)
Issue: Vol. 2; No. 7; July 2021 pp. 1-14
ISSN 2690-070X (Print) 2690-0718 (Online)
Website: www.jlahnet.com
E-mail: editor@jlahnet.com
Doi: 10.48150/jlah.v2no7.2021.a1

Doctor vs Doctor: An Examination of The Feud Over A Civil Rights Era Autopsy

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Abstract

The article discusses the conflicting accounts about the autopsies of James Chaney who was murdered in 1964 in a crime known as the Mississippi Burning Murders. The paper details the facts surrounding the initial autopsy, as well as, the findings of the second autopsy. Impact of the conflicting autopsies on the historical record will be examined. The goal of the paper is to discuss the origins of the facts and attempt to correct the historical record concerning the autopsies.

Keywords: Mississippi Burning, Autopsy, James Chaney, Michael Schwerner, Andrew Goodman, Philadelphia, Mississippi

Introduction

In 1964 the state of Mississippi found itself front and center of the Civil Rights Movement. Buried deep in an earthen dam were the results of a horrifying triple murder that would open the door for the largest FBI investigation the state had ever witnessed. Once the bodies were brought to the light of a Mississippi summer after 40 days underground, the battlefield would continue inside the medical center that would witness their autopsy. The end result produced a convoluted mess of disagreeing autopsy results, charges of unethical actions, letters written to medical journals and even a request by one doctor for a state sponsored spy agency to help investigate the other doctor. This article attempts to place the crime and events in perspective and to correct the historical record.

The Crime

Mississippi in 1963 saw tensions rise between various civil rights groups and racist hostile organizations such as the Ku Klux Klan. Battle lines were drawn over the voting rights of black Mississippians. In the fall of 1963, the Council of Federated Organizations (COFO), a coalition of Mississippi's four prominent civil rights groups, initiated a voting exercise, known as Freedom Ballot, for the state's disenfranchised black population. Due to literacy tests, poll taxes, and institutional racism, large numbers of blacks were unable to register to vote. To combat this, COFO held a mock election for governor that utilized local black churches, barber shops and civic centers to allow citizens to mock register and cast a pseudo ballot for governor of Mississippi. The program was a major success with over 78,000 ballots submitted during November 1963. The exercise also planted the seeds for an African American voter registration movement the next summer. A movement that would later be known as Freedom Summer.¹

One benefit of the Freedom Ballot exercise was the establishment of field offices around the state. One of these offices was in the city of Meridian, 90 miles east of Jackson, the state capital. On February 1, 1964, Michael Schwerner and his wife Rita, formally headed up the Meridian CORE office. While setting up residence, Schwerner met a Meridian citizen and fellow CORE member by the name of James Chaney. By all accounts, Schwerner and Chaney became good friends and started working together in Meridian. For the upcoming 1964 Freedom Summer event, Schwerner wanted to create a freedom school 40 miles north of Meridian in the very hostile county of Neshoba. Chaney, being African American, found a receptive black populous 10 miles east of Philadelphia in the Longdale community.

¹Joseph Sinsheimer, "The Freedom Vote of 1963: New Strategies of Racial Protest in Mississippi," *The Journal of Southern History* 55, no. 2 (May, 1989): 217-244.

Using the Longdale Mt. Zion church as a gathering place, Schwerner and Chaney traveled to the community on May 31st to meet with the congregation and propose the formation of a freedom school.² During their meeting, many of the church members expressed their willingness to use the church as a place to assist black voter registration.

Unbeknownst to the Mississippi Freedom workers, during this same time a new terror group had been established in the area. On February 15, 1964, the founding meeting of the White Knights of the Ku Klux Klan (WKKKK) of Mississippi took place in Brookhaven, Mississippi.³ During that meeting, the proposed new leader of the WKKKK, Sam Bowers, convinced roughly 200 current KKK members to defect from their original organization and create a new branch under his leadership, thus giving Bowers the title of Grand Wizard. The selling point Grand Wizard Sam Bowers preached to the members of his newly formed WKKKK was that the new Mississippi Klan would be less talk and more violent. As fate would have it, the recruitment drive by the White Knights coincided with the beginning of the 1964 Freedom Summer. As many Mississippians feared their state was being invaded by northern agitators, the White Knights were able to attract not only a large number of uneducated high school dropouts (the Klan's usual recruitment base) but a large number of law enforcement officers, religious leaders, as well as, local businessmen. For recruitment in the Neshoba and Meridian area, Sam Bowers chose a well-spoken, hate filled Preacher named Edgar Ray Killen to swell the WKKKK ranks.

Like two trains heading towards a collision, the WKKKK membership swelled under the recruitment efforts of Killen while Schwerner and Chaney continued their night rides to Longdale. Schwerner also continued his efforts in Meridian by staging protests against businesses he felt harbored racist views.⁴ These actions angered Grand Wizard Bowers and he began focusing his rage on the man he called Goat (Schwerner wore his facial hair in what is referred to as a goatee beard). Using Killen as a middle-man, Bowers encouraged the Lauderdale County White Knights to increase their violence. In May 1964, a group of local Klan members traveled to Bowers' hometown of Laurel, Mississippi, sixty miles south of Meridian, to discuss various issues. At the meeting, Bowers stated that Schwerner had become a thorn in the side of everyone living, especially white people and that he should be taken care of.⁵ Unbeknownst to Schwerner or any civil rights worker, the Grand Wizard of the most violent terrorist group in Mississippi's history had just authorized his execution.

During the first week of June 1964, local CORE members, including Schwerner and Chaney, traveled to the state of Ohio to attend a training session for Freedom Summer participants. During the visit, Michael met an ambitious black-haired fellow CORE member by the name of Andrew Goodman. After many conversations, Goodman decided to join Schwerner and Chaney upon their return to Meridian, Mississippi. During the time the three civil rights workers were attending training in Ohio, the Lauderdale and Neshoba county WKKKK chapters decided to hold a joint meeting in an old abandoned gym located on the outskirts of Philadelphia, Mississippi. The meeting was led by Edgar Ray Killen and was attended by close to 200 Klan members. During this meeting, a Klan member entered and announced that there was a meeting occurring at the same time at Mount Zion Church and there was a chance Goat was there.⁶ The Klan, led by Killen, was quick to act and sprang into action. They raced over to Mount Zion Church and assaulted many of the church members, who were having a church meeting unrelated to any freedom summer project. During the violence, many of the Klansmen would yell, "Where is the Jew?" a reference to Schwerner, who they assumed was Jewish even though he was not. At the time, Schwerner happened to be in Ohio. After returning to Philadelphia, the Meridian Klansmen laughed at some of the Neshoba Klan members for being too soft on the Longdale church victims. Later that night, some of the Neshoba Klan members, angered by the remarks they were cowards, returned to the now empty church and burned it down.⁷

² Junior Roosevelt's Statement to the FBI, MIBURN_01 p. 153

³ The details of the WKKKK formation comes from a former klansmen turned informant Ernest Gilbert {designated FBI informant number JN 30-R. His in-depth interview was conducted and recorded on September 3, 1964. (MIBURN_39 p. 261)

⁴ Michael Schwerner was arrested on May 4, 1964 for blocking a crosswalk in Meridian while protesting a white owned store that would not hire a black lady who had been trained at the community center.

