

## FURTHER ARGUMENT ON BEHALF OF DEFENDANT

MR. CORRIGAN:                    If the Court please,  
and counsel and members of the jury:

I have the obligation of saying the last word in this case for the defendant, Samuel Sheppard, and when I have finished talking his defense is closed, and no matter what the gentlemen on the other side of the table may say, I have no opportunity to answer it.

I expect to review some of the evidence in this case. I know that you will not receive this case until tomorrow, and that many of the things that I say may be forgotten by you, but perhaps you will remember some of them.

Now, I am not a great believer in the maintenance of a position by oral argument at the end of a case. I believe in trying a case that I have, to present to the jury, as I go along, evidence that convinces them, and that is what I have tried to do. As I have examined, and as my colleagues have examined these witnesses, the information that we have been eliciting is for your minds, and all I do now is try to refresh your recollection on some of the things that occurred in the trial of this case. I am no

orator, as you will see as I go along. I haven't the wit nor the power of words to stir men's souls.

When Freddy told that story about the picture in his son's room, it brought tears to my eyes, but I don't have the ability to bring tears to any eyes, and I don't think it makes any difference in this case, and I am not going to try to bring tears to your eyes, but I am going to tell you what I think I have proven in this case.

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Sometimes I think that it's a sort of a dream that I have been in, that these things that I have been listening to and observing in my native city of Cleveland, Ohio, have been a dream. Could it happen here, these things that we have listened to and that have happened to this young man?

And I often think that sometimes maybe there's undertones here that we don't appreciate. Osteopathic physicians, osteopathic hospitals, the Sheppard family as doctors, are there some undertones that started this thing against this family and against this hospital that raised this hysteria in this community?

Here he sits among strangers. You are strangers to me, you are strangers to him, and all around the room for weeks have been strangers around Dr. Sam Sheppard.

And I know this, ladies and gentlemen, and you know it, too, with the exception of Mrs. Borke, who said she didn't read the newspapers and came into this court room not knowing a little bit about it, and except Frank Moravec, who said he confined most of his reading to the sports pages, to baseball, but all the rest of you, when you were on that stand, said that you knew about

the Sheppard case and that you heard about the Sheppard case and you heard people talk about the Sheppard case, and that you had heard it discussed.

And how could you not, in this community since last July 4th, honestly put yourself on the witness stand and say that you had not heard about the Sheppard case and the stories that went around this town and the tales that were told? And some of them vile and dirty, by people who didn't know a thing about the Sheppard case except what they read in the Cleveland Press, the Cleveland Plain Dealer and the Cleveland News.

And then when you came to this court room and you entered that door downstairs, you know what kind of people you were and what effect this had on you. But you swore, you swore to Sam Sheppard, you swore on your honors, that you would answer on your voir dire the questions honestly, and you told him and you told yourself, "My mind is such that I can sit on this jury and decide this case on what I hear in court in sworn evidence and nothing else. That I'll give him a fair trial and I'll decide this case upon what is sworn to before me and I will not be affected by anything

that I hear outside of this court room."

And you know that since you have sat in this court room, that you have been presented lurid headlines and misleading headlines about what you heard, and you couldn't escape them if you looked at a paper, and your papers were delivered into your home.

And you have been on the television, and it's been on the radio, and that's the thing that this jury has been subjected to since the beginning of the case.

But you said -- and I hold you to your oath as you would want me held to my oath if your son was sitting here in this room and I was the jury -- that you will render your verdict, you swore that you would render your verdict based on the evidence that you concluded on and you would not try to please anybody with the verdict.

The Grand Jury indicted this man. It raised no presumption of guilt. The Grand Jury had witnesses that these gentlemen selected. Everybody else that they didn't want was left out. They picked and choosed, and then the Grand Jury indicted, in the hysteria that was going on in this community, in August of this year.

And Mr. Mahon, who is now a Judge and who has been elected a Judge and who was a candidate for Judge all through this thing, he was in this case on July 7th, on Wednesday, and he was out in Sam Sheppard's home.

And Parrino and Mr. Danaceau were investigating this case and calling in witnesses and getting statements, Dr. Sheppard and Richard Sheppard and Stephen Sheppard, and going out and examining the home. They are not a police force, they are not hired for that at all.

But there was publicity. And then when we came into this court room, after all their investigation, Mr. Mahon got up and spoke to you, and it was the result of his statements, the statements he had obtained and everything else, and he said to you on the opening day of this trial, on Page 26 of the record, that after Sam Sheppard had come from California and after this affair with Susan Hayes had taken place in California, and after he had succumbed to that lure of sex that is the strongest lure in the human body, as you know and I know, that he and Susan Hayes corresponded.

