

The Life and Afterlife of Elmer J. McCurdy, A Melodrama in Two Acts *

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PROLOGUE

Time: from the sixth century A.D. to the present.

Early in 1974, the Paleopathology Association received an intriguing letter from Dr. R. Boyer of the Institut d' Archéologie Méditerranéenne in Draguignan. He said: "Our laboratory is studying two corpses with their clothes and jewels, found in Vth and VIth century A.D. sarcophagi in Marseilles. In the neighboring sarcophagi, badly preserved skeletons were found: indeed, these sarcophagi were well closed and the place was—and is still—very damp; such conditions are unfavorable to preservation. However, organic remains were partially preserved. From our results with the chemical analysis of these remains, I must mention that the levels of arsenic in the bodies seem too high. It was 0.13% in one body and 3.14% in the other. In these cases, arsenic does

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not come from the outside (surrounding ground),* and it is difficult to admit a poisoning in both cases! Do you think that arsenic may have been used at that time (Vth and VIth centuries A.D.) to preserve corpses? Do you know of any literature on the subject? If you do, I shall be very happy to get precise references." This appeal was published in the June 1974 Newsletter, but no one came forward with any answers.

However, in April 1977 an opportunity to study the preserving qualities of arsenic arose from a most unexpected quarter. Drs. Thomas Noguchi and Clyde Snow telephoned from Los Angeles to say that they were about to autopsy a body from 1911 that had been preserved this way, and would we be interested in examining specimens. Six samples were requested and were examined in Detroit with interesting results.

Ralph Smith performed arsenic analyses on the tissues to corroborate that this was indeed the method that had been used for embalming. He obtained the following values:

	mg As/gm tissue
Lung	0.270
Skeletal muscle	0.080
Skin	0.390
Heart	0.270
Brain	0.700
Bone	0.650

(muscle and skin attached)

These values are several hundred times those that we had found in Egyptian mummies. Samples from the mummies ranged from zero to 0.62% (0.006 mg As/gm), using similar methodology.

During the processing of the tissue for histologic examination, we noted that the skin taken from the leg was an intense yellow-orange. We wondered if the high arsenic content was reacting in some way with the chemicals to produce this color. However, this was presumably related to the fact that the skin had been painted sometime in the past, perhaps to disguise the body as a dummy.

The most startling discovery was yet to come. When we viewed the finished sections with the microscope, the preservation of the tissue was almost unbelievable. The heart was nearly perfectly preserved, and the individual myocardial fibers were observed to have not only intact cross-striations but also nuclei and lipochrome pigment at the nuclear caps. The coronary arteries were quite normal. Red and

*Ed. Note: See Sir S. Smith's book Mostly Murder.

white blood cells were easily recognized. The organ appeared normal. Sections from skin, skeletal muscle, and bone were also in an excellent state of preservation. All connective tissue and muscle and epithelial tissue components were easily identified, and blood cells were commonly found intact.

Sections of the brain included both cerebellum and cerebrum. Most of the neurons were intact and recognizable. The Purkinje cell layer of the cerebellum was quite well preserved. The various layers of the cerebral cortex were still identifiable, with good differentiation of glial and neuronal elements. These portions of the brain also appeared normal.

The only part of the tissue that did not appear normal grossly was the lung. The typical sponge-like appearance had been lost, and the tissue was heavy and appeared consolidated, not unlike liver. The sections showed an organizing lobar pneumonia with both red and white blood cells, larger mononuclear cells, and proliferating fibrous connective tissue within alveolar spaces. The pleura and bronchioles and vessels appeared normal but within the vascular spaces, numerous red and white blood cells could be seen. Polymorphonuclear leucocytes were easily identified. Some cells appeared to be eosinophils.

The tissue examination has perhaps given further historical insight into the death of this man. Although most organs appeared normal, the lungs indicated that he had significant disease when he died. The organizing nature of the process indicated also that he had had it for some time before his death. Possibilities would include tuberculosis, though the tissue preservation was so good that granulomas would probably be recognizable, and there were none to be seen. He may have had pneumonia at the time he was shot and killed. A third possibility is that he was shot but did not die immediately, lingering on, perhaps aspirating food or gastric contents into his lungs. This latter clinical picture is not uncommon with severely ill patients and seems to be a logical explanation for the findings in the lungs.

The play begins . . .

Although the name Elmer J. McCurdy is hardly a household word in the annals of either show business or crime, it does deserve some minor mention in both. His career as an outlaw and later as a trouper spanned seven decades and may be conveniently divided into two phases, antemortem and postmortem.