⁵ 1967 Trial Testimony of James Jordan, page 986 line 20.

⁶ The circumstances concerning the Klan's activities that night comes from Klan member turned informant Delmar Dennis, FBI interview November 14, 1964 MIBURN_12 p. 200.

⁷ Victims accounts of the church burnings were recorded by various FBI agents. Victim statements were from, T.J. Miller, Mabel Steele, Jim Cole, Georgia Rush, John Rush, Beatrice Cole, Junior Cole and Cornelius Steele.

Upon learning of the assaults and burning of Mount Zion Church, Schwerner, Chaney and their new associate, Andrew Goodman, drove to Meridian from Ohio. After spending his first night in Mississippi, on June 21, 1964, Goodman accompanied Chaney and Schwerner in a blue station wagon for a daytime visit of the burned down church. Their plan was to first visit the remains of the church, talk with some of the victims and then return to Meridian by 4 p.m. After concluding their visits with the congregation and while driving back to Meridian, the trio was spotted by Deputy Cecil Price, a Neshoba County WKKKK member. Deputy Price later confessed before his death, that he first thought the car was being driven by a local civil rights worker from Jackson, Mississippi, named George Creel. After turning his car around in pursuit, Deputy Price attempted to catch up with the blue station wagon. When he caught up with the station wagon, Deputy Price found the trio stopped on the side of the road in the process of changing a flat tire. With the assistance of two Mississippi Highway Patrol officers, Deputy Price arrested Chaney for allegedly speeding, a crime for which the MHP officers would later admit they had not witnessed, and detained Schwerner and Goodman for investigation into the Mount Zion Church burning. In Deputy Price's 1999 confession, he stated that after he brought the men to the jail he decided to call Edgar Ray Killen, to help organize a group to "give the boys a good whipping". Once Killen was notified of the trio's arrest, he set about organizing a murder squad. Using the Longhorn Drive Inn located in Meridian, Mississippi, as his base of operation, Killen called or personally visited approximately nineteen men. As the sun set on the Sunday, Killen instructed a few of the men to go to a local store to purchase rubber gloves. As multiple cars left for the thirty minute drive to Philadelphia from Meridian, the three civil rights workers were sitting in the Neshoba County jail cell unaware of the lynch mob rapidly approaching. At approximately 10:30 p.m., Deputy Price instructed the jailer to allow Chaney to bail out on the speeding charge for twenty dollars. Chaney borrowed the needed bail money from Schwerner. Upon leaving jail, the three men got into their station wagon and proceeded to drive south towards Meridian. At the same time, Killen had staged multiple carloads of klansmen throughout the town to begin their chase of the trio as soon as they learned what route the trio was taking. Killen also ordered his men to drop him off at a local funeral home so that he could visit a relative and establish an alibi. However, before Killen left his men, he told one of the carloads of Klansmen, "We have a place to bury them, and a man to run the dozer to cover them up."⁸

After dropping Killen off at the funeral home, a wild chase ensued between the station wagon driven by Chaney and the multiple cars of the murder posse. History depicts a complicated picture of the scene. Apparently, the plan called for two Mississippi Highway Patrol officers to pull the trio's station wagon over. However, for reasons known only to them, the two Mississippi Highway Patrol officers apparently chose not to go through with the plan and decided instead to drive away. One of the chase cars driven by a man named Posey broke down and had to be serviced on the side of the road. Ultimately, it was Deputy Price who pulled over the station wagon. With the assistance of a second chase car loaded with Klan members, Deputy Price kidnapped the three civil rights workers. The three men were driven to Rock Cut Road located north of where the trio had been stopped. Once at Rock Cut Road, a Klansman by the name of Wayne Roberts pulled Schwerner from the car and asked him, "Are you that Nigger Lover?" In response to the question, Schwerner calmly replied, "Sir, I know just how you feel." At this point, Roberts shot Schwerner in the heart and pulled Goodman from Price's patrol car. Roberts shot Goodman without saying a word to him. During this time, a Klansman by the name of James Jordan is said to have yelled at Roberts, "Save one for me." Jordan then proceeded to shoot James Chaney three times. Immediately following the triple murders, the group took the bodies to a newly built earthen dam, north of town. This burial site had been preselected by Killen. Waiting at the dam site was a bulldozer driver named Herman Tucker. Tucker then buried the bodies under approximately fifteen feet of Mississippi dirt within the earthen dam. The trio's blue station wagon was taken to a nearby swamp, north of town, where it was burned. The station wagon would remain in the swamp for two days until it was discovered by local Choctaw children while fishing.

The FBI response to the disappearance was immense and goes beyond the scope of this article. The most pressing issue was discovering the location of the bodies. With the burned-out station wagon quickly discovered a sense of the fate of the three was known. However, the national media was descending on the rural Mississippi area and demanding to know if the bodies had been found. The FBI, over a forty-day period, interviewed key suspects and verified and disproved many alibis.

⁸ The details concerning the murders comes from four participating klans members' confessions, see Lindon Ratliff, "Applying the Jigsaw Technique to the Mississippi Burning Murders: A Freedom Summer Lesson" *The Councilor: A Journal of the Social Studies* 72, no. 2, Article 4.

By the end of July, the FBI was under an extreme amount of pressure to locate the bodies of the missing three civil rights workers. On August 4, forty days after the disappearance, the break the FBI desperately needed came when an informant, historically known as Mr. X, told them of the location of the bodies⁹. Armed with a search warrant and accompanied by a construction company from outside the area, agents of the FBI descended on Old Jolly Farm and began dismantling a dam site, in an effort to recover the bodies. As they broke ground, Turkey Buzzards smelling the scent of decomposing flesh, began to perch on the nearby branches of pine trees. After hours of digging in the Mississippi summer heat, three bodies were unearthed and the mystery of the location of the three was solved. Now it was time for an autopsy to determine a cause of deaths.



