

A close-up portrait of Dr. Robert H. Kirschner, a middle-aged man with a receding hairline and a short, graying beard. He is looking directly at the camera with a serious expression. The background is a solid blue color.

bearing

photo: Lorraine Hart, Dr. Robert Kirschner

A Pathologist's Quest for Justice

THE 22-YEAR-OLD CASE WAS MOST UNUSUAL EVEN FOR DR. ROBERT H. KIRSCHNER, FORENSIC PATHOLOGIST. LAST AUGUST, THE RETIRED DEPUTY CHIEF medical examiner for Cook County, Illinois, provided his expert opinion in the murder trial of a man who had killed his girlfriend, buried her under a tree, and then claimed she was among the passengers who perished in the fiery crash of American Airlines flight 191 on May 25, 1979.

Back in 1979, Dr. Kirschner helped to identify the remains of the 273 people killed in what was -- until the September 2001's terrorist attacks -- the worst air disaster in American history. Now he was called to testify that the defendant's girlfriend was not incinerated in the crash.

Although 29 of the crash victims could not be identified, Dr. Kirschner told the court that the missing girlfriend was not one of them. She was in her fifth month of pregnancy when she disappeared and there were no pregnant women among the unidentified crash victims.

When the defense lawyer had his opportunity to cross-examine, all he said was, "No questions, your Honor."

"He did not want to be beaten up by Dr. Kirschner in front of the jury," explains Mark Blumer, Michigan's first assistant attorney general. Blumer won the murder conviction even though the victim's body was never found.

Dr. Kirschner is a formidable expert witness that lawyers do not want to face on the opposing side. He has testified as a forensic pathologist in more than 600 state and federal court cases throughout the United States. He served 17 years, first as a deputy medical examiner and then as deputy chief medical examiner for Cook County (which includes the city of Chicago). But that was only his day job.

In his spare time, Dr. Kirschner visited many of the world's "killing fields," to help the dead there bear witness. In more than a dozen countries in Central and South America, Europe, Africa, Asia, and the Middle East, he has used the tools of science and medicine to help expose state-sponsored murders, torture, and other human rights abuses. ►

witness for the dead

By Andrew A. Skolnick

Helping the Dead Speak

IN SHAKESPEARE'S *JULIUS CAESAR*, MARC ANTONY SHOWS HIS FELLOW Romans the dagger wounds in Caesar's body and wishes that he could "put a tongue in every wound" that would move Rome to avenge Caesar's assassination.

For more than 15 years, Dr. Kirschner has put such tongues in the wounds of thousands of victims of state-sanctioned murder throughout the world. He has become, in the words of the famous New York medical examiner, Dr. Michael Baden, "the conscience of forensic pathology."

In 1995, Dr. Kirschner founded the International Forensic Program of Physicians for Human Rights. As the program's director until 1998, he led the exhumation of numerous mass graves on behalf of the International Criminal Tribunals for the Former Yugoslavia and Rwanda. He served as a consultant to the United Nations Truth Commission for El Salvador and other national and international human rights organizations.

Dr. Kirschner draws no national lines when defending human rights. Although Jewish, he has investigated and spoken out against crimes against Palestinians in Israel and has testified against police brutality and the death penalty in his own country.

Physicians for Human Rights "adheres to a strict policy of impartiality and is concerned with the consequences of human rights abuses regardless of the ideology of the offending government or group," says Susannah Sirkin, deputy director of the Boston-based organization.

Dr. Kirschner has traveled widely to share his expertise and to help bring other physicians into the field of human rights. In the past two decades, he has delivered more than 180 invited talks at medical, scientific, and law symposia and he has participated in more than 35 international human rights missions, consultations, and seminars in more than 15 countries.

"I find his pace inspirational and have always been amazed at the drive he has," says Sirkin. ▶

Not Always Welcome at the Inquest

DR. KIRSCHNER'S HELP IS NOT ALWAYS WELCOME. WHILE THE FORENSIC INVESTIGATIONS HE CONDUCTS AROUND THE WORLD START OUT WITH THE government's approval, twice he experienced an unpleasant change of mind.

