



JAMES C. HERRINTON

THE PEOPLE V SANGAMON RAILSPLITTER

8:19 p.m.
Saturday
July 2, 1938

Corporal Ted Straight at the White Pine State Police Post night desk picked up the phone before the second ring. “State Police at White Pine. Corporal Straight here.”

“M’name’s Railsplitter,” the caller answered. “I jus’ killed Sam Loogin.”

Straight: “Where are you?”

“At Sam’s house, 4329 West 31 Mile Road,” sputtered Railsplitter.

“Get out of the house, and wait by the road. Some troopers will be with you in 15 minutes.”

Although it was a warm July night, as Sangamon Railsplitter waited by the road for the troopers, the night air felt like a deep winter’s freeze upon his face.

* * *

The Chambers of the Honorable John Murphy
 Judge of the Lafayette County Circuit Court, White Pine, Michigan
 9:00 p.m.
 Tuesday
 July 5, 1938

Judge Murphy dug among the opened volumes of *Michigan Reports* and advance sheets scattered atop his desk, looking for his tolling telephone.

“Hello, this is Judge Murphy speaking.”

“Judge Murphy. This is Rowena Anderson. I’m a new lawyer in White Pine. I would like to introduce myself to you.”

“Welcome to White Pine and Lafayette County and northern Michigan, Miss Anderson! I was about to call you. Can you make it to my office this morning?”

“I’ll be right over, Judge Murphy.”

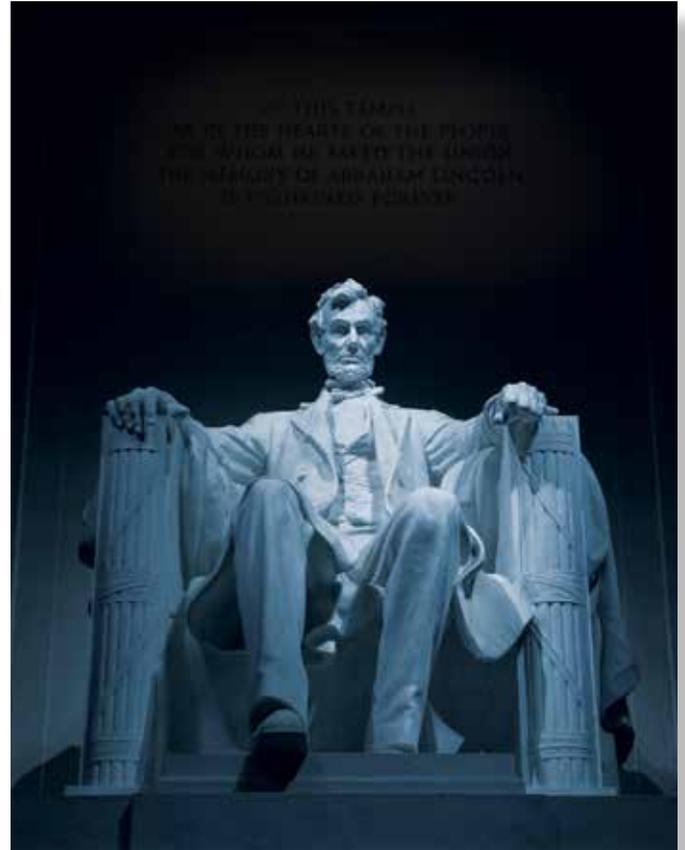
Judge Murphy and Rowena shook hands at his office doorway. Judge John Murphy, tall, straight, his black hair combed straight back. His eyes were grey, understanding, perceptive. His voice was crisp, distinct. He was wearing a light blue long-sleeve shirt with a button-down collar, a red-and-blue checkered tie, and a v-neck navy blue cardigan sweater.

The judge eased back in his chair at his desk. Rowena sat in a polished mahogany side chair, in front of the desk. Only Judge Murphy’s head and shoulders were visible to Rowena over the sierra of volumes that rose between them. Judge Murphy spoke first. “Howard University Law School’s Dean Baldwin telephoned yesterday and asked me to head you back to Washington to be Howard’s constitutional law associate professor. He told me that you were first in your class, senior editor of Law Review, Order of the Coif and, in your senior year, a Case Club finalist and class president.”

Rowena answered, “I weighed the Howard opportunity, Judge. My decision is to practice law here, in northern Michigan.”

Judge Murphy continued evenly, looking straight and steady into Rowena’s eyes, “Whenever an indigent person is charged with a criminal offense in this circuit, I tap as counsel for that person the attorney whose name appears at the top of our rotating list of the 15 practicing attorneys, now including you, within this circuit’s four counties. Each attorney new to the circuit starts off at the top of the list. Today that person is you. I appoint you to represent a Mr. Sangamon Railsplitter, a first-degree murder defendant. For felony jury trials, including a preliminary examination, the Lafayette County Board of Supervisors provides a maximum \$500 total for both the attorney fee and investigation expenses reimbursement. In felony cases resolved without trial, the circuit court judge determines the amount to be deducted from that \$500 maximum.