Bodies as recovered from the earthen dam¹⁰

The First Autopsy

Under 1964 Mississippi law in order for a suspicious death to be labeled a homicide, a coroner's jury had to be convened. On August 4th at 8:00 p.m., after the bodies had been uncovered, Neshoba county coroner Fulton Jackson along with Deputy Sheriff Cecil Price and Neshoba County Attorney Rayford Jones appeared at the dam site and completed the coroner's examination at 8:36 p.m. Because Mississippi did not have a state Medical examiner system in place at the time, the Mississippi Highway Patrol outsourced medical autopsies to local pathologists. Shortly after the bodies had been found, Director of Public Safety Colonel Thomas Butler Birdsong had contacted Dr. William P. Featherston in Jackson, Mississippi and requested, as he had done so in the past, for him to conduct a postmortem examination on three bodies.¹¹The selection of Dr. Featherston appears to be based on his qualifications and his past work with the Mississippi Highway Patrol. He was a 1944 graduate of Duke medical school and had started conducting autopsies three years later, even though he did not gain National American Board of Pathology certification until 1953.¹² The one weakness in his selection was the fact he was certified in hospital and not forensic pathology. The bodies were placed in black bags and sealed by Coroner Jackson for transportation to Jackson, Mississippi. The hearse carrying the bodies, driven by Coroner Jackson with an FBI agent in the passenger seat, departed from the grave site at 11:14 p.m. The hearse was led by a Mississippi Highway Patrol vehicle driven by a highway patrolman and passengers Deputy Price and county Attorney Jones.

⁹ Mr. X would later be identified as Mississippi Highway Patrol Supervisor Maynard King. He had gained the location of the bodies from a klansmen who has never been officially named.

¹⁰ From the FBI files and images

¹¹ Dr. Featherstone 1967 trial testimony, page 403 lines 8 thru 17.

¹² Ibid, page 436 lines 7 thru 12.

Following the hearse was a third car with four FBI agents.¹³ The caravan of cars departed the dam site and began the approximately ninety minute journey to Jackson, Mississippi.¹⁴ The premier location inside the state of Mississippi for an autopsy was the university hospital located 90 miles southwest in Jackson, Mississippi. The FBI desired an unobstructed trip to the University of Mississippi Medical Center (UMMC). At 11:29 they crossed the county line out of Neshoba and radioed they had no cars following the caravan, and the coast was clear.¹⁵ The convoy arrived in Jackson approximately 12:30 a.m. where Dr. Featherston was waiting. Also present in the autopsy room that night, were five FBI agents, one photographer from the Mississippi Highway Patrol, a local dentist for teeth impressions, and three doctors from the UMMC Pathology department who would assist Dr. Featherston with the formal examination.¹⁶ With these members in the room, the seal on Schwerner's body bag was broken at 1:35 a.m. and the task of determining a cause of death began.

In order to consider the accusation later made that the autopsy's conclusions were incorrect, we should examine each step of the autopsy. The procedures set that night for each body were created and monitored by Dr. Featherston. After the seal of the body bag was broken, X-rays would be taken, developed and made available for the autopsy team. As Dr. Featherston examined the X-rays for bullets, the dentist would make impressions of the teeth. At this point the body would be removed from the bag and a full examination of the body both externally and internally would take place. The examination would include removing all clothes to be processed by the FBI. Also, the tips of the fingers would be surgically removed and sent for fingerprint analysis. The finalized X-Rays would also be sent to a local radiological firm for review and a report would be developed over the following days and sent back to Dr. Featherston. The order of the bags chosen was random, and the first one, later identified as Michael Schwerner, was opened at 1:35 a.m.

Schwerner's body was clad in blue denims and boots. His upper body was bare due to the absence of a shirt.¹⁷ The hands and feet had been enclosed by the FBI recovery team at the dam site, in clear plastic bags sealed with adhesive bandages. Inside the front right blue jeans pocket was found a cigarette lighter. Dr. Featherston noticed coarse black hairs on the chin. Dr. Reuel May D.D.S. did an examination of the teeth and made impressions. The bags on the hands and feet were removed to begin the formal manipulation of the body. The tips of the fingers were removed to be sent to the FBI lab for fingerprint analysis. The boots and socks were removed and the skin at the bottom of the feet was also removed for analysis. A measurement of the body revealed a height of 70 ½ inches. Hair samples from the head were also taken.

Dr. Featherston and his team examined the body and saw a circular wound measuring 8 mm in diameter found on the anterior chest to the right of the midline at the level of the fourth rib. This wound was the only one to Schwerner's body and thus Dr. Featherston could conclude Schwerner died from a single gunshot wound to the chest. The bullet was found in the left lung cavity. The bullet entered at the anterior chest, right of the midline at the level of the fourth rib. The bullet transverse the pericardial sac, the left pleural cavity, and exited into the soft tissue of the left side of the chest where it entered and fractured the eighth rib, approximately 120 mm to the left of the attachment of the ribs to the vertebral column. The bullet then ricocheted off the now broken rib and towards the anterior location and entered the lung at the level of the ninth rib. It was determined the entry wound was at close range. With this report a better understanding of the murder takes place. The gun was jammed into Schwerner's fourth rib and fired.¹⁸ The bullet was located and removed. It was given to the FBI Agent Jay Cochran Jr. to be sent to the FBI laboratory for analysis.

¹³ SA Jay Cochran and SA Anthony O'Tousa report dated August 11, 1964 MIBURN_06 p. 6-12.

¹⁴ In an unusual event, the next morning, August 5th, at 10:38 a.m., even though Coroner Jackson knew the bodies were no longer at the dam site, he returned to the dam site along with 9 other locals, including Sheriff Rainey and Deputy Cecil Price, to attempt to conduct a second coroner's jury. It is clear their motives were to spy on the FBI investigation of the dam site. [SA James Rike and SA William Logg's report dated August 7, 1964 MIBURN_07 page 179-180.]

¹⁵ FBI Special Agent Robert E. Horel's Running Log submitted to Special Agent in Charge (SAC), August 8, 1964. State MIBURN Files Book 2 pages 78-79.

¹⁶ Special Agent John Kelly's handwritten running log detailed the events of that night (State MIBURN Files Book 2 pages 105-109).

¹⁷ It has never been determined what happened to Schwerner's shirt after the murder on Rock Cut Road and prior to his burial at the dam site.

¹⁸ Dr. Featherstone's official autopsy (State MIBURN FILES Book 2 pages 152)

Dr. Featherston exclaimed his conclusions was the death was not from natural causes and clearly caused by a bullet wound. The autopsy ended at 2:30 a.m.

At 2:40 a.m. the seal on the second body bag was broken. The bag contained the remains of Andrew Goodman. As with the first, X rays, photographs and dental impressions were taken. The tips of the fingers were also removed to assist with identification. Goodman's body stood at 69 ½ inches. He wore dark trousers, blue socks, Oxford type shoes but no shirt. Inside the bag was found a dark colored shirt that had been included by the FBI agents as they removed the body from the dam. Goodman's examination revealed close to the same results. The entry wound for Goodman was relatively in the exact same location as Schwerner's. The entry wound was at the 4th rib to the right of the midline. The bullet's path was difficult to determine by the pathologist. The bullet lied transversely in the six thoracic interspace and was very difficult to remove. With the bullet embedded and no other evidence of a deflection it can be concluded the shot went directly from the 4th rib into the vertebrae. The bullet was bagged and given to the FBI agent for later analysis by the FBI. The analysis would later conclude the bullets contained in Schwerner and Goodman were .38 caliber Smith and Wesson commercially loaded. They each had identical seven lands and grooves and a right twist. The bullets were determined to be fired from the same weapon. As with Schwerner, Featherston concluded the death was not from natural causes. The autopsy ended at 3:26 a.m.



