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54/07/30 Agree To Jail Doctor; Action Likely Tonight

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**AGREE TO JAIL DOCTOR;
ACTION LIKELY TONIGHT**

PRESS 7-30-54



FINAL CONFERENCE between Cleveland and Bay Village began at noon today in the office of Cleveland Police Chief Frank Story. Before the session, Mayor Celebrezze issued an ultimatum to Bay: "Arrest Sam or

we get out of the case." Participating here are, left to right, Detective Inspector James McArthur, Capt. David E. Kerr, Chief Story and Bay Village Law Director Richard S. Weygandt.

Bay Aide Acts After Story Talk

Early arrest of Dr. Samuel H. Sheppard—possibly tonight—for the murder of his pretty wife, Marilyn, was expected at Central Police Station today following:

POLICE CHIEF FRANK W. STORY'S advice to Bay Village Law Director Richard S. Weygandt: "I believe there is sufficient evidence to make an arrest for probable cause, although I cannot guarantee that you have enough evidence to obtain a conviction."

AND WEYGANDT REPLIED: "That's the way I feel about it, too."

AN ULTIMATUM FROM MAYOR CELEBREZZE that Cleveland police would drop the case unless Bay Village authorities complied with the demand of the Homicide Squad that the husband of the murder victim be arrested and interrogated.

CELEBREZZE'S BLUNT ACCUSATION that Bay Village Mayor J. Spencer Houk and Police Chief John Eaton had helped to draw "a protective cloth about an individual" which "greatly hampered the investigation."

Weygandt said he would communicate his recommendation regarding Dr. Sheppard's arrest to Mayor Houk as soon as he concluded last minute conferences with Sheriff Joseph Sweeney and Prosecutor Frank Cullitan and then return to Bay Village.

Houk, confined to his home at 29014 Lake Rd., refused his wife's suggestion that he take a fishing trip to overcome his "overtiredness."

Mayor Talks to Chief Eaton

"I've got to stay by a phone and await developments," he said.

Mayor Houk had a half-hour private conference at his home with Chief Eaton. Eaton locked the door of the Bay Village police station when he returned there.

Houk's wife, Esther, said her husband was "over-

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tired" by the "terrible strain" of the Sheppard case. "He's trying to do a conscientious job," she said.

Following a hastily-called meeting at City Hall with Safety Director John McCormick, Chief Story, Detective Chief James McArthur and Homicide Capt. David Kerr, Celebrezze made an angry announcement.

"We feel that we have not received the fullest cooperation from Eaton and Houk," he declared. "We have furnished them all our information. They seem to be withholding some of theirs."

Unless Houk "shows more aggressiveness," Celebrezze continued, the Cleveland police will be compelled to finish checking whatever leads they have on the baffling 26-day-old murder mystery, and then turn the investigation back to Bay Village.

Meets Bay Legal Director

Immediately after the City Hall session, Story conferred at Central Police Station with Weygandt.

Weygandt is studying "all the evidence" before advising Houk whether to order Dr. Sheppard's arrest.

McCormick declared flatly: "We want Dr. Sheppard arrested so we can talk to him. It's up to Bay Village to make the arrest. It's as simple as that."

This development spotlighted the ordeal of Houk—forced to decide whether to place his personal friend behind bars on a charge of murder.

If Houk fails to order the arrest, Dr. Sheppard might be indicted by the County Grand Jury.

Grand Jury Told to Stand By

Bert Winston, Grand Jury foreman, disclosed that he and all members of the panel have been instructed by Common Pleas Judge Arthur H. Day to cancel any scheduled vacations and "stand by" for a call to a special session.

Winston said he has the phone numbers of all jurors, and can call them into emergency meeting on short notice.

"We're getting impatient about all the dilly-dallying in this case," Celebrezze said. "It was agreed when we took over the investigation that we would be in full charge, with the exception of making the arrests."

"It's all right for the Bay Village people to consult their lawyer, but there's no point in us staying in the case if the recommendation of our Homicide Squad concerning an arrest is not followed."

Story said he was not attempting to tell the Bay Village officials what to do, but "if this was a Cleveland case, I would have made an arrest on the Fourth of July."

"I doubt if the case can be cracked without arresting the only suspect," Story added.

"Great Responsibility"

It was on the morning of July 4 that Dr. Sheppard frantically telephoned Mayor Houk, his friend and neighbor, to ask him to come quickly to the Sheppard home at 28924 Lake Rd. because Marilyn had been murdered.

Houk conceded today that a "great responsibility" had been placed on his shoulders in deciding whether or not his friend—with whom he is co-owner of a \$200 aluminum boat—should be charged with murder.

"I won't shirk it," he declared. "If the evidence warrants, an arrest will be made."

However, Houk said he might not sign a warrant himself, since "there might be some legal question, because I will undoubtedly be a witness in the case."

A warrant might be signed by Justice of the Peace Stewart Saunderson, who attended a conference at Bay Village City Hall last night with Weygandt.

Weighs Decision

Weygandt, 36-year-old son of Chief Justice Carl V. Weygandt of the Ohio Supreme Court, faced the hardest decision of his two years as Bay Village law director.

"I have no preconceived notion of this case," he said. "I stayed up until after midnight studying some of the evidence. I'm going down to see it all before reaching any conclusion."

Weygandt said the only question before him was whether there is sufficient evidence to issue a murder warrant naming the slaying victim's osteopath husband.

His recommendation, he said, will be passed on to Houk—who can either accept or reject it.

Houk declined to commit himself to accepting Weygandt's recommendation.

"I'm not going to duck," he insisted. "I'll face up to my responsibilities if the evidence points that way."

The Bay Village mayor, a 42-year-old meat dealer who was first elected in a write-in campaign in 1949, said he still considered Dr. Sheppard a friend, and has seen him twice since Marilyn's murder.

Once, he said, Dr. Sheppard called at the Houk home to see the mayor's mother, who is one of the osteopath's patients. The other time, Dr. Sheppard dropped in at the Bay Village City Hall.

Chief Eaton declined to express an opinion whether or not Dr. Sheppard should be arrested. "I'm not talking," he said.

Eaton, since July 4, has rejected the recommendation of Cleveland homicide detectives and Coroner Samuel R. Gerber that "the only suspect in the case" be arrested.

"If a warrant is issued," Eaton said, "I couldn't refuse to serve it. That's all I can say."

Decision whether to arrest Dr. Sheppard was handed to the Bay Village officials for

determination at a meeting of Cuyahoga County's top law enforcement officials yesterday in the Criminal Courts Bldg. of-

office of Prosecutor Frank T. Cullitan.

Cullitan told them that Dr. Sheppard's arrest, if ordered, must be on a warrant issued by the "Magistrate's Court of Bay Village." The mayor presides over this court.

Cleveland police have no authority to make such an arrest, he said, and Sheriff Joseph Sweeney's deputies also would require a warrant from the Bay Village mayor's court.

Cullitan said he could present the case to the County Grand Jury for indictment — but wouldn't do so unless he considered that the Bay Village authorities had failed to shoulder their responsibility.

Question Susan Hayes

Although the Grand Jury which normally would have been discharged this week has been held over indefinitely, Assistant Prosecutor John Mahon said today "there is no need for rushing the case to them while the Cleveland police are

still conducting an investigation."

"Just because Cleveland is investigating doesn't mean that the Bay police can take a vacation," he added. "The responsibility still lies primarily with them."

McArthur and Kerr, who strongly recommended an immediate arrest, today resumed questioning of Miss Susan Hayes, 24, former Bay View Hospital technician and West Coast companion of Dr. Sheppard.