Tape 5, Track B

0:00:03.380,0:00:09.900
capable of carrying on my federal court
battle well I don't think some of the

0:00:09.900,0:00:15.509
Ohio officials realized that and I think
that's one reason that I had some offers

0:00:15.509,0:00:21.119
and or maybe they did realize it that's
why they made the conditions that I must

0:00:21.119,0:00:30.810
drop my--my legal fight or in order to
get a parole--was that were those

0:00:30.810,0:00:42.320
offers made to you--definitely definitely
--when was this--this was made to me

0:00:42.320,0:00:49.200
through the Protestant minister if you
will if you may if you can believe this

0:00:49.200,0:00:53.940
and it was hard for me to believe it and
I was sitting in the chair but the offer

0:00:53.940,0:01:06.390
was made through the Protestant minister or chaplain about a year before I came

0:01:06.390,0:01:17.460
out which would be the summer of '63
and incidentally the

0:01:17.460,0:01:27.810
spring of '64 this same chaplain
went to on short leave or summer leave to

0:01:27.810,0:01:37.710
take part in the religious activities or
religious help in a sanitarium in

0:01:37.710,0:01:43.560
the east I think Massachusetts or Rhode
Island and he came up to see me before

0:01:43.560,0:01:46.979
he left and he said well maybe you'll be
gone by the time I get back and I said

0:01:46.979,0:01:53.729
well I certainly hope I will because
things seem to be materializing and Dr.

0:01:53.729,0:02:02.060
Gerber had made his statement and I had
agreed to take
take a commutation if it was based on time served so I would have no parole I

would be free I'd be an ex-convict but I'd be free and not on parole and he I think saw little bit of the handwriting on the wall and he shook hands said I hope there's no hard feelings and everything and I said well if you just hope what you hope I didn't give me give him any satisfactory answer I said you've got to hope what you hope you know you make your own prayers but that rotten well he's no minister he's an agent he's a he's a goddamn guard is what he is he's a son of a bitch besides to use his office to put pressure on any conduct or inmate or whatever he may be is one of the lowest things he can be he is one of the most hypocritical persons that could ever live I mean at least the officials wear a badge and tell you they're guards but a man of the cloth that's supposed to help you in a way of religion and then he comes off with all this deal business it was put to me in a very sly way that there was no doubt--could you recall when I was what what happened when it was you know when the offer was made to you--well Ariane has a letter on it I mean we can look it up--on what--on this offer made and I told you
that I'll tell you the offer was made
and then I wrote Ariane a letter and I
said good news because just at the time
there was suggestion that Judge
Underwood was going to retire and there
was an article in the paper on that and
I then went on to tell her that I had
been threatened that no parole unless I
unless I gave up my fiancee my
lawyer and my brother--yeah
--who made that threat--the
Protestant chaplain he said that he had
a friend who worked for Speidel
wristband this company we have his name and that he supposedly was disliked by
Koblentz but he could get in to see me
anyway which is a crock of shit nobody
got in to see me that Koblentz didn't
like he expected me to believe this well
I went along like a dumbass you see him
because I want to know his pitch and he
said that this man could go to the
parole board and intercede for me and
ensure me a parole yeah but that in
other words Lindbergh who is the minister
tried to divorce himself of any real
involvement he said that this man had
talked to him and that that this man
could intercede for me and assure me of
a parole but there were conditions and
those conditions were that I must drop
my fiancee and I must drop my Boston attorney and just continue my brother's efforts and all efforts to get out of prison via the federal court system that was it --this was after your this thing had been filed a writ of habeas corpus--oh yeah and then was after Dr. Gerber's statement about no it wasn't I'm not sure how it relates to the time timing of Dr. Gerber's statement I think it was before that it was some of the first groanings or first noises that we heard that made me encouraged because why would they want to make a deal with me if they weren't afraid of something they never did before and so I said he said well would you want to talk to him and I said yes definitely he said well are you willing to go along with these conditions and I said well I'm willing to do anything to get out of prison except go over the wall and illegally if as long as it's legal I'll do anything to get out of prison in other words I gave him a little double-talk a little deferred language and which I was if I could have gotten a commutation and time served I'd have stopped my case I don't care who thinks I'm guilty I don't I could care less as long as
my wife knows I'm not guilty as long as
my son knows I'm not guilty our son and

as long as our family and Europe knows
I'm not guilty

I don't care about anybody else if they
think I'm guilty screw 'em--you don't have
to live with them period--so--I don't want
to live with them I'm sick of them--so this