State of decomposition of the bodies (Andrew Goodman's Body)

At 3:27 a.m. Chaney's autopsy began. This was the most controversial of the three because it would be the one Dr. Spain would contest was improperly conducted. The same procedures were conducted on the 69-inch-tall body, which wore dark green pants and a T-shirt. Chaney was face down when they removed him from the bag. Dr. Featherston requested he be turned face up. As they were doing this the first thing the doctor noticed was a "crepitant fracture of the left humerus approximately 45 mm below the shoulder". In Chaney's right arm there was a transverse fracture of both the ulna and radius 90 mm above the wrist bones. The elbow joint on the left arm (with the broken humerus) had "marked disruption," which could be assumed to be dislocated. The first bullet hole was found in the left upper epigastric region and traveled to the T8 Vertebrae, shattering two ribs at the juncture and then embedding under the skin of Chaney's back. A second bullet was found lodged in the abdominal wall, but no bullet hole could be found.

Chaney's skull contained an explosive type fracture of the right occipito temporal area. The fracture was so great, it ran to the base of the skull. Even though an entry wound could not be found, a bullet was found in the brain of Chaney. Dr. Featherston concluded both bullets to the body were from the front. The fracture of the skull was caused by the bullet in the brain. He could not conclude when and how the arms were broken.¹⁹



Dr. Featherston examining James Chaney's skull

In order for a person to rationalize the causes of the broken bones, one must view the official radiological report. Even though Dr. Featherston viewed the X-Rays during the night of the autopsy, he also sent them to Dr. James Packer's radiological group in Jackson, Mississippi for additional analysis. Dr. Packer's report, released to the FBI and Dr. Featherston on September 2, 1964, revealed the possible causes for the broken bones. The skull showed a bullet fragment superimposed over the temporal parietal area posterior of the sella. This bullet was removed by Dr. Featherston on the night of the autopsy. The left upper humerus, which Dr. Featherston described as possessing marked disruption, contained multiple metallic fragments located in the soft tissues adjacent to the fracture. These small fragments were not removed by Dr. Featherston and the wound was not probed internally. Similarly, the fracture of the upper end of the left ulna was observed by Dr. Packer to also contain bullet fragments lying in the area of the fracture. The head of the radius, which Dr. Featherston stated had a transverse fracture was confirmed to be dislocated in the X-ray. Another fragment that Dr. Featherston apparently missed dealt with the bullet he recovered embedded in the vertebrae. When the bullet entered the abdomen, it fractured the left 4th rib and deposited metallic fragments in the area of the fracture.²⁰ The metallic fragments were not recovered even though the bullet was removed by Dr. Featherston. The three bullets; one from the skull, one embedded under the skin in the back, and the third recovered from the vertebrae, were all sent to the FBI laboratory for analysis.

¹⁹ Autopsy No. 64-A-84 Bratley Medical Laboratory by Dr. Featherstone Miburn Book _02 page 153)

²⁰ Radiology reported forwarded from Dr. Featherstone to the FBI Miburn book_02 page 159.

The results found the bullet that entered Chaney's upper stomach, traveled through his T8 vertebrae and embedded in his back matched the same gun as Schwerner's and Goodman's bullets.²¹ Therefore, since it is known Wayne Roberts shot both Schwerner and Goodman it can be concluded he also fired one bullet into Chaney. The remaining two bullets recovered in Chaney were from a .38 caliber gun however, they could not be matched. The FBI also determined all three victims had entry wounds to the t-shirts or to the bare body, as with Schwerner, which indicated powder burns. Therefore, they concluded all three victims received one round which was contact or near contact.²² Chaney's autopsy concluded at

There was an internal concern with the FBI about the actual cause of death of James Chaney. In an effort to seek clarity, the day after Featherston's autopsy, the FBI privately met with him and pressed him on the cause. On August 5, 1964, prior to his official report being documented, Dr. Featherston verbally concluded to the agents in the room that, "James Chaney's death was due to the gunshot wound he received to the head." He did acknowledge there was, "some damage to the bones", but that no "meaningful determination, could be made with regard to the source or sources of this body damage." He concluded that due to the advanced decomposition of all three bodies it was, in his opinion, impossible to determine reliably whether or not any or all of their victims had been beaten prior to shooting."²³

The Second Autopsy

Dr. David M. Spain was a nationally known pathologist from New York City in August of 1964. He was at Martha's Vineyard Island when a colleague, Dr. Charles Goodrich, telephonically reached him. Goodrich had been volunteering medical aid for civil rights workers in Mississippi during the summer. Goodrich wanted Spain to come to Jackson, Mississippi on the earliest flight in order to observe the autopsies, which was to be conducted by Dr. Featherston. After several flights which included a layover in Birmingham, Alabama, Dr. Spain arrived in Jackson and checked into a room at the Sun and Sands hotel near the state capital. There he quickly met John Pratt who was representing the Lawyer's Constitutional Defense Committee. Pratt had been on the phone all day and was attempting to gain legal rights to have Dr. Spain view the body. Due to the flight delay the autopsies had already been conducted, but Pratt was attempting to gain permission for Dr. Spain to conduct a second autopsy. A second Mississippi sponsored autopsy could not be legally done with Dr. Spain, so Pratt had arranged a second option. Each victim's family could authorize the release of the body to Dr. Spain for him to conduct his own private examination. Goodman's family denied the request and Rita Schwerner, Michael's widow, was still working on the legal release. However, Mrs. Chaney, James's mother, granted the permission and signed the legal documents.