In 1989, a foreign government agreed to let him do an independent autopsy on a university student who was found floating dead in a reservoir after "escaping" from police custody. When Dr. Kirschner arrived in the country, the authorities threatened to deport him and to arrest the local doctor (who was going to assist in the autopsy) if they went ahead.

The year before, he was arrested for "illegally" attending an inquest. Dr. Kirschner had gone to an African country on behalf of the American Association for the Advancement of Science's human rights program. The forensic pathologist was to witness the inquest of a local businessman who had died in police custody.

When Dr. Kirschner arrived at the inquest with the president of the Lawyers Committee for Human Rights, authorities arrested them. At the special branch headquarters of the local police, they were interrogated for several hours.

"Fortunately, a US journalist saw us being taken out (of the inquest)," Dr. Kirschner says. "When we didn't return, he contacted the US Embassy, which sent someone to look for us. The interrogation was polite but silly. If we weren't so concerned for our safety, it would have been funny."

Asked how scared he was, he tries to downplay the danger but finally admits to being reassured at seeing bars on all the windows of the special branch headquarters. "We were near the top floor," he says. "I was relieved to know that there was no chance of my falling out a window by 'accident' or when 'trying to escape.'"

"I was more angry than scared," he adds. "The police confiscated my notebook."

“I prefer to think of myself as a burr under the saddle of the empowered and the high and mighty.”

“I’ve been in this field for more than 20 years and there’s no one that I’ve met in forensic pathology who is more committed and passionate about working to promote human rights and justice than Bob,” Sirkin adds. “He was always available and ready to juggle his schedule and hop on a plane to go wherever he was needed, traveling all night and getting up the next day to work on a human rights project. He would use his vacation time or stay up at night, but somehow he has always found a way to squeeze in the work. Bob wants every minute of his life to make a difference in the world.”

Getting Started

DR. KIRSCHNER’S APPEARANCE AND DEMEANOR CONTRADICT THE grimness and horror of his work. He wears a beard without a mustache. The beard, now salt and pepper, frames a face with a pair of dark eyes that seem to miss nothing. He is quick to laugh and to use his sharp wit.

He grew up in Philadelphia, the son of schoolteachers. “We grew up in a very politically active household,” he says. “Unfortunately, it was during the time of Senator Joe McCarthy and political witch-hunts. Some friends of our family lost their jobs and we lived in fear that the FBI might come knocking on our door.”

He was already an activist when in college. He won an award from a regional journalism association for a college newspaper column that argued for the abolition of the infamous House Un-American Activities Committee. His college paper refused to publish it.

He met his wife-to-be, Barbara, while attending Jefferson Medical College in Philadelphia. Dr. Barbara Kirschner, now a noted pediatric gastroenterologist, thought he was the most intelligent and interesting man she had ever met. Thirty-six years of marriage has done nothing to change her opinion, she says. They have three grown sons.

Although Dr. Kirschner has always had an interest in law and legal matters, as a medical student he had no idea he would wind up in forensic pathology. “I liked pathology and research and realized I didn’t get emotional satisfaction providing patient care,” he says. “I decided to go into research.”

However, after finishing his residency in 1971 and returning from serving his two-year tour of duty as a commissioned officer in the US Public Health Service in 1973, he discovered he did not enjoy laboratory research as much as he thought he would. “I enjoyed the

big ideas of research, but not the day-to-day grind,” he says.

“I started feeling claustrophobic in a laboratory. I enjoyed getting out and doing a variety of things, which is why I turned to forensic pathology. It allowed me to combine medicine, my legal interests, and other skills and interests.” In 1978, he went to work for the Cook County Medical Examiner’s Office.

Hooked on Human Rights

THE FOLLOWING YEAR, HE MET THE MAN WHO WOULD INVITE HIM INTO the field of human rights. Dr. Clyde Snow, the renowned forensic anthropologist, who worked for the Federal Aviation Administration, joined Dr. Kirschner in identifying the remains of the people killed when American Airlines flight 191 crashed after taking off from Chicago’s O’Hare Airport.

Later that year, Snow and Kirschner worked to identify the victims of serial killer John Wayne Gacy. They would join forces on other cases that required Dr. Snow’s ability to read bones.