Mr. Mahon is saying this. I am reading his words to you. That they talked together about

divorce and marriage. Did they ever talk together about divorce and marriage?

Susan Hayes said they were together and when the discussion took place, Sam said to her, "I love my wife, I love my son."

That's what he was saying to his paramour. Was there any talk about divorce and marriage when a man is lying with his paramour and telling her at the same time that he loves his wife and he loves his child? Was Susan Hayes deceived?

And then he says they corresponded in language of endearing terms. And Susan Hayes said that there was no expression or no love in the letters, except the letters were signed, "Love, Sam."

Well, you sign letters yourself that way. It's a common way of signing letters, "Love, Bill; Love, Marilyn; Love, John." It's a common way.

But Susan Hayes said there was no expressions of love or endearment between those two.

And we expect, Mr. Mahon says, the evidence in this case to disclose, if you please, ladies and gentlemen of the jury, that this Defendant and Marilyn were quarrelling about the activity of Sam Sheppard with other women and that is the reason she was killed. That's what this chief

prosecutor told you after his months of investigation.

Now, then, what did he bring forward to prove those assertions that he made, that these gentlemen made to you? Mr. Parrino classifies this crime among the great crimes in America, that it's a horrible crime. Who talks about its horror?

But these crimes of this kind happen again and again. Even this week down in Arkansas, the very same thing happened, where a man was asleep and his wife was killed upstairs. Well, perhaps they have a police force down in Arkansas, in Brinkley, that will use some sense in investigating why that man was asleep and why his wife was killed upstairs with children asleep.

And Mr. Parrino says he's protected by the Constitution. Protected by the Constitution? Well, God help Sam Sheppard or God help anybody or any citizen in this community if we would depend upon you gentlemen for Constitutional protection or if we would depend upon the authorities in this community for Constitutional protection.

Yes, he's protected by the Constitution, but God help him if he didn't have a lawyer that would assert his rights under the Constitution. The Constitution provides for representation by



counsel, in the Bill of Rights. It provides for cross-examination, meeting witnesses face to face, those things that were etched out by the founders of our country, by the Revolutionary Fathers, those things that were etched into our Constitution as a result of bloodshed and sacrifice and which have been maintained in our Constitution as the result of vigilance and sacrifice and death of many men.

And those safeguards, ladies and gentlemen, can be lost. They were lost in other countries. Men over in Germany back in 1911 and 1912 were living as free men, and suddenly they found their Constitutional rights lost. People in Czechoslovakia who were living under a Constitution, people in Poland, Lithuania.

I remember that the President of Lithuania died in a rooming house out here on 30th Street a few years ago, living in this country. I can go through the European countries, many of them where years ago they lived under Constitutional privileges that were lost, lost by vicious men who took over government and destroyed government, and they can be lost in the United States just as they can in any other country.

And you've got to maintain -- my job is

to maintain in this court room the Constitution,  
as far as I can do so.

Just imagine what happened in Cleveland,  
Ohio. Trial by newspapers.

"Arrest Sam Sheppard. Throw him in jail.  
Third-degree."

That's what you read and what you saw and  
what this case is about.

And challenged by Gerber to make a confession  
of his sins in public, to confess sins that we  
only confess to a priest or a minister or we con-  
fess to God himself in the privacy of our own room.

But Sam Sheppard, dragged out before 500  
people and asked to make this confession, and he  
didn't make that particular confession. But  
Parrino says he got up and he lied under oath,  
he lied under oath. Well, I'd lie under oath  
and so would you and you and you, if somebody  
brought us out in public and asked us to confess  
to some private sin that we had discussed -- or  
that we had committed.

And it was discussed everywhere, as you  
know. And that's why I say that you people now  
are different people than what you were when you  
came in here on the 18th of October, and you'll

never be the same again because you have heard what can happen to a fellow citizen.

And then they holler about the protective shield that was placed about Sam Sheppard by his brothers and his attorneys. And since when does a man not have the right to counsel if he is accused of murder? That's his Constitutional privilege. But these gentlemen will tell you and the police and the newspapers and the community will tell you, there's something wrong about an attorney representing a client when he is charged with murder.