Drs. Wells, Goodrich, Pratt and Spain arrived at the University Medical center to examine Chaney's body at 2:30 p.m. on August 7, 1964. Spain's autopsy was witnessed by Drs. Brunson, Arhelger, and Gronvall, the same three pathologists who had assisted Dr. Featherston in the original examination two days prior. Dr. Spain would describe his interaction with the staff of the medical school as, "cool but courteous". Immediately entering the autopsy room Dr. Spain asked questions to the observing doctors related to the qualifications, competence, and reliability of Dr. Featherston. The autopsy by Dr. Spain consisted solely of manipulation of the joints and limbs of the body with no incisions being made. Spain claimed he could not find a bullet hole for the wrist that he claimed contained bones that were, "smashed, so badly that his wrist must have been literally flapping when he was carried." Upon manipulating the left arm and shoulder Dr. Spain stated, "Just as I suspected, he's been beaten."²⁴ Dr. Spain also noticed the lower jaw was, "completely shattered and split vertically." Spain noticed the internal organs had been removed so therefore any internal examination would not gain any result. Observer Dr. Joel Brunson, who was the Chairman of the Department of Pathology at UMMC, estimated the total time of autopsy was approximately three to five minutes. Observer Dr. John A. Gronvall would later state to the FBI that he felt the conclusions reached in the autopsy were too extreme to be justified by the facts. Specifically, "[due to] the advanced state of decomposition of the bodies that in his professional opinion it would not be possible to reach the extreme irrevocable conclusions reached by Dr. Spain."²⁵

²¹ FBI decoded copy 3:17 p.m. to New Orleans 8/6/64 Miburn book 07 page 41

²² FBI decoded copy 3:17 p.m. to New Orleans 8/6/64 Miburn book 07 page 41

²³ Dr. William Featherston Interview with SA Jay Cochran and SA Anthony O'Tousa MIBURN_06 page 13.

²⁴ Dr. Brunson statement to Special Agent Jay Cochran Jr. August 8, 1964 MIBURN File 07 p. 103-104.

²⁵ Dr. John Gronvall's statement to Special Agent Jay Cochran Jr. on August 8, 1964. State Miburn Files Book 2 page 120.

Rita Schwerner did ultimately authorize a second autopsy however, for reasons unknown Dr. Spain was not selected to conduct it. This could be because as soon as he left the Chaney autopsy he immediately took a flight back to New York, an action he would later describe as, “fleeing from Jackson”. With Dr. Spain’s absence, Aaron Wells, M.D. an internist from New York City, was allowed to conduct an autopsy of the body on the evening of August 8, 1964. Witnessing this autopsy was Drs. Gronvall and Arhelger who had also witnessed Dr. Spain’s autopsy of James Chaney. The examination of Schwerner’s body lasted less than 10 minutes. Dr. Wells manipulated the limbs and joints and observed the body of the deceased. However, just as in the case of Chaney’s body, no incisions were conducted and there wasn’t an examination of the internal organs due to the fact they had been removed by Dr. Featherston. Upon the completion of his autopsy, Dr. Wells talked briefly with the witnessing doctors. He told them he could find no evidence of broken bones or other evidence comparable to that observed by Dr. Spain. He did request if the X-Rays from the first autopsy were available? Dr. Arhelger informed him they were in the possession of Dr. Featherston and he would need to make a request to see them. There is no evidence Drs. Spain or Wells requested the X-Rays. Gronvall would later state, he felt Wells was more cautious with his remarks. Wells then stated to Gronvall that he did not feel Dr. Spain’s “extreme positive conclusions were justified based on the facts, namely the extent of decomposition of the bodies.” Then at the conclusion of the conversation, Dr. Wells stated he did not plan on releasing his autopsy report in the immediate future.²⁶ He also stated the sole purpose of this autopsy was to assure the victim’s family that everything was done with regard to this phase of the case. Dr. Arhelger assured Dr. Wells that the original autopsies had been conducted as thoroughly as possible under the circumstances. By all accounts, the re-autopsy of Michael Schwerner by Dr. Aaron Wells lasted approximately ten minutes, and Dr. Wells never released a report concerning his findings.²⁷

Spain’s official autopsy report was released on August 7, 1964 by John Pratt, Attorney for the National Council of Churches and the personal attorney for James Chaney’s mother. The autopsy identified several injuries that would also be present in Featherston’s report. The final two paragraphs of the report laid out a cause for the injuries. Dr. Spain stated, “these injuries could only be the result of an extremely severe beating with either a blunt instrument or chain.” He concluded the report with, “In my extensive 25 years as a Pathologist and as a Medical Examiner, I have never witnessed bones so severely shattered, except in tremendously high speed accidents such as aeroplane crashes.”²⁸ The following table differentiates the documented observations by each doctor during their respected autopsy of James Chaney.

Spain’s Noted Observation	Featherston’s Noted Observation
3 cm Circular depressed fracture over left frontoparietal region	The Calvarium was removed with slight difficulty and the brain is found to be a very soft gray black mushy mess.
Left shoulder joint shattered	There is marked disruption of the elbow joint on the left
Left upper end of humerus shattered	Crepitant fracture of the left humerus approximately 45 mm below the shoulder
Right ulnar and radius fractured in at least two points	Transverse fracture of both bones on the right forearm about 90 mm above the wrist joint.
Extensive fracture across the occipital area	A large explosive type fracture involving the right occipito-temporal area.
Left of the sternum the ribs were shattered	Left 4 th rib was fractured [from x-ray]

Dissemination of the Autopsies

On August 5th, the day of Featherston’s autopsy, the Jackson Daily News, a local Mississippi newspaper, reported a local pathologist recovered bullets from all three bodies and that the three had died from gunshot wounds.²⁹ On August 6th, New York Times reporter Claude Sitton, who had been following the crime since June, wrote an article in which he stated no information concerning a cause of death had been released. John Pratt was the attorney for the mother of James Chaney.

²⁶ Dr. John Gronvall statement to Special Agent Jay Cochran Jr. on August 9, 1964. State Miburn files Book 2 page 122.

²⁷ Special Agent John Reynolds Field Office report FBI file 44-25706 FBI Files series_26 page. 25

²⁸ Dr. Spain’s Official autopsy report, MIBURN_22 pages 89-90

²⁹ Jackson Daily News, August 5, 1964, W.C. Shoemaker reporter

On August 8th, the day following Spain's autopsy, Lawyer Pratt submitted a report to the FBI detailing Dr. Spain's autopsy. According to the report, the "Jaw was shattered, the left shoulder and upper arm were reduced to a pulp, with the right forearm being broken completely across at several points and the skull bones were broken and pushed in towards the brain." Dr. Spain, in his report, concluded, "these injuries could only be the result of an extremely severe beating with either a blunt instrument or chain." Dr. Spain concluded the other injuries to the skull and ribs were the result of bullet wounds. However, "it is impossible to determine whether the deceased died from the beating before the bullet wounds were inflicted." Lawyer Pratt mailed one copy to the district attorney of Neshoba county and the other copy was to be kept by Mrs. Chaney.³⁰

On August 8th, the same day the FBI received Spain's report, Claude Sitton of the New York Times, who had been on location in Mississippi for the past month, published an article titled "Chaney was Given a Brutal Beating." Citing an "unimpeachable source", Sitton discussed Spain's second autopsy. He stated Spain's report would, "show that the Negro youth had been subjected to an inhumane beating before three bullets were fired into his body."³¹ Throughout the article, Sitton quoted Lawyer Pratt. This was followed on August 9th by a second report from Sitton which stated the second autopsy showed Chaney had, "received a severe beating, which may have killed him even before he was shot three times, once at the base of the skull."³² Reporter Sitton never named his source, however, Spain's autopsy was not legally confidential and no law was breached by releasing the information. Furthermore, the quotes from Lawyer Pratt indicate that he had been the source for Reporter Sitton.