ACT I: ANTEMORTEM

The antemortem, or criminal, period of Elmer's career is still dim. We have not yet determined his birthplace, although there is

some indication that it was either Kansas or Colorado. As a young man, he may have served an enlistment in the United States Army. By the early 1900s, he had drifted to Oklahoma, where he worked both as a miner and a plumber. Sometime during this period he also served a term in the Oklahoma Territorial Penitentiary. In the spring of 1911, he was part of a gang that robbed a Missouri Pacific train near Coffeyville, Kansas. Emboldened by this success, Elmer recruited two companions to rob a Missouri, Kansas, and Texas (Katy) train. The intended target, one of two daily Katy trains southbound from Kansas into Oklahoma, was carrying several thousand dollars in Indian tribal payments. McCurdy and his gang struck on the night of 6 October 1911, stopping the train on an isolated stretch near Okesa, Oklahoma. Boarding the engine, they overpowered the crew, detached the engine and baggage car carrying the cash box and, leaving the passenger cars stranded, moved them several miles down the track, where they could leisurely collect the loot. At this point, the operation, which until then had been carried out with commando-like precision, began to unravel. Perhaps, as many another traveler before and since, Elmer had difficulty reading railroad timetables, because at this time the robbers discovered they had hit the wrong train—the cash box on this one contained only \$46.00. However, as a consolation, they discovered that the baggage car contained a shipment of liquor. While still on board, they drank several bottles of beer, and on their departure Elmer grabbed two demijohns of whiskey.

Two nights later, with a posse on his trail, Elmer showed up at the Revard Ranch in the Osage Hills, an area described as one in which ". . . escaped criminals are able to disappear for days at a time, regardless of the advanced civilization made during the past two or three years. Ranches have been converted into farms in nearly every section of the new state (Oklahoma) with the exception of Osage County, where that district outside of the developed oil belt contains every element of wildness that it did in the old territory days." (Bartlesville, Oklahoma, Daily Enterprise, October 8, 1911.)

The same paper described the final hours of Elmer's antemortem career. When he arrived at the ranch, he ". . . had one of the jugs of whiskey taken from the train by the robbers and had been drinking heavily. He told the man at the ranch that he was Frank Amos (an alias) and that the whiskey had come off that train which was held up down below Okesa. After drinking with the ranch employees for an hour he asked for a place to sleep and was shown to the hay mow. He had been asleep only a few minutes when the three members of the posse who had been trailing him for two days arrived. They took their stations about the barn and waited for daylight. Bob Fenton (one of the posse members) telephoned the Enterprise this morning about the fight. 'It began just about 7 o'clock,' he said. 'We were standing around waiting for him to come out when the first shot was fired at me. It missed me and he then turned his attention to my brother, Stringer

Fenton. He shot three times at Stringer and when my brother got under cover he turned his attention to Dick Wallace. He kept shooting at all of us for about an hour. We fired back every time we could. We do not know who killed him . . . (on the trail) we found one of the jugs of whiskey which was taken from the train. It was about empty. He was pretty drunk when he rode up to the ranch last night.'"

Later that day, Elmer's body was taken to the Johnson Funeral Establishment in nearby Pawhuska, Oklahoma, where it was formally identified. Examination of the body revealed that he had been struck by a single bullet entering the right upper thorax and traveling downward and to the left to lodge in the lower abdominal region. The bullet track was explained by the fact that Elmer was lying in the hayloft, firing from a prone position when he was struck. Authorities were puzzled about Elmer's refusal to surrender peaceably once he found he was surrounded. However, it seems evident that anyone who had spent a cold night in a hayloft after consuming the better part of two jugs of whiskey might be in an exceptionally quarrelsome mood if aroused at seven in the morning.

ACT II: POSTMORTEM

On 10 December 1976, a Universal Studio television crew was filming an episode of American television's Six Million Dollar Man on location at the Nu-Pike Amusement Park in Long Beach, California. The scene to be filmed involved a chase through an establishment known as the "Laugh in the Dark Funhouse." In a darkened area of the funhouse there was a "dummy" hanging from a gallows. The dummy was painted with a phosphorescent red paint that glowed in the dark when a nearby ultraviolet light was switched on. The cameraman, seeking a better shot, asked a technician to move the dummy. As he did so, its arm fell off, revealing a bone. Police were summoned and they questioned the manager of the funhouse, who was rather disconcerted to find that his dummy was, in fact, a mummy.