“A preliminary exam in Judge McGregor’s court is scheduled for 9:00 a.m. on Tuesday, July 26, three weeks from today.”



The Courtroom of Judge Alan McGregor
 White Pine, Michigan
 9:00 a.m.
 July 26, 1938

Square-jawed and handsome Judge McGregor, in a black robe over a starched white shirt and black tie, wearing half-glasses, looked down from the bench at the lean and disheveled blond-headed 20-something defendant standing alongside his counsel, Rowena Anderson.

“Mr. Railsplitter, is that your name?”

“Yessir. It’s not my biological family name, but it’s my adopted surname. My first name is Sangamon, also adopted.”

“How did you come by your name, Mr. Railsplitter?” Judge McGregor asked.

“Abraham Lincoln teaches me, sir. I learn from him. Before I came to Lafayette County to work for Sam Loogin, I roamed the country, partly by foot but mostly by thumb and by rail, lookin’ for work. One day I found myself in Springfield, Illinois. Springfield is the county seat of Sangamon County. I stayed there long enough to become an Illinois resident. I scraped together five dollars to pay Sangamon County to change my name to Sangamon Railsplitter. I’ve already signed a statement,¹ Judge.”

Judge McGregor glanced over to the counsel table to his left. “Mr. Gordie, please call your first witness in this preliminary examination.”

Barkley (Bark) Gordie was the gregarious, long-legged Lafayette County prosecuting attorney. His freckled elongated smiling face, pointed nose, and long ears were topped by curly red hair. He called as the first prosecution witness Michigan State Police Corporal Straight, whose direct and cross-examination consumed less than two minutes.

Prosecutor Gordie’s second witness was Hubert Peacock, MD, who testified that he had performed a “partial autopsy” of Sam Loogin’s body and that it was his expert opinion that Sangamon Railsplitter’s knife wound had caused instant death.

Bark Gordie rested the state’s case. Judge McGregor looked over to the counsel table to his right. “Miss Anderson, do you wish to cross-examine Dr. Peacock, and do you have any witnesses you plan to call?”

Rowena wore a gray coat dress with a white blouse and white jabot collar, and one-bar low-heel black shoes. Her hair was braided. She wore small pearl earrings. She rose and addressed the court, “Your Honor, I wish first to cross-examine Dr. Peacock.”

Rowena began her cross:

“Is it your testimony, Doctor, that on July 2, 1938, County Coroner Satchit telephoned you at your home to tell you that Mr. Railsplitter had stabbed Sam Loogin, that Mr. Satchit upon his arrival at the scene had determined both the fact and the

cause of death and that Satchit asked you to examine the body to confirm the cause?

“Yes.”

“And that the Wilson Funeral Home had removed Mr. Loogin to White Pine Hospital for your study?”

“Yes.”

“What is your age, Dr. Peacock?”

“I’ve been around for 35 years.” The doctor grinned.

“How many autopsies have you performed?”

“This was my first. It was a partial.”

“Before you began your work on the body, did you make your own determination of the fact of death?”

“That was not necessary. Coroner Satchit already had filled out the death certificate by the time they brought the body to the hospital. Also, it was obvious that Mr. Loogin was dead. There was a large kitchen knife protruding from the left side of his back, and he was not breathing. My job was to confirm *cause* of death.”

“Do you know *when* that knife entered Mr. Loogin’s back, Doctor?”

“Yes. The stabbing occurred at 8:15 p.m. on July 2, 1938.”

“So it was obvious to you that Mr. Loogin was dead when you first saw him at the hospital because Coroner Satchit furnished you his death certificate and because it didn’t appear to you that Mr. Loogin was breathing?”

“Yes. Coroner Satchit told me that the murder occurred at about 8:15 p.m. on July 2, 1938.”

“Did Satchit use the word ‘murder,’ Doctor?”

“Yes.”

“And now you are using it too?”

“Yes.”

“Do you know Mr. Satchit’s experience in the area of criminal forensics, and his qualifications for determining death?”

“Yes. Mr. Satchit owns a drug store in White Pine and has been the county coroner for over 20 years.

“Also, don’t forget, Miss Anderson, that your client admitted in his phone call to Corporal Straight that he had murdered Loogin.”

“What qualifications does this 20-year-old young man Sangamon Railsplitter possess to determine the fact of death, Doctor?”

“I don’t know.”

“Is pathology your area of medical expertise, Dr. Peacock?”

“No.”

“Why did you do an autopsy in this instance, Doctor?”

“The coroner asked me to and I was the only physician in White Pine on July 2. I decided to dissect Mr. Loogin’s left lung and deliver it to Dr. Block downstate, for his analysis. Dr. Block is an expert in forensic pathology.”