Dr. Spain formally publicized his account of the autopsy in an August 1964 special edition of Ramparts magazine. The edition was titled, Mississippi Eyewitness, and sold for 50 cents. In his article titled "Mississippi Autopsy" Dr. Spain details the events surrounding his arrival to Mississippi and subsequent examination of James Chaney's body. In his narrative, Spain differs from his original autopsy report submitted to Chaney's mother's lawyer. He describes the wrist as having, "bones smashed so badly that his wrist must have been literally flapping when he was carried." He does describe the bones of the right shoulder as, "crushed again, from some strong and direct blow."

It appears this article angered the Mississippi pathologists who had conducted the first autopsy a month prior. In an effort to discredit Dr. Spain's findings, Dr. Joel Brunson, Chairman of the Board of Pathology for UMMC, began making inquiries about Dr. Spain's credentials. He reported to the FBI that Dr. Spain had taken the forensic pathology board examination six times in order to pass.³³ Dr. Brunson would continue his efforts to discredit Dr. Spain. He contacted Dr. Edward Smith of the Armed Forces Institute of Pathology in Washington D.C. Dr. Brunson stated he could find no record of Dr. Spain having any subspecialty in pathology.³⁴ This investigative approach could have been applied to Dr. Featherston if Dr. Spain desired. This is due to the fact, Dr. Featherston also did not possess any credentials in the specialty of forensic pathology. There is no evidence Dr. Featherston ordered his colleague, Dr. Brunson, to conduct this informal inquiry.

On August 14, 1964, prior to the publication of Spain's Rampart magazine article, Dr. Featherston finalized his typed autopsy report and a copy was submitted to the FBI.³⁵ There is no evidence this report was leaked to the press during this time. During the last week of August Dr. Featherston became very upset with Dr. Spain's article in Ramparts magazine. He contacted the Mississippi Sovereignty Commission, a racist state-run spy agency that's primary purpose was to investigate integration efforts within the state. Dr. Spain requested the help of the commission in filing an ethics complaint against Dr. Spain.³⁶ The primary complaint against Dr. Spain was based on the publication of the Rampart article.

³⁰ FBI Internal Document drafted by Special Agent John Lee August 8, 1964 to Director Hoover Miburn files_22 page. 43-44.

³¹ New York Times, Chaney was Given a Brutal Beating, August 8, 1964

³² New York Times, Arrests Awaited by Mississippians, August 9, 1964

³³ Dr. Brunson statement to Special Agent Jay Cochran Jr. August 8, 1964 MIBURN File 07 p. 103-104.

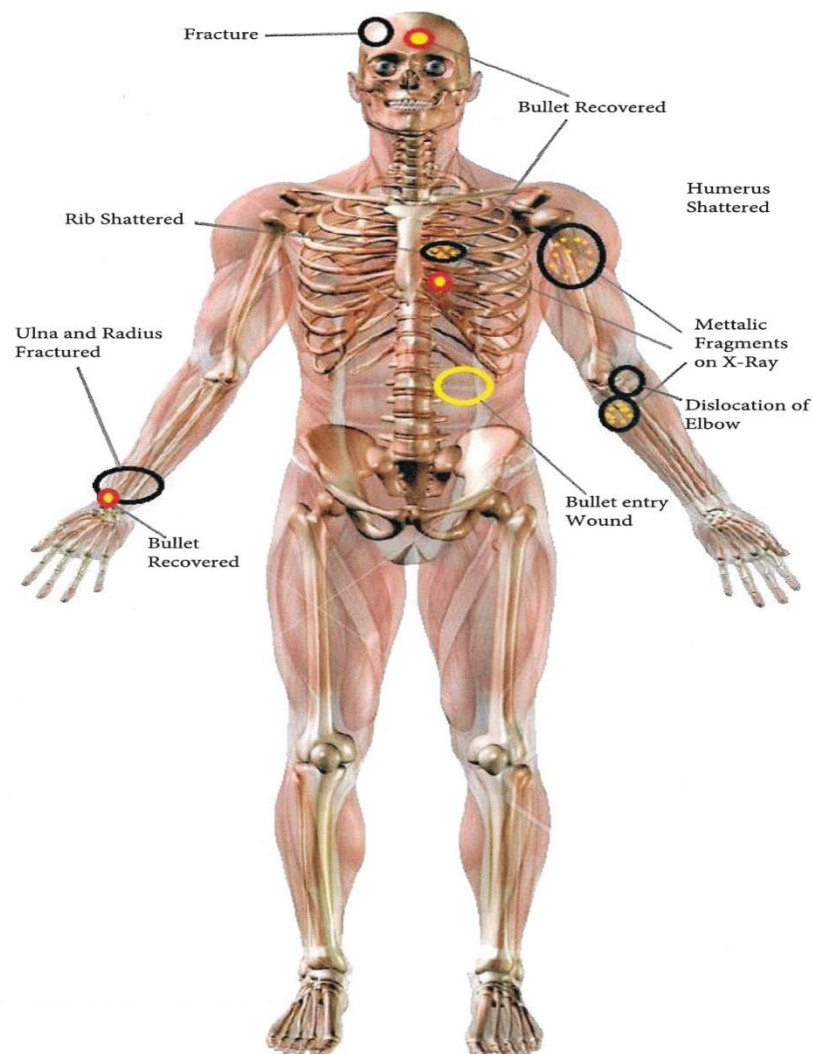
³⁴ Dr. Brunson phone call to SA Jay Cochran Jr. August 12, 1964 MiBURN_26 page 81.

³⁵ Dr. Featherstone's official autopsy (State MIBURN FILES Book 2 page 151)

³⁶ Mississippi Sovereignty Commission File Dated September 4, 1964 File locator SRD ID# 2-112-1-55-1-1-1

The College of American Pathologists, in 1964, had a rule that stated no pathologist will conduct an examination or issue a report on any second autopsy without prior consultation with and permission from the pathologist who made the original examination. Dr. Featherston additionally requested the Sovereignty Commission assist in discovering who notified Dr. Spain to make an autopsy and what the role of Dr. Goodrich was in the events?

It is unknown why Dr. Featherston completed and submitted his autopsy report without waiting for the radiological report concerning the X-rays? The X-rays taken during the autopsy were examined by Featherston in order to recover bullets. However, the films were sent to a radiological group in Jackson, Mississippi for additional analysis. Dr. James M. Packer was part of the radiological group in Jackson, Mississippi. He had analyzed the X-rays taken and provided a full report to Dr. Featherston on August 28, 1964. On Chaney's film the following was noted. First, a bullet fragment was superimposed over the temporo-parietal area posterior to the sella. Smaller fragments were distributed anterior to this region. Second, there was a fracture of the left upper humerus with multiple metallic fragments seen in the soft tissues adjacent to this fracture. Third, a fracture of the upper end of the left ulna is observed with bullet fragments lying in the area of the fracture. Fourth, a dislocation of the head of the radius. Fifth, a fracture of the left 4th rib with metallic fragments in this area. Sixth, a bullet is superimposed over the area of D-6 to the left of the midline. Seventh, a bullet was superimposed over the lower radius on the right.³⁷When one combines Featherston's autopsy with Dr. Packer's analysis of the X-rays the following diagram of James Chaney's injuries can be created.