The mummy was transported to the Los Angeles County Coroner's Office, where it was autopsied by Joseph H. Choi, M.D., Deputy Medical Examiner. Dr. Choi found that the mummy was that of an adult Caucoid male. There was a modified Y-shaped incision of the anterior thorax and abdomen and bilateral inguinal embalming incisions. The abdominal and thoracic viscera and the brain were hardened to a stone-like consistency. There was a gunshot entrance wound located on the right anterior thorax four inches to the right of the midline. The path of the bullet was downward and to the left, penetrating the right sixth rib, right lung, diaphragm, liver, and intestine. A bullet was not found, but a copper bullet jacket, or gas check, was found embedded in the musculature of the pelvis. Ballistic examination of the bullet jacket

revealed that it was from a 32-20 caliber bullet with six-right rifling. Manufacture of such bullets was discontinued before World War II; gas checks were introduced around 1905. SEM/EDX examination of tissue samples from the mummy indicated a high arsenic content, apparently the result of embalming with arsenic, a practice discontinued in the United States early in this century.

Meanwhile, the Long Beach Police Department continued their questioning of the funhouse manager, whose consternation at learning his exhibit was an actual human body turned to utter dismay when he was informed it was also a possible homicide victim. He told the investigators that the dummy had, until 1971, been displayed in a coffin in the Hollywood Wax Museum, another concession in the amusement park. He took over the mummy (which he thought was made of papier-mâché) when the wax museum operators defaulted on their rent.

Once on the trail, the Long Beach detectives proved to be as dogged in pursuit as the Oklahoma posse that tracked Elmer through the Osage Hills in 1911. Within a few days, it was established that the mummy had been a starring attraction in a number of traveling shows and exhibits such as "Louie Sonney's Museum of Crime" and "Craft's Carnival Circus." At one point it had been scheduled for permanent exhibit in an establishment called the Haunted House on Mount Rushmore, South Dakota, but was rejected as not being sufficiently life-like!

The trail finally ended in Pawhuska, Oklahoma, where we left Elmer at the Johnson Funeral Establishment. Its proprietor was apparently a believer in H. L. Mencken's observation that nobody ever lost money by underestimating the taste of the American public. Finding that Elmer had no known next-of-kin, he embalmed him heavily in arsenic and, instead of burying him, kept him in a back room of the funeral parlor for several years. For a nickel, local curiosity seekers were allowed to view Elmer, billed by now as the "Bandit who wouldn't give up." Before condemning such a barbaric exhibition, one should recall that displays of this kind were not unusual in the American hinterlands a generation or two ago. Our rural forefathers did not have the advantage, as we do today, of being able to view violence and its aftermath in the comfort of their living rooms.

Elmer was thus launched on his postmortem career in show business. His local engagement in Pawhuska ended about 1916 when a stranger came to town and paid his nickel to see Elmer. He emerged pale and shaking. Elmer, he claimed, was his long-lost brother. He tearfully demanded that the body be released to him so that he might bury it in the old family graveyard up in Kansas. The undertaker, probably fearing legal action, complied. By the time that it was learned that "the brother" was actually a carnival operator, Elmer was well launched on his long engagement, touring the western states in sideshows for many

years before winding up in the Laugh in the Dark Funhouse in 1976. Thus, like his more famous Oklahoma contemporaries, Will Rogers, Tom Mix, Gene Autry, and Woody Guthrie, he followed the sawdust trail to movieland, hanging around Hollywood for a few years before getting his big chance. Unlike them, however, when his moment finally came—a guest appearance in the Six Million Dollar Man—Elmer blew it and literally went to pieces on the set.

The salient facts of Elmer's odyssey emerged within a few weeks after his autopsy. A strong chain of evidence, based on old documents and interviews with his former owners, linked the mummy and the Oklahoma outlaw. Lacking, however, was any antemortem physical description on which a positive identification could be based. Without this, and in the absence of any next-of-kin, Elmer faced consignment to a crematorium under his official L.A. County Coroner's case number: 76 14 812, Doe, John 255. Fortunately word of his predicament had spread to Oklahoma. Now Oklahomans are a rather peculiar breed. Traditionally, they have dealt rather harshly with local lawbreakers while they are still alive, but become uncommonly sentimental about them fifty years after they are dead. Also, many still remember those dark dustbowl days of the 30s, dramatically documented in Nobel laureate, Steinbeck's Grapes of Wrath, when "Okie" migrants to California were not always hospitably received. Thus, Elmer was not the first local boy to be treated shabbily on the West coast, and sentiment favored bringing him back home.

Aware of the difficulty, local historians combed the newspaper and court records of the period. Among other items they found Elmer's physical description and mug shots made at the time he entered the Oklahoma Territorial Prison. According to this, he was about 31 years old and 5 feet 8 in. in height. Of course, dental records and fingerprints were not available from this early period. Also found in the University of Oklahoma's Western History Collection were two photographs of Elmer taken in Pawhuska after his death. The first, a full-length frontal pose, shows him before the embalming. He is still wearing the same clothing as when he was shot. The second, taken after embalming, is a profile view, showing Elmer dressed in a black suit, laid out on a bier. Both photographs are clearly labeled with Elmer's name, that of the photographer, and the date. Apparently, they were used not only to help identify Elmer formally, so that the deputies could obtain their reward, but were also passed out (or perhaps sold) as souvenirs of the occasion.