was after the time that you had been
told that you you know you'd give up

your fight if they commuted your sentence did you say you would do

that--no I said that I would do anything
to get out of prison

legally yeah well that was as long as
I would as far as I went so after that

Lee Bailey made some further comment and I think there was further action taken

and I don't know the exact
sequence but Judge [Carl] Weinman eliminated

Gertrude Mahon
the proceedings of the writ of habeas

corpus because she actually was not
legally supposed to be there this was a

sta- a case against the state attorney
not against Cuyahoga County and she was

trying to interject herself and run her
silly mouth as usual and Judge Weinman

just didn't have the time to listen to
this jibber-jabber

and it seemed apparent that Judge Weinman was going to be fair and it was after
that I was told by Lindbergh that
this man found out that he couldn't get
in to see me--well I mean then after you talk then after you talked to the
minister and he said this that this guy--he said he would arrange the visit--but then your
then Bailey went ahead anyway--of
course--yeah--sure it was obvious I wasn't
backing up a bit--so were there any other
overtures made of a deal besides the
minister--
well Koloski the associate warden
Koloski told me I better lay off lay off
or I'd be buried that for the rest of my
life and he said it's better to be a live
it's better to be a live coward
than a dead hero and then I said well
that's what you think Koski because
you're a coward but I'd rather be a dead
hero so you'd be a coward and stay alive
and take care of your own skin and if
you can shave everyday that's up to you
but I don’t know how you do it--you told
him that--you bet your life because he had asked me to talk to him man-to-man I'm
straight where did this happen in the
penitentiary this was shortly after
Lindbergh had talked to me
and I guess the thought was well
we'll have to be a little rough with this
guy well I got rougher with him
than he got with me and he said I can put you in the hole for weeks for that I said be
my guest again like I did to Koblentz I
don't care if you put me in the hole I
couldn't care less
what are you gonna do lock me up
again lock me in a prison within a
prison I'm already in prison what do you
people think that I'm worried about
cherry pie tomorrow night there are
bigger things in my life than cherry pie
tomorrow night so it's about
time you realize it I'm living for a
principle I'm living for people outside
I'm not living for my own good or my own
soft bed or something by that time I was
having trouble with my back and I said
you know I sleep better on a cement
floor anyway than on one of those
hammocks you give us for a bed--where did
this meeting take place with Koloski--it
was in the deputy's office it was in
the prison--he called you in there--yeah
he probably has it on tape too but he
won't admit it back way back and a
little inner sanctum sanctorum he said
the only reason I don't put you I know I
start listening like he did the only
reason I don't put you in a hole Sheppard
is I think you want to go and I said I
don't care Koloski
but you want to talk man-to-man then you
get all upset because I tell you like it
is I tell you you're a coward you're a
coward or you wouldn't talk to me the way you do and if you think it's better to be a live coward that's your bit you've proven it but I'll be a dead hero if I have to be I'll be a dead hero and that's what America is made up of isn't it what are these guys doing over in South Vietnam now what did the guys do during both Wars and everything what have we fought for we've fought for a right we fought for what is right and freedom and the other principles of American society not for bending under and and lying about our relatives and and sending our grandmothers to the gallows so that we can eat cream pie or something--I'm a little confused on this commutation prior to January of '63 when you had the commutation hearing you had said that you would accept the commutation--I hadn't said anything then I obviously I would accept clemency which would be a commutation to a lesser sentence to manslaughter but we're talking now after that--yeah yeah but I but that's what brought about the--that's what brought about the writ because--well you must say Bill wants to know the difference between those two clemency things none of the the reason the one was the one on the 29th of January in '63
that was a bid for clemency filed by
Sam’s attorney the next thing in March

it was perhaps the 18th of March of
something in 1964 that came about that

Dr. Gerber and all kinds of different
people all of a sudden got on the

bandwagon and wrote articles and--well
after the writ was filed--a writ was

filed on the 28th of April in 1963 and
Gerber started to write for your sake

and Chief of Police story and I don’t
know who else everybody was all of a

sudden writing you should your sentence
should be commuted you have served time

enough that was in March 1964 after
Judge Weinman had accepted the case and

showed that he displayed some sort of
logic and fairness you’re right--so but

there were two clemency hearings in 196-
1963 one in January and one in March

right--no that other one was 1964 there
never was a hearing that was that was

not filed by Sam, Sam had filed the writ
of habeas corpus the year before

with um for...