Depiction of Injuries to James Chaney's body

³⁷ James Packer official letter dated August 28, 1964 MIBURN_50A page 138-140

Effect on the Historical Record

The effect of Spain's autopsy and subsequent publication had an impact on the historiography of the events surrounding the murders. The first major publication on the murders came in 1965 by William Bradford Huie with his work, *Three Lives for Mississippi*. In relation to the murder on Rock Cut Road, Huie states, "Chaney recognized one of the killers and called for help prior to the murders." He acknowledges Spain's statement that, "Chaney's wrist, shoulder and skull were crushed." However, he concludes they were likely not beaten, but speculates, "the injury to [Chaney] could have been caused by the bulldozers that buried and uncovered the bodies."³⁸

In April 1965, an article discussing the autopsies written by Dr. Louis Lasagna, was published in the *Yale Journal of Biology and Medicine*. Dr. Lasagna used Spain's autopsy report published in August 1964 to compare UMMC with Nazi Germany.³⁹ This resulted in a response, printed in the next issue, by the Vice Chancellor and Dean of UMMC in which he stated, "the FBI has refused to allow Featherston's autopsy to be released." In addition, the Vice Chancellor added, "Director Hoover has sent personal thank you letters to all doctors involved for their professional work." The *Yale Journal* allowed Dr. Lasagna to counter the letter. In his rebuttal he stated Dr. Spain's findings "did raise the possibility of unethical conduct on the part of one or more physicians." Dr. Lasagna then makes the inaccurate statement that, "Dr. Spain performed a full autopsy [of James Chaney] in New York City."⁴⁰

In 1970, Don Whitehead wrote the second major book concerning the murders titled, *Attack on Terror*. Whitehead was a great investigative reporter and used considerable amount of time and energy interviewing FBI agents who were involved in the investigation. His work even led to the revelation there was a Mr. X, that had provided the tip to the FBI on the location of the bodies in the earthen dam. During his depiction of the crime, Whitehead decides not to address the hypothesis of a beating and simply stated, "It was impossible to determine whether they had been beaten before being shot."⁴¹

Whitehead's strong research would be unable to put the rumor of a beating to rest, because during the same year, former Mississippi Governor Paul Johnson conducted an interview with the President Lyndon B. Johnson library which would once again blur the truth. In the interview he claimed, "the original intent of the Klansmen was to place the three civil rights workers in a big cotton sack and leave it hanging for a day in a tree." After sweating in a cotton sack in June for a day, the three would then be released and leave. Governor Johnson claimed Chaney was, "acting kind of a smart aleck and talking pretty big." This resulted in, "One of the klansmen walking up behind him and hitting him over the head with a trace chain." According to the Governor, "Because Chaney was killed by the chain, the Klansmen then decided to kill Schwerner and Goodman because they had witnessed the crime."⁴² There is simply no historical evidence to support Governor Johnson's statement and of course, history has proven this account to be false. However, Governor Johnson's interview added to the rumor of a beating.

The next major work on the murders came over a decade later. In 1988, Cagin and Dray wrote the book, *We are not Afraid*. They utilized recently released FBI files to discuss the events. Without mentioning Spain's autopsy, they depict the murder of James Chaney in three parts. The first saw James Jordan shooting Chaney in the stomach. This was followed with a second shot by Wayne Roberts which struck Chaney in the lower back. As Chaney laid on the ground, Wayne Roberts rushed up and fired a final shot into Chaney's head.⁴³ The problem with this depiction is it is not reinforced by citations or research. Featherston, in his autopsy, did not find powder burns on Chaney's skull which would have signaled a close shot to the head. Furthermore, FBI ballistic reports found the bullet that entered Chaney's stomach which traveled through his T8 vertebrae and embedded in his back, matched the same gun as Schwerner's and Goodman's bullets. Therefore, Wayne Roberts did not fire, as Cagin and Dray speculated, into Chaney's back. Instead, the bullet Wayne Roberts fired was to the front of Chaney.

³⁸ William Huie, *Three Lives for Mississippi*, 1965, p. 119.

³⁹ Lasagna L. The mind and morality of the doctor. II. Physics and the macrocosm. *Yale J. Biol Med.* 1965:37:361-378.

⁴⁰ Marston RQ. Correspondence from the University of Mississippi Medical Center. *Yale J. Biol Med.* 1965:38:47-48

⁴¹ Don Whitehead, *Attack on Terror*, 1970, p. 138

⁴² Oral History, Paul B. Johnson Jr., interview September 8, 1970 by T.H. Baker LBJ Library Oral Histories

⁴³ Cagin and Dray, *We are Not Afraid*, 1988. Page. 295

In 1992 Nicolaus Mills wrote, *Like a Holy Crusade*, which was about the 1964 Civil Rights movement. When dealing with the events on Rock Cut Road, he claimed Chaney had been badly beaten. His sources for the claim were Dr. Spain's original autopsy and Claude Sitton's New York Times articles in August of 1964. In 2004 Howard Ball stated in his book, *Murder in Mississippi*, "Autopsy reports later revealed that J.E. (nickname for James Chaney) was severely beaten and tortured by the Klansmen before he was finally killed."⁴⁴ However, in 2006 after the Mississippi conviction of Edgar Ray Killen, Howard Ball in his second book on the topic titled *Justice in Mississippi*, stated Chaney was shot and completely ignored the topic of any beatings.⁴⁵ He has never made a public statement as to why he changed his stance on the events.

