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Dr. Sheppard Bars Truth Test

CITY TAKES OVER BAY PROBE

Story Sure He Knows Slayer

PRESS

7-21-54

Capt. Kerr Recalled to Direct Inquiry

BULLETIN

Coroner Samuel Gerber announced late today that, starting at 9 a. m. tomorrow, he will "take sworn testimony from witnesses in the Sheppard murder case" in Bay Village.

Dr. Gerber declined to name the witnesses, but it was assumed that Dr. Samuel H. Sheppard would be among those called.

The city of Cleveland today took over the 17-day-old investigation of the Marilyn Sheppard murder case.

Capt. David Kerr, head of the homicide squad, was ordered to fly home immediately from a Florida and Havana vacation to take charge.

The decision was announced by Mayor Celebrezze after a conference with Safety Director John McCormick, Police Chief Frank W. Story and Detective Chief James McArthur.

Chief Story, who would head up the investigation, said he "is convinced of the identity of the murderer."

"But the suspect has his story down pat," he added. "And if he stays pat, there isn't much that we can do."

Other rapid-fire developments in the murder investigation today included:

DR. SAMUEL H. SHEPPARD, husband of the victim, flatly refused to submit to a "truth serum" injection.

PLANS TO CARRY A GUN again were made by Dr. Sheppard, claiming his life had been threatened by cranks.

THE PROSECUTOR'S OFFICE summoned Dr. Richard A. Sheppard, father of the youthful osteopath, to the Criminal Courts Bldg. for interrogation tomorrow. Mrs. Richard Sheppard and Mrs. Stephen Sheppard, the slain woman's sisters-in-law, also were called.

During the conference at which Cleveland's official entry into the case was arranged, Celebrezze telephoned Bay Village Mayor J. Spencer Houk.

Reasons Made Public

They agreed that, as soon as a few technicalities are cleared up, Cleveland's nationally recognized homicide squad will make a fresh start on the mystery.

McArthur indicated that such an inquiry would necessitate further questioning of Dr. Sheppard.

After consulting his attorneys, Dr. Sheppard refused to submit to a "truth serum"

injection to aid the investigation.

Here are the reasons given by Dr. Sheppard for refusing to submit to a "truth serum" test to aid the investigation of his wife's murder.

The statements were made public by Coroner Samuel Gerber:

"He already had been subjected to interrogation shortly after the crime and while he was under barbiturate sedation. If he had anything to communicate, he believes it would have been communicated at that time.

"He cannot face further interrogation. His present emotional condition and his present state of fatigue make it impossible for him to agree to a further ordeal of this kind.

"He is reluctant to put himself in a position in which he might make statements that would incriminate innocent people."

Fails to Telephone

The 30-year-old osteopath snubbed attempts of Dr. Alan R. Moritz, head of the pathology department of Western Reserve University Medical School, to contact him for a reconsideration request.

Dr. Sheppard failed to telephone Dr. Moritz at a time he had promised to do so.

"We can interpret this as



CAPT. DAVID KERR will fly here from Florida to head Sheppard murder probe.



CLEVELAND TOOK CHARGE of the Sheppard murder investigation in Bay Village this noon as a result of the City Hall huddle shown here. Around the conference table from left are Police Chief Frank Story, Detective Chief James McArthur, Joseph Crowley, chief counsel for the Law Department; Safety Director John McCormick and Mayor Celebrezze.

Dr. Sheppard Balks At Truth Serum Test

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failing to keep the telephone date Dr. Moritz assumed that Dr. Sheppard also had rejected the second proposal.

Mrs. Marilyn Sheppard, 31, was found brutally clubbed to death in the bedroom of her home at 28924 West Lake Rd., Bay Village, before dawn July 4.

Her husband said he was sleeping on a downstairs couch at the time when he heard his wife moan his name. He said he ran upstairs to see a man bending over her bed in a split second before he was knocked unconscious.

When he came to he said he ran downstairs and pursued the killer down the steps to the beach where he was again slugged into unconsciousness.

In suggesting the truth serum, Dr. Moritz hoped that details that Dr. Sheppard may have forgotten about the clubber he said invaded his home might be brought to light.

Dr. Moritz pointed out that in the period between unconsciousness and returning consciousness a person often develops a blind spot in his attempt to remember what happened and what he saw.

Dr. Sheppard on two previous occasions while being questioned about his wife's death refused to take lie detector tests on the grounds that his highly emotional state would make an accurate reading impossible.

Serum Is Barbiturate Drug

"Truth serum" is the popular term for a barbiturate drug known medically as sodium pentothal. It is injected into a suspect's vein and projects the person into a twilight state between two worlds—the conscious and the unconscious. Its conventional and most common use is as an anesthesia in surgery.

The serum has been used in

many murder cases to dredge a suspect's subconscious mind to bring to the surface things that have been unremembered, or half forgotten. More often than not it has been effective in proving the innocence of a person suspected of serious crime.

The "truth serum" has been particularly effective in cases where circumstantial evidence pointed overwhelmingly to the guilt of a suspect, but police entertained a persistent doubt.

Dr. Moritz thought the truth serum was particularly adaptable to the Sheppard case.

The serum was first brought into the Sheppard murder mystery by

Dr. Moritz at a meeting last Saturday in the County Morgue amphitheater of all agencies investigating the crime.

Coroner Gerber, Assistant County Prosecutor John J. Mahon, Cleveland and Bay Village police all agreed that Dr. Moritz should proceed immediately with the serum proposal.

Met With Dr. Sheppard

Accordingly, Dr. Moritz met with Dr. Sheppard and his attorney, Arthur E. Petersilge, late Monday. Both the osteopath and his counsel greeted the suggestion with enthusiasm, but asked time to think it over.

Dr. Sheppard, in a tentative acceptance, imposed two restrictions on the truth serum injection:

IT MUST BE GIVEN in a place, presumably a hospital, friendly to Dr. Sheppard.

NO PUBLICITY be given the experiment until the truth serum test was completed.

Dr. Moritz imposed one restriction of his own: that the serum be administered and the results be interpreted by someone selected by Dr. Moritz.

After this meeting, Dr. Moritz was asked to lunch with Attorney Corrigan at the Union Club Tuesday noon.

After the luncheon, Dr. Sheppard called Dr. Moritz and rejected the truth serum proposal.

The next step was a modification of the original suggestion by Dr. Moritz, making still further concessions to the Bay Village osteopath.

Under the later proposal Dr. Sheppard was to take the serum administered by a high ranking psychiatrist who would be alone in the room with the patient. All police and investigators, including Dr. Moritz, would be excluded.

The psychiatrist would ask the questions of Dr. Sheppard while he was in the twilight state, digging particularly into the memory lapses that may have occurred after Dr. Sheppard was knocked into unconsciousness twice by the man he said killed his wife.

Another compromise restriction under this later proposal was that all answers given by Dr. Sheppard that might prove embarrassing to him would be a professional se-

cret, known only to doctor and patient. But all information pertinent to the murder would be turned over to police.

Dr. Sheppard and his attorneys asked that they be given until this morning to answer Dr. Moritz second proposal.

Dr. Moritz entered the case as an impartial crime expert who agreed to make his knowledge and services available to both Dr. Sheppard and the four-way investigation into his wife's death. He announced yesterday that Dr. Sheppard had refused to cooperate with him in attempting to run down the murderer.

Dr. Moritz, while he was associated with the Harvard Medical School for crime experts and homicide detectives, saw the truth serum administered many times with startling and accurate results, although he never personally administered the drug.