And believe me, it hasn't been pleasant to represent Sam Sheppard. It hasn't been pleasant from the telephone calls that I get and these other gentlemen get all hours of the night, waked up out of bed to be insulted by citizens because we dare come in and represent Sam Sheppard. And the fantastic stories that have been spread around the community about us, that we are working for money. Well, we are not working for money. And about our fees -- we are not working for fees. We have received no fees and haven't even talked about fees.

This man is a poor man. What is he? A

young doctor with some old furniture, a house with a heavy debt, a few dollars in the bank, a Jaguar car and a second-hand Lincoln and ability to live and make money. That's what he is. He is no rich man. And those people there have cost us in the neighborhood of \$3,000 for the record in this case. That's what he is put up against.

Don't you believe, and don't let those things enter into your mind, protection, protective shield. When did that man refuse to talk to anybody? Is there a scintilla of evidence in this case that he ever refused to talk to anyone?

The protection that his brothers may have given him or tried to give him. I gave him no protection. I was convinced on Wednesday of that 4th of July week that this man did not commit any crime, and I walked away from it on Friday because I thought that reason would prevail, that the man didn't need an attorney. Why should an innocent man need an attorney? Why should he need me? I thought reason would prevail, and I walked away, and I didn't see him but once until the 30th of July when he was arrested, and then he needed an attorney, and I became his attorney.

But take the first day -- "Protective shield" -- who was there? Schottke, Gareau, Eaton, Hubach, Drenkhan, Houk, Hoversten, they were all talking to him, and the story was told to them, and then a police guard around his door, protective custody.

Why, it is obvious that these gentlemen, the whole police force of the city of Cleveland -- where is McArthur this morning. He has been here since the beginning? Where has he gone? The whole police force, the Coroner's office, the Sheriff's office, the Prosecutor's office, they are not big enough to admit that they made a mistake. They are not big enough to admit that they made a mistake. They jumped at a

conclusion, the obvious thing.

You know, ladies and gentlemen, that that is one human failing to jump at the obvious, so they came into the house that morning, Dr. Gerber, without any investigation, finds a woman in bed slain, her husband a doctor, an osteopathic doctor connected with Bay View Osteopathic Hospital, and Dr. Don told you that on that morning Gerber says, "Well, he did it. Let's go down and get a confession."

And let me follow that through for just a minute. The body was taken over to the morgue, wounds on the head, obvious. She was killed by being bludgeoned in the head, so they washed the blood away. They gave her a sloppy autopsy, one they should be ashamed of. A morgue with everything in it, finely equipped by the tax payers of this community, built out at Western Reserve so they could have the advantage of Western Reserve University, the Medical School and all the authorities out there so that they would give correct and proper results, but they didn't do that with Marilyn Sheppard. And then the word came through, and when the autopsy was performed, she was pregnant, carrying out the theory that they had evolved that he killed his wife because she was pregnant. Adelson said he heard that

theory, and carrying out that theory -- and why should they take that little baby that was unborn, that little baby and put it in a bottle in the morgue without consulting the father of that child? And they kept it out there, and they have kept it since in a bottle in the morgue for the curiosity of students and others that might come along to view it.

Why, they are to be condemned, they are to be condemned, Adelson and Gerber are to be condemned for that kind of tactics as public officials of this community, and the only reason they did it is because they were going to work on the theory that they had evolved that very morning that he had killed his wife because she was pregnant.

And there is something so very crude about this whole thing to me. "A fetus," Gerber said; "a fetus," he keeps on repeating. And Mr. Parrino, when he gets to talking about that -- a mother with five children becomes a woman with five kids, and it is so crude to me.

Now, William is my oldest son, he is my first born, he sits here with me. He was never a fetus. He was a soul from the time we discovered he was conceived, and I remember my wife and myself going down

on our knees and thanking God that he had blessed our union with a soul. We didn't know it was William, but we knew it was someone whom God had infused -- into which God had infused a human soul.

And these gentlemen come in and they talk about Marilyn's unborn child as though it was some kind of a thing, and kept it in the morgue in a bottle.

And accused of murdering his wife, accused of murdering his wife, but he should have no attorney representing him, he should have no attorney representing him.

You have seen the scene around this courtroom and around this Courthouse since we started this case. You have seen all these people come here from out of town, these reporters, and writing about this thing.

Well, you better write this, gentlemen, that when these things happen, there is the creaking of the ropes behind the stage that signifies that maybe the curtain is going to fall. You might think of one of your confreres, William Oatis, over in Czechoslovakia. You might think of what becomes of a bar of lawyers when taken over by a totalitarian country. You might think of the lawyers that were



in Czechoslovakia and what became of them, and when Oatis, who was one of their confreres, an Associated Press correspondent, when he was forced to confess, and then thrown into a Communist jail, and they sent him a lawyer, and the lawyer went down to him and said, "I can't defend you. Nothing I can do to defend you. All I can do is see if I can mitigate the sentence."