In 1985, the American Association for the Advancement of Science (AAAS) asked Dr. Snow to help set up a seminar on applying forensic science to identify the *desaparecidos* of Argentina. “In the 1970s, an estimated 20,000 people in that country were ‘disappeared’ by the military and the police,” says Dr. Kirschner. Many had been buried in clandestine mass graves. Argentina had an enormous need for forensic scientists.

Dr. Snow asked several colleagues to join him, including Dr. Kirschner. With AAAS’s support, they trained a team of university students who went on to found the Argentine Forensic Anthropology Team. In return, members of the Argentine team helped to train similar groups in Chile, Guatemala, and other countries. Members of these teams helped to conduct exhumations in killing fields around the world.

Dr. Kirschner was now hooked.

Managing Passion

EVEN WHEN HE SPEAKS OF THE ANGER HE FELT WHILE EXHUMING THE remains of more than 130 children in the village of El Mozote, who were executed by the El Salvadorean army in 1981, Dr. Kirschner speaks in a detached, professorial way.

Some apparently expect him to remain detached even when he is



Guatemalans offer prayers for the “disappeared”



The painstaking process of exposing the truth in San Jose Pacho, Lemoa, Guatemala

not testifying. For example, during an interview on *Nightline*, his description of the exhumation of mass graves in Bosnia upset some officials at the Hague Tribunal. “I had tried to explain that, based on my religious beliefs, I have a moral and political obligation to help hold accountable the people who commit such war crimes,” he says. “I guess they thought I wasn’t objective enough when I talked about exhuming 150 bodies of civilians with their hands tied behind their backs.”

When pressed to explain why he does this work, he says it is because he can. “I feel an obligation to contribute this way because I am able to. If I didn’t, I would feel that I’m shirking my responsibility. I’m articulate and can generate a good quote. So it’s not just that I can do the work, but I can also speak about it. I am a good spokesperson for the cause of human rights. I don’t go around looking for this work. People come to me and what else can I say, but yeah, OK, I’ll do it.” He is not a hero, he says, and he does not like the word “crusader.” “I prefer to think of myself as a burr under the saddle of the empowered and the high and mighty.”

“A Person Without Borders”

THOSE WHO KNOW DR. KIRSCHNER KNOW HOW DEEPLY HE CARES FOR people. It was 22 years ago, but Dr. Harriet Meyer still vividly remembers the teacher at her first autopsy. Dr. Meyer is now the book review editor for the *Journal of the American Medical Association*, but in 1979 she was a medical student learning about pathology from Dr. Kirschner.

“I can still tell you the deceased patient’s name, what she looked like, her cause of death and other health problems,” she says. She credits that in part to Dr. Kirschner’s humanism. “He took a very personal approach to the deceased,” she says. “Some people don’t always take a personal approach to the living, let alone the dead.”

Her teacher’s “great intelligence” and interest in the world also

impressed her. “Rather than being preoccupied with himself,” she says, “He was outwardly directed, concerned with others, and totally unassuming.”

Dr. Kirschner, who has been teaching since 1973, is now a clinical associate in the Departments of Pathology and Pediatrics at the University of Chicago’s Pritzker School of Medicine and a member of the university’s Human Rights Program faculty committee, where he has been inspiring students in many disciplines to go into the human rights field.

One such student, Alma Begicevic, who two years ago took the course Dr. Kirschner co-teaches at University of Chicago’s Human Rights Program, is now an information officer with the Organization for Security and Co-operation in Europe’s Mission in Kosovo. She was honored, she says, to have studied under a teacher with Dr. Kirschner’s inner sense of justice and humanity. “He is a doctor, a teacher, and a person without borders,” says Begicevic. “Even though Dr. Kirschner’s work is tied so much to death, torture, and physical and emotional suffering, his ultimate aim as a doctor is to help heal.” **MH**

News on this topic

For further information, CONTACT:

Physicians for Human Rights
<http://www.phrusa.org>

The United Nations Truth Commission Report on the El Mozote Massacre (El Salvador)
<http://www.icomm.ca/carecen/page61.html>

University of Chicago Human Rights Program
<http://humanrights.uchicago.edu/faculty.htm>