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56/08/29 Dr. Sam Cites 'Due Process'

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Unknown, "56/08/29 Dr. Sam Cites 'Due Process'" (1956). *All Articles*. 603.

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ACADEMIC ENDEAVORS

Dr. Sam Cites 'Due Process'

The exact basis of Dr. Sam Sheppard's appeal to the highest tribunal, the U.S. Supreme Court, is the Fifth and Sixth Amendments to the Constitution of the U.S., which legally is a contract between every citizen and his governments, local, state, and national.

The Fifth Amendment says:

"No person shall be held to answer for a capital, or otherwise infamous, crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall he be in any criminal case to be a witness against himself nor be deprived of life, liberty, or property, without due process of law. . . ."

The Sixth Amendment says:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall previously have been ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

There are two steps to every appeal to the highest court. The first is to induce the U.S. Supreme Court to inquire into whether a question of the Constitution is

involved. If the justices for the court do not scent such a constitutional question in the petitions on error before them, they may deny hearing anything about the matter, and that ends the appeal forthwith.

The second step is for the Supreme Court to agree to hear the facts on appeal on the assumption that a constitutional question is at issue in the matter. A hearing before the whole court then follows, after which the justices confer and render an opinion for or against the appeal.

The most famous phrase in the Constitution is that "due process of law" in the Fifth Amendment, which is an abbreviation of "full and complete rights under the law." It is Dr. Sam's contention that he was deprived of his in a number of ways because of the behavior of the trial judge and the jurors, and the public and the newspapers on the outside.

"Due process" always is an argumentative phrase. It has been construed by judges of all levels of all kinds of courts to mean a great many things. "Full and complete rights" can mean a great many things.

It is Dr. Sheppard's contention that the conduct of the trial before Judge Blythin resulted in a not-impartial jury considering his case. The complaint is that he was therefore deprived of his rights under the Sixth Amendment.

The Supreme Court is expected some time next month to announce whether it will hear or ignore the appeal. If it should decide to hear it, that would take place within an ensuing month.