And then the story of the young fellow in New Jersey, a Czeck boy who escaped in New Jersey, and who finally was captured by the Communists, and he had a lawyer, and the lawyer said, "Oh, we can't appeal the case because if we appeal it then the court up above can make it a heavier sentence."

Think of those things, ladies and gentlemen, as we go through this case, and go through the case of Sam Sheppard.

I am not at all satisfied that this matter is going to be settled forever in this courtroom, and what has just been done in this community by the newspapers of this country, and by the radios and television of this country -- I am not satisfied, nor will I rest until there is some justice in this community for a man who is charged with a crime.

And then on Monday Schottke, Gareau, Yettra,

Rossbach; on Tuesday -- I have forgotten what happened on Tuesday. On Wednesday, to his wife's funeral, a policeman, Hubach, along with him, and talking there and back. And Friday -- and Thursday, when they again came accompanied by their retinue of reporters and photographers. He sat with them from one o'clock in the afternoon till late in the afternoon answering everything that they said -- asked him, and I asked Mr. Rossbach, "Did he answer all of your questions?"

He said, "Yes." And he said, "During several times, he broke down and wept during the investigation that we made that day."

And one thing that he said that was very significant, that Mr. Rossbach told you -- you may have forgotten it, but it touched me as significant of what the feeling of that man was. Rossbach said to you, "he said, 'I came up from the lake and I looked at my wife's body and her body wasn't covered,' so he said, 'I pulled the sheet over the lower part of the body because Marilyn was a modest woman.'"

And then the next day, Friday, again out to the house doing everything that these police officers wanted him to do and he wanted to do it, because he said to them, "I am more interested in the apprehension

of my wife's murderer than anybody on earth."

And he was glad and happy to accompany them and give them every help that he could, and at the same time, instead of accepting his help, instead of taking the position that he was trying to help them, all they were doing from the beginning to the end was to try and get evidence to justify the position that had been taken on the 4th day of July and the morning in the house by Gerber, "He did it, let's get the confession."

Do you want to adjourn now for recess, your Honor? I think we have been going since nine o'clock.

THE COURT: Ladies and gentlemen, we will have a few minutes' recess at this time.

Please do not discuss the case.

(Thereupon at 10:35 o'clock a.m. a recess was taken.)

(After recess, 10:45 o'clock, a.m.)

And on Friday you remember that he went with the police through the whole affair, as far as he could give information to the police. And they requested, Mr. Rossbach requested that he come downtown on Saturday. And he came downtown on Saturday, and there he was questioned by Mr. Parrino, Schottke, Gareau, Rossbach and Yettra; all by himself surrounded by all those men -- and he told them all that he knew about what happened on the 4th of July. And without any reluctance, he signed a statement and gave it to them.

I wasn't there, I had departed. I did not stay because I felt that when a man is innocent, when a man is innocent he doesn't need me around him.

But they were investigating the case, and I was not going to interfere in any way in the investigation of that case.

And then on it went through July. Many, many times the police came to him and talked to him about the case.

And then we saw on the 17th day of July a meeting at the Coroner's office of all the authorities mixed up in this case: The Prosecutor's

office, the Sheriff's office, Bay Village police, the Cleveland Police Department, the Coroner's office. They all assembled together. For what purpose?

Petersilge, the representative of that family and of that hospital, he wasn't invited. The Sheppards weren't invited. No, no one was invited except those that they chose.

And what was the meeting about? Oh, the reporters and the photographers, the television and the radio, they were invited, but nobody connected with Sam Sheppard was invited. And what was the meeting about?

Now, on Page 1530 of the record and Page 1761 of the record -- there's pretty near 6,000 pages of record in this case; I can't go over them all, I can only touch a few -- on Page 1761 of the record -- I want to take this pillow right at this point. And Dr. Gerber came in and said to you on the 4th of July he noted an impression on the pillow which indicated, on direct examination, that it was the imprint of a surgical instrument. Do you remember that?

And he wanted to give you the impression, this man who is a public official and who is

supposed to represent everybody and to call the thing as he sees it and let the chips fall where they will, who is not supposed to be a police department or a prosecutor, he left you the impression, did he not -- did he not leave you the impression on that testimony that that was the imprint of a surgical instrument because Sam was a surgeon?