In June of 2000, a major discussion was ensuing around the state of Mississippi concerning a possible trial of any surviving klansmen. Clarion Ledger Reporter Jerry Mitchell was intensively writing articles concerning the murders. In one of his articles titled, "Experts: Autopsy Reveals Beating" he revealed he had gained access to the many unredacted FBI files, including the autopsy files. These unredacted FBI files exceeded over 30,000 pages.⁴⁶ As part of this, the files detailing the autopsy reports were given by Reporter Mitchell to Dr. Michael Baden, a renowned forensic pathologist, Dr. Joe Burton, Chief Medical Examiner for Atlanta, and Steven Hayne a Mississippi forensic pathologist. Dr. Burton, discussing the breaks to the bones stated, "If he [Chaney] had broken one arm, you might could rationalize it, but to break both of them would be more like torture. He was not only shot, he was tortured for some reason." Jerry Mitchell inquired to Dr. Burton about the theory that a bulldozer caused the injuries. Dr. Burton stated, "I would think its like 99 percent probability the injuries weren't caused by a bulldozer."⁴⁷ This was confirmed by Dr. Baden when he stated, "The injuries are not those made by a bulldozer." Even though this analysis was important to the narrative, the major importance of this article was the revelation that before Dr. Featherston's death in 1995, he had sat down for an interview with the Clarion Ledger. Dr. Featherston when asked by Jerry Mitchell, if Chaney had been beaten had stated, "Apparently a lot of damage done to Chaney's body occurred when the scoop caught his body." He continued, "He was the last one to be buried. He was the one who suffered most of the injury due to disinterment." This major statement made by Dr. Featherston towards the end of his life, not only contradicted his 1964 autopsy findings but reflects Bradford Huie's theory of damage to the body. Of course, by suggesting Chaney's body was damaged by the FBI during disinterment, this led living FBI agents to call out the now deceased Featherston on this false statement. Living FBI agents were forced to defend their exhumation and stated to Jerry Mitchell that the last several feet of unearthing were done by hand. Dr. Featherston's motives for making these assertions are unknown but by claiming a bulldozer had damaged Chaney's body he countered his own findings in August of 1964 and once again blurred the historical record.

After the conviction of Edgar Ray Killen on the charges of manslaughter in the summer of 2005, Drs. Baden and Hayne were free to discuss their state sponsored work on the case. They both admitted the 2005 Mississippi prosecution team had approached them about reviewing the autopsy reports in order to possibly testify about the findings. They used the autopsy report along with Dr. Packer's original radiological report to determine there was a high probability of recovering usable bullet fragments from the three victims if their bodies were exhumed. Drs. Baden and Hayne contradicted their June 2000 statements to Reporter Mitchell and did not conclude Chaney was beaten. However, in 2009 Dr. Baden used his research for the 2005 trial to formally call for the exhumation of James Chaney's body to uncover two bullets which he concluded possibly remained.⁴⁸ These bullets would be the fragments identified by Dr. Packer on the shoulder and elbow. Baden concluded Chaney was shot at least five times and perhaps six. Baden also noted that Featherston was a hospital pathologist and had no training in forensic pathology. Baden also stated he believed the bullet that was recovered from Chaney's abdomen entered Chaney in the back. He also stated, "Someone came up to Chaney and gave the coup de grace in the chest area." As to the fracture to the right wrist, Baden stated either a bullet passed through it or it was broken from possible blows from a blunt object. However, the deformed left upper arm was due to the shooting.⁴⁹ Baden's analysis leads to the theory Chaney ran from his captors and was shot down in a hail of bullets.

⁴⁴ Howard Ball *Murder in Mississippi*, page 61.

⁴⁵ Howard Ball, *Justice in Mississippi: The Murder Trial of Edgar Ray Killen*

⁴⁶ Cagin and Dray, in 1988, only had access to the FBI prosecution summary files which were limited and heavily redacted.

⁴⁷ Jerry Mitchell, *The Clarion Ledger*, Experts: Autopsy reveals beating, June 4, 2000.

⁴⁸ Jerry Mitchell, *The Clarion Ledger*, Doctor: Exhume Chaney's Body, November 22, 2009.

⁴⁹ Jerry Mitchell, *The Clarion Ledger*, Neshoba Slayings: Mississippi's Past on Trial, June 26, 2005.

Conclusion

With the closing of the Mississippi Burning investigation by the FBI and the state of Mississippi and the death of Edgar Ray Killen while in prison, the only item that remains is the historical record. All but one of the parties involved in the night of 1964 have passed away. Dr. Featherston's ethics complaints against Dr. Spain, while filed, did not materialize in a hearing or punishment. A review of the facts reveals actions committed by both doctors lead to unanswerable questions. For example, why did Dr. Featherston decide to release his autopsy findings prior to reviewing the radiological report? Why did Dr. Spain not conduct a longer autopsy of James Chaney? Why did Dr. Spain not request the X-ray film from Dr. Featherston? Why did Dr. Featherston not identify the metallic fragments on the X-rays near the broken bones and attempt to remove them? Finally, why did Dr. Featherston counter his hard work on the night of the autopsy by suggesting, three decades later, that Chaney's body was damaged by the bulldozer?

One possible explanation that continues to arise over the injuries to James Chaney's body is that he had received extensive damage from a bulldozer when being buried by the murder posse or being uncovered by the FBI agents. The latter is not possible because as the FBI were uncovering the bodies, they stopped when the presence of blow flies became apparent. They then uncovered the bodies by hand to guarantee they would not damage any evidence. It is possible the body was damaged during the burying by the klansmen on the night of June 21st. However, when the body was buried, the left shoulder had been raised and drawn over the body placing the left upper arm over the chest and the left forearm over the right forearm.⁵⁰ The right forearm was beside the body. With the body being in this position, it would denote Chaney's left arm, including his shoulder, would have been slightly raised above the body, as if the body had rolled during burying. It is possible, the body received damaged during burying. However, when examining the X-rays, a clearer explanation is made possible because with each broken bone there is the presence of a bullet or bullet fragment.

It cannot be understated the effect Dr. Featherston's late in life interview with Jerry Mitchell had on the historical record. His interview blurred the line between the facts of his findings and signaled he now accepted the body was damaged from the bulldozers during the recovery by the FBI agents. This opened him up to criticism and accusations of racism since he had unleashed the investigation powers of the Sovereignty Commission on another doctor that dared to criticize him. Dr. Spain escaped many criticisms because he had embraced the need of the nation for information. His releasing of his findings the day after he conducted his examination, which somehow found their way to the press, led to a demand of him for national interviews. He complied with the requests and finally released a very sensationalized story that was sold nationwide. However, he does not escape criticism. His publicized report less than a month after his formal autopsy did not reflect his initial verbiage when it came to the bones he assumed were broken. Also, Dr. Spain's statements concerning the broken bones could not have been properly concluded with an examination that lasted approximately 5 minutes.

The three civil rights workers were murdered on the night of June 21, 1964. Their murder was horrific, and the crime would forever mark a watershed moment in the civil rights movement. However, the disagreement between various medical professionals would blur the historical record and cause publications fifty years after the murder to incorrectly cite the events. Reporter Jerry Mitchell sums up what happened that night with the best sense of knowledge. He states, "It appears after Schwerner and Goodman were murdered, James made a run for it but was shot down in a hail of bullets." With the powder burns on his shirt, it is clear while he laid on the ground, someone walked up to him, in a final act of evil, and shot him in the stomach. Of course, it would take over fifty years for these events to be revealed and it casts an investigative light on the actions of the pathologists.

⁵⁰ SAC Proctor message to Director Hoover, August 9, 1964. MIBURN_23 page 144