“Did you consider notifying Dr. Block before you started in?”

“No.”

“Was Coroner Satchit present during your autopsy, Doctor?”

“Yes. Coroner Satchit told me that he rode in the hearse when they brought Loogin’s body to the hospital. Satchit was present during the entire time of my dissection.”

“Did you perform a total pneumonectomy of Mr. Loogin’s left lung?”



"I understand this is your first trial, Miss Anderson, and I suppose it might well be your first experience with medical terms. There is a difference between a pneumonectomy and a dissection. A pneumonectomy involves a living patient, whereas a dissection involves a dead body. This was a dissection."

Rowena: "If a living patient dies during a pneumonectomy, does the pneumonectomy then metamorphose into a dissection?"

"I suppose so, but that is hypothetical. You are drifting off course."

After allowing herself an interior discourse that Peacock was insufferably smug, Rowena proceeded. "What time did you begin your work on Mr. Loogin's body?"

"I began the dissection at 10:00 p.m. on July 2, 1938."

"And who was present other than yourself and Satchit and Mr. Loogin?"

"I assume you mean Mr. Loogin's *body*. No one else was there."

"Would you summarize what you did, beginning at 10:00 p.m. on July 2, 1938?"

"First I pulled the kitchen knife out from the body's back. Then I turned the body over so that it was face up on the autopsy table. I placed the left arm over the left side of the table and I placed the right arm over the right side of the table. I placed a 6" x 6" x 6" wooden block beneath the back of the body, to thrust the chest area upward to make it easier for me to cut the chest area open. I made my initial incision at 10:05 p.m.

"I made a Y-shaped incision starting at the top of each shoulder and joined at the lower part of the sternum, in the middle of the chest. I continued the incision all the way down to the pubic bone.

"I used shears to cut through some muscle, to open the chest cavity, and I used a saw to cut through the ribs on both the right and left sides of the chest. I cut with a scalpel to remove some soft tissue that was still attached to the back of the sternum. Next, I lifted the sternum and the attached ribs out from the chest.

"I was then able to see the heart and the lungs. I cut the bronchus, the artery, and the vein at the hilum and removed the entire left lung.

"I wrapped the left lung in surgical cloth and packed it with dry ice in a wooden crate. I called the State Police Post. A trooper arrived at the hospital about 10 minutes later and he secured the crate. I was told the trooper delivered it to Dr. Block at 8:00 a.m. the following morning."

"Dr. Peacock, what is a *circulatory collapse*?"

"A circulatory collapse is a failure of the circulation. A common cause of circulatory collapse could be shock of trauma from injury."

"And just assuming for the moment, mind you, that what you did was done upon the body of a living person, is it a medical certainty that a fatal circulatory collapse would occur?"

"Of course, but that would be the case in any open body dissection."

"Dr. Peacock, have you ever met Dr. Block?"

"No."



"After you crated the left lung for shipment to Dr. Block, did you ever contact Dr. Block to learn of his findings?"

"No. I had the lung shipped to Dr. Block to preserve it for trial purposes. Apparently it wasn't necessary since Mr. Railsplitter signed a confession or statement or whatever you call it."

"Did you withdraw any of Mr. Loogin's blood to determine alcoholic content?"

"No."

"Your witness, Mr. Gordie."

Bark Gordie rose from his chair. "If the defense has rested, I move that Mr. Railsplitter be bound over for trial, on the charge of first-degree murder."

Rowena: "Pardon. The defense has not rested. I ask that Dr. Charles O. Block be sworn."

Mr. Gordie: "I have never met Dr. Block, but I acknowledge his credentials and agree to his giving us his expert opinion on matters within his area of expertise."

Rowena: "What is your age, Dr. Block?"

"I am 65 years old."

"Do you practice a medical specialty?"

"For the past 38 years my medical specialty has been pathology, primarily forensic pathology."

"How many autopsies have you performed over those 38 years, Doctor?"

"I don't know the exact number. It is over 5,000."

"Have you been in court during this preliminary examination?"

"Yes."

“When you received the crate containing Mr. Loogin’s left lung, what did you do?”

“I noted in my journal the time and date of the crate’s arrival. I removed the lung from the crate. I incised the lung to reveal the interior of its two lobes. I found what appeared to be penetration by a sharp object, pointed on the end and gradually widening to about 1½ inches.”

“Could that penetration have been made by a kitchen knife?”

“Yes.”

“Have you read Mr. Railsplitter’s written statement that he signed shortly after he was jailed?”

“Yes. With just one exception, the wound to Mr. Loogin’s left lung is entirely consistent with Mr. Railsplitter’s description of the events contained in his statement.”

“What is that one exception, Doctor?”