Armed with this information, a committee of prominent Oklahomans contacted Dr. Thomas T. Noguchi, the Los Angeles City/County Coroner, concerning the possible release of the body for burial in Oklahoma. Dr. Noguchi graciously agreed that this could be done, provided that a review of the available descriptive data by a team of experts could con-

vincingly establish the identity of the mummy as that of Elmer J. McCurdy and that, if returned to Oklahoma, Elmer would be given a decent and dignified burial.

At the request of the Oklahoma committee, the author went to Los Angeles on 9 April 1977. The examination was conducted in consultation with Dr. Noguchi and his staff. Dr. Judy Suchey of California State College in Fullerton, who is Dr. Noguchi's consultant in forensic anthropology, and the author spent two days reviewing the available documentary evidence and examining the mummy itself.

On the basis of our examination, which will be detailed in a more formal report, we were able to conclude that the mummy was that of a slightly built Caucasoid male about 30 ± 3 years with an antemortem stature of 170.5 ± 6.54 cm (67.1 ± 2.4 in.). The few remaining patches of scalp hair were light brown in color. In Elmer's prison description, a note was included that he had a "scar two inches long on the back of right wrist." Although difficult to discern due to postmortem shrinkage and wrinkling of the skin, the mummy also had a slender scar running obliquely across the dorsum of the right wrist.

We also compared the facial profile of the mummy with the post-embalming profile photograph taken of Elmer shortly after his death. This was done by a modification of the superimposition technique long used in forensic medicine to compare unidentified skulls with antemortem photographs of possible decedents. In the author's laboratory, we have improved this method by substituting videotape equipment for the still camera ordinarily employed. In Elmer's case, we used two small Hitachi videocameras circuited through a special effects generator into a single monitor. One camera was trained on an enlargement of Elmer's profile in the 1911 photograph, the other was targeted on the mummy. With both displayed on the same monitor, it was immediately evident that Elmer's profile and that of the mummy were remarkably coincident. While such a superimposition cannot by itself be used to establish positive identification, it strongly supports the other evidence.

The best indication of the date of death was provided by the 32.30 bullet jacket and the embalming technique. As noted previously, such bullet jackets were not manufactured until about 1905, and arsenic embalming was outlawed in most states by about 1920. Finally, the location of the entrance wound and track of the bullet established by Dr. Choi in his autopsy of the mummy matches the description of Elmer's fatal wound.

In addition to the physical findings of our examination, we had the testimony of the several carnival and amusement park entrepreneurs who, at one time or another over the years, had exhibited the mummy. When pieced together, it provided a virtually complete documentation of Elmer's six-decade odyssey, which took him from the funeral parlor in Pawhuska to the Funhouse in Long Beach. Considering both the physical and documentary evidence, we were able to conclude be-

yond reasonable doubt that the mummy was indeed the late Elmer J. McCurdy. On this basis, Dr. Noguchi was able to sign a California death certificate, clearing the way for Elmer's return to Oklahoma.

Before he left California, the old trouper finally got his chance for the big time. As the case had attracted considerable attention throughout the country, correspondent Leslie Stahl taped a brief update on the story for NBC's evening news using Elmer as her backdrop. All agreed that he put on a stellar performance.

Elmer arrived by jet in Oklahoma City on 14 April 1977. He was met by a delegation from the Oklahoma State Medical Examiner's Office and taken to the morgue until final arrangements could be made for his funeral. The expenses of his funeral, including a moderately priced wooden casket and tombstone, were undertaken jointly by the Indian Territorial Posse of Westerners, an organization of prominent Oklahomans interested in the State's colorful history, and by the Oklahoma Historical Society.

The following week, on a rainy Friday morning, Elmer was buried in the Summit View Cemetery at Guthrie, the old Territorial capital of Oklahoma. This cemetery, one of the oldest in the state, contains the graves of several other notorious outlaws and many prominent early-day pioneers, ranchers, and politicians, a circumstance prompting one wag (whose name will not be disgraced by mentioning it) to propose the following epitaph:

Rest in peace, dear Elmer,
Beneath this Okie sky.
Where many an outlaw slumbers
And politicians lie.

The coffin was carried to the site in an old-fashioned horse-drawn hearse with glass sides and velvet curtains, and he was attended by a mounted escort of the Oklahoma Territorial Posse. At the insistence of the State Medical Examiner, Dr. Jay Chapman, two cubic yards of concrete were poured over the coffin before the grave was closed, in order to ensure that the restless Elmer would wander no more.

CURTAIN

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