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57/07/22 Lie Test For Dr. Sam Put Off By Governor

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LIE TEST FOR DR. SAM PUT OFF BY GOVERNOR

OK's Quiz Of Suspect

By HOWARD BEAUFIT

Gov. C. William O'Neill today temporarily called off a lie detector test for wife-killer Dr. Samuel H. Sheppard following a request from Coroner Samuel R. Gerber that county officials first be given an opportunity to check the "confession" of a Florida convict.

In a series of swift moving developments in the revived three-year-old murder mystery:

DR. GERBER was given \$700 by county commissioners for a flying trip to Florida to talk with the convict, Donald Wedler, 23, a burglar and occasional drug user. He left immediately.

THE CORONER was accompanied to Florida by James E. McArthur, former chief of Cleveland detectives, now retired, and Deputy Sheriff Dave Yettra.

(Both Yettra and McArthur did extensive investigation of the Bay Village crime that sent Dr. Sam to Ohio Penitentiary for a life sentence.)

O'NEILL ANNOUNCED in Columbus that he had received a telegram from Erle Stanley Gardner, mystery story writer, that "cast doubt" upon the validity of a "confession" by Wedler. It was Gardner's Court of Last Resort, a magazine promotion, that obtained the governor's permission for a lie test for Dr. Sam, based on the Florida development.

INSPECTOR TIMOTHY J. COSTELLO, acting head of the Cleveland Police Department, refused a request from Dr. Gerber to send Detective Robert Schottke on the Florida trip. "We have no business in this case now. The matter has been decided by a jury," Costello said.

MAYOR CELEBREZZE, who supported refusal of permission for Cleveland police to take part in the reopened investigation, said "the door is closed on the Sheppard case unless some substantial evidence should be produced. The man in Florida is lying, in my opinion."

COMMISSIONER HENRY W. SPEETH, in approving the money allowance for the coroner's Florida investigation, said he "did not want to be a

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Lie Test for Sam Put Off by O'Neill

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party of a three-ring circus, conducted by Erle Stanley Gardner, a fine mystery story writer, but how does he qualify as a great detective?"

Dr. Gerber said that he, too, was sure that Wedler was lying, but he thought since he confessed to a Cleveland crime it should be investigated by local law enforcement officers.

Governor O'Neill said that Gardner's telegram this morning from New York said: "We are still not prepared to accept as true the confession of Donald Wedler. Following our examination of Wedler in Florida, we admit to a growing conviction that he may well have committed the murder of Marilyn Sheppard."

"However, no one should form any final opinion on this man until after there has been a lot more investigative work done and until there has been a psychiatric examination. There are some very important major conflicts between his story and existing facts. These conflicts may have been the result of drugged reactions, an attempt to rationalize his acts, or just plain deception."

In another recent development in the celebrated murder case, Common Pleas Judge Edward Blythin asked Attorney General William Saxbe to halt the lie test for Dr. Sam on the grounds that a "Court promoted by a national magazine" had no right to come into Ohio and interfere with a jury's verdict and Ohio jurisprudence.

At the same time the coroner, citing polygraph experts, charged that Dr. Sheppard is a victim of "circumscribed amnesia" and would probably react to the lie test as though he were entirely innocent.

The coroner also said there was evidence that Dr. Sam was a pathological liar, since he lied so calmly about his affair with Susan Hayes—another factor that would remove him as a subject for an accurate polygraph examination.

THE CORONER wrote letters to the two brothers of the convicted doctor, Drs. Richard and Stephen Sheppard, and their wives, asking them to submit to a lie test in Cleveland, since they were given one under the auspices of the Court of Last Resort in Chicago recently as a means of testing whether they had any "guilty knowledge" of the crime.

WARDEN RALPH ALVIS at the prison in Columbus said in

a telephone conversation with Dr. Gerber that he had no "instructions from Gov. O'Neill" to permit Cuyahoga County officials to be present at the test Dr. Sam has agreed to take.

Dr. Gerber said that since the alleged confession of Wedler in Florida was the basis for Gov. O'Neill granting permission to the "Court of Last Resort" to conduct the lie test, county law enforcement officers should first have an opportunity to examine the Florida convict before they make formal demand to be present at the prison test in Columbus.

Not a Candidate

"I am not a candidate for mayor of Cleveland," Dr. Gerber announced before making plans to go to Florida. "I would like to emphasize that so no one can say that my present actions in the Sheppard case are influenced in any way by political aspirations."

Dr. Gerber said that John E. Reid of Chicago, one of the country's foremost polygraph experts, had this to say about the limitations of the lie detector:

"Individuals to whose conscious or super ego the crime they committed was so unacceptable and reprehensible that they go through an immediate unconscious process of repression which leaves them with a complete forgetfulness, or amnesia, of the events of the crime."

Denial Is Easy

"These individuals would calmly sit through a lie detector test and deny the crime without showing any psychological changes inasmuch as the instrument does not tap the unconscious itself."

Dr. Gerber pointed out there is still another type that the lie detector cannot reach—"lifers" who shortly after the crime for which they were imprisoned, emotionally rejected the act itself and succeeded in hypnotizing themselves, during the many years of imprisonment by sheer wishful thinking, into a denial of the crime."

The coroner believes that Dr. Sam Sheppard fits into both of these categories.

2 Key Questions

Key questions in the polygraph chart of Dr. Sam's blood pressure and breathing reaction would be: "Where is the weapon that was used to kill your wife? Where is the T-shirt you wore the night of the killing?" Both

are missing.

Wedler in Florida said he thought he threw the weapon, "an iron pipe," 25 feet out into Lake Erie, a few yards from the Sheppard lakefront home in the western suburb.

Dr. Gerber said that scientific examination of Marilyn Sheppard's head wounds proves they could not have been inflicted by a pipe.

In his criticism of Ohio officials for permitting the Court of Last Resort to come into Ohio, Judge Blythin said it was "nothing short of fantastic." The judge said:

"A jury, court of appeals and the Supreme Court of Ohio have established and confirmed the defendant's guilt under our system of jurisprudence. The U.S. Supreme Court has refused to review the case."

"Now a group of purely private individuals, who are not even citizens of our state, and have no evidence to offer, are appearing in the interest of increasing the circulation of a monthly magazine and are permitted inside the Ohio Penitentiary to meddle with a prisoner lawfully imprisoned."

Replies to Blythin

When Judge Blythin asked the attorney general to rescind the order given by Gov. O'Neill for a lie test, the attorney general replied:

"If the governor is inviting the Court of Last Resort in, or is cooperating with them, that's his business. I can only consider Judge Blythin's proposal if the governor asked me to do so. It's up to him . . . The results of a lie test would not be the basis for a new trial plea, even if they are favorable to Sheppard. The only thing that can free Sam Sheppard is a pardon by the governor . . . If they can dig up a new criminal and he is convicted then Sheppard can be pardoned."