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57/07/22 O'Neill Cancels Sam Test

Cleveland Press

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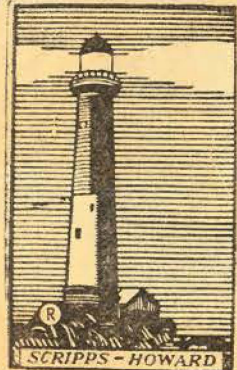
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The Cleveland Press

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The Newspaper That Serves Its Readers

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CLEVELAND, MONDAY, JULY 22, 1957

O'NEILL CANCELS SAM TEST

Gerber, McArthur Flying to Florida

Governor O'Neill today canceled a lie detector test he had previously approved for Dr. Sam H. Sheppard.

He said the test would be permitted "only if we have a true confession to the murder of Marilyn Sheppard, which has been investigated thoroughly."

O'Neill said he would consider a pardon for Dr. Sam "only if another person is found guilty by a court."

"Dr. Sheppard," the governor declared, "could never win his freedom on the basis of a lie detector test, no matter what the results showed."

O'Neill said he cancelled the test after receiving a telegram from Erle Stanley Gardner, fiction writer who runs the "Court of Last Resort" for Argosy Magazine.

The telegram said Gardner did not have full confidence in the "confession" of Donald J. Wedler, 23, convict at Deland, Fla., to the July 4, 1954 Bay Village slaying.

Meanwhile, Coroner Samuel R. Gerber flew to Deland to question Wedler.

With him went retired Deputy Inspector James McArthur, former Cleveland detective chief who directed the Sheppard case investigation.

Dr. Gerber deputized McArthur as his special assistant after receiving a \$700 appropriation from the

County Commissioners for the trip. McArthur will question the Florida "confession" maker.

"The people of Cuyahoga County are receiving bad publicity as a result of this man's so-called 'confession,' on the basis of which the governor of Ohio approved a lie detector test for Dr. Sheppard," Dr. Gerber said.

"It is our duty as public officials to establish the truth or falsity of this man's story."

Both Skeptical

Dr. Gerber and McArthur were skeptical of Wedler's account of how, under the influence of dope, he wandered into the Sheppard home and slugged the pretty housewife to death with a piece of pipe.

"He hasn't even been able to prove yet that he was in Cleveland at the time," Gerber said.

O'Neill said in Columbus that he was calling off the test because of Gardner's telegram—not because of protests from Common Pleas Judge Edward Blythin and other public officials.

He gave this quotation from the telegram:

"We are still not prepared to accept as true the confession of Donald Wedler, but following our examination of him in Florida, we admit to a growing conviction that he may well have committed the murder of

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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 the existing facts."

O'Neill said flatly: "There will be no lie detector test for Dr. Sheppard until the truthfulness of the alleged confession is determined."

No Special Privileges

"Dr. Sheppard," the governor said, "is just like any other prisoner in the Ohio State Penitentiary. He is entitled to no special privileges. He will be given a lie detector test only if a confession is found to be true."

O'Neill indicated that he, personally, would not presume to determine whether or not a confession were true.

"A man ought to be tried by the courts," he said.

Sheriff Joseph Sweeney assigned County Detective Dave Yetra, who worked on the Sheppard case, to accompany

Gerber and McArthur to Florida.

Safety Director John McCormick refused to authorize use of city funds to send any Cleveland detectives along. Bay Village has not yet paid Cleveland for police funds spent on the investigation.

Denies Politics

O'Neill denied an accusation by McArthur that Lieut. Governor Paul Herbert, co-counsel for Dr. Sam, had used "political influence" to win approval of the lie test.

"The lieutenant governor never discussed the case with me," O'Neill said.

The governor said earlier telegrams from Gardner had stated that Wedler's story was inaccurate only in "minor details," and there was "no indication of falsehood."

Gardner, reached by The Press in New York, said "justice in Ohio is on trial." He said he would go to Columbus tonight and "go ahead with our plans."

Wants Book Closed

Mayor Celebrezze suggested that "the Sheppard case has brought so much misery to so many people that it's time to close the book . . . unless substantial new evidence is

found."

Dr. Gerber denounced as "fantastic and unusual" Governor O'Neill's original decision to have a lie detector test given to Dr. Sam by employees of Argosy Magazine.

Blythin Critical

So did Common Pleas Judge Edward Blythin, who presided at Dr. Sam's trial which resulted in his conviction for

second-degree murder.

Gerber pointed out that Wedler's statements have "gradually changed and expanded" since the spotlight of national publicity focused on him.

He said Gardner had told him in a telephone conversation that Wedler's claim to have been in Cleveland July 4, 1954, has not been proven.