“The penetration by the knife into Mr. Loogin’s left lung did not cause death. When death results from such a wound, death is caused by the filling of the lung with blood, in much the same way that water filling a lung causes death by drowning. There was not a sufficient amount of blood in this lung to have caused death.”

“How much time would have passed before the filling of Mr. Loogin’s left lung with blood would have caused his death?”

“No less than 11 hours.”

“Dr. Block, the evidence introduced in this proceeding is that the wound to Mr. Loogin’s lung occurred at about 8:15 p.m. and

Dr. Peacock commenced his procedure on Mr. Loogin one hour and forty-five minutes later, at 10:00 p.m. During that one hour and forty-five minutes, could that stab wound to Mr. Loogin’s left lung have been treated medically?”

“Yes.”

“With recovery being a medically reasonable prognosis?”

“Yes, certainly.”

Rowena glanced at Bark Gordie, saw his rapidly reddening face, and pressed on.

“Today both Coroner Satchit and Dr. Peacock have testified that before the coroner signed the death certificate and before Dr. Peacock commenced his procedure, neither the coroner nor Dr. Peacock detected any breathing or pulse for Mr. Loogin. Would not the absence of breathing and the absence of a pulse indicate death?”

“Yes, if both breathing and pulse are absent *in fact*. As a matter of reasonable medical certainty, the knife wound to Mr. Loogin produced shock. A condition of shock can resemble the condition of death in the absence of a close observation to determine the existence or nonexistence of breathing and a pulse.”

“How does an examiner make such a close observation, Dr. Block?”

“Two means of determination are relatively simple, but are quite effective. I hold a mirror to the mouth and nose of the patient, to look for a misting or fogging on the mirror. Also, I place





a shallow tray of water on the patient's chest and watch for movement. If those two means do not indicate continuing life, I nevertheless will delay any autopsy for an additional 24 hours. During those 24 hours I encourage continuing treatment of the wound."

"To summarize, Dr. Block, is it your expert opinion that the knife wound did not cause Mr. Loogin's death?"

"Yes. Mr. Railsplitter's knife wound was not the direct medical cause of Mr. Loogin's death. If the wound had not been treated, and if there had been no other intervening cause of death during those 11 hours I have described, then Dr. Peacock's work as he has described it would have been the cause of death. In fact, until you telephoned me on July 5 and I arrived in court this morning and heard Dr. Peacock's testimony, I wondered what had caused Mr. Loogin's death and I wondered why no one contacted me after I received the lung. Within a few days following my examination of the lung I delivered it to our state university medical school, for examination. The people there performed their independent examination of the lung and mailed their written report to me. I have it with me should anyone wish to read it."

Mr. Gordie: "May I see the medical school's written report, please?"

"Yes, here it is. Also what I found from my examination of the lung is consistent with Mr. Railsplitter's description of the events leading up to the infliction of the wound. In fact, I know of no manner in which the wound could have occurred except by Mr. Railsplitter inflicting the knife penetration at a time when Mr. Loogin was sitting upon Mr. Railsplitter lying face up and flat on the floor."

Rowena: "The defense rests."

Judge McGregor: "Mr. Gordie, do you have any rebuttal witnesses?"

"No, Judge McGregor. I ask for a 30-minute recess so Miss Anderson and I may confer. Then both Miss Anderson and I might join in making a motion to the court."

Later that day.

"Where are you heading, Sangamon?"

"I don' even know which side of th' highway I'll be thumbin' from, Miss Anderson." Sangamon straight-looked a never-forget at Rowena. "Thanks again for your lawyerin', Miss Anderson."

Rowena smiled, "Sangamon, our Mr. Lincoln and a whole lot others had a lot to say about my lawyerin' anybody!" ■



James C. Herrinton grew up in Grand Rapids and received his undergraduate and law degrees from the University of Michigan. He and his wife, Lois, both emeritus members of the State Bar of Michigan, have a son, Michael; two daughters, Ann and Lisa; ten grandchildren, Ariel, Dana, David, Dominique, Gabriel, Hannah, Jordan, Nathan, Sam, and Seth; and three great-grandchildren, Houston, Konrad, and Mac. James and Lois live in Walnut Creek, California.

ENDNOTE

1. "I am Sangamon Railsplitter. Tonight I murdered Sam Loogin with a kitchen knife. Sam was drunk and had me lying face up on his kitchen floor. He sat on me and he stabbed my right thigh 14 times with his pocket knife. I thought he was going to kill me. While Sam sat on me and continued to stab me, I reached up with my right arm and felt on the kitchen counter a bread knife. I grabbed the knife with my right hand and stabbed Sam Loogin in his back. He must have died right away. He slumped forward on top of me. This statement has been typed by the jail night deputy and it is true. I feel very bad about this."

/s/ Sangamon Railsplitter

Witness: /s/ Sheriff Night Deputy Floyd Weed