And I thank the Court for this, I thank him most deeply on behalf of Sam Sheppard for this, when he said to him:

"Doctor, on yesterday when you were testifying as to this pillow and the stains on it, and so forth, you testified you found an impression on the pillow, and I understand you to say that it was the impression of a surgical instrument. Is that what you said?

"The Witness, Gerber: Yes, sir.

"The Court: All right. Do I understand you to say, then, that it could not have been made by anything other than a surgical instrument?

"The Witness, Gerber: No, sir.

"The Court: You didn't mean that?

"The Witness: No, sir, I did not mean that.

"The Court: It could have been made by any other instrument?

"The Witness: Similar to this type of a surgical instrument.

"The Court: So that you didn't mean to confine your testimony to a surgical instrument?

"No, sir."

Now, talk about the protection of people's rights and Constitutional rights. If it was left that way and that's all you heard, what Gerber testified before you, you would come to the conclusion that that was the impression of a surgical instrument. He said he saw it on July 4th. That was a foul blow, and I'll show you that it was a foul blow that that man brought into this court.

And I turn now to the meeting of -- he said he saw that on the 4th of July -- I'll turn now to the meeting of July 17th, when all these people were together and all discussing this matter. If it was the impression of a surgical instrument on July 4th, don't you think he would have said something about it on July 17th? Certainly.

Now, what happened on July 17th:

"Q And a number of different weapons or objects that created these wounds were the subject of discussion among the group?"

That was my question, because I assumed in asking that question that when police officers got together and when they gathered together to discuss this thing, surely they would discuss what kind of a weapon caused this wound. And I asked that question, and the answer was:

"No."

And I said, "What?"

And the answer was, "There was nothing discussed that said that a certain particular type of weapon or instrument was used or weapon that caused this wound. There was just a general all-around discussion.

"Question: But no specific weapon was picked out as being the weapon?"

"Answer: No specific weapon was picked out as being the weapon."

And I find then, in my further cross-examination of Dr. Gerber:

"What was this meeting about?"

And he gives me the answer, Page 1763:

"I think the meeting was a get-together



and to release" -- now, listen to this -- "to have publicity released at one meeting and not going to half a dozen meetings."

Now, that's the way they were investigating this murder case about Marilyn Sheppard on the 17th of July in the Coroner's office with all these men present, to arrange about the publicity. That's what Gerber said, not what I say, that's what he says.

And then after the meeting, after the meeting about the surgical instrument and after the meeting -- Page 1763:

"All right. Now, then, after that did you know that Chief Eaton, that the weapon he was looking for was a square-edged file?"

Did Gerber say, "Don't look for anything like that. Look for a surgical instrument"?

"No. Everybody was looking for everything.

"I see. And after the meeting there was a great search for a golf club, do you remember that?

"There was a search for a golf club, yes, sir."

Now, does that dispose of this statement by this man about the pillow, that it was a surgical instrument?

And when he was on the -- in Sam Sheppard's house on the 12th day -- on that Friday afternoon, he made the search, Sam Sheppard's case was turned over to him, and a group of surgical instruments that were in the house that were not in the case that he looked for were handed to him by Mr. Rossbach, and they were carried out of the house.

And then was there any search made of the Bay View Hospital on surgical instruments, as to whether they were missing? Was there anything told you out of any catalogue -- or shown to you out of any catalogue in the United States that there was a surgical instrument that fitted this pattern?

That pattern, ladies and gentlemen, is nothing but the Rorschach pattern. That's an ink blot, where you put ink on a paper and fold the paper over and you get a pattern.

So you have blood on a pillow, and you fold it over and you get a pattern. That's all it is. If it was an instrument that hit that pillow, it would come through on the other side.

Now, is that enough about the pillow?

Or do I have to go further? Does it raise in

your mind a reasonable doubt about whether that is a fact or not?

Now, then, we pass on to the fact that on July 21st the publicity wasn't arranged, it wasn't settled as decided on the 17th, because John Mahon was calling Betty Sheppard and Dorothy Sheppard into his office for statements, and at the same time the Cleveland Press was printing an editorial to Gerber, "Call an inquest." The story is dying down and papers weren't selling so well.

So immediately that night their wires get crossed. Instead of Betty Sheppard coming to the Prosecutor's office on the next day and Dorothy Sheppard, they were subpoenaed that night to go over to Normandy School to the "carnival."

And then Dr. Gerber sat there with Mr. Danaceau and put everybody on the grill for the benefit of the publicity. The room was full of reporters, like it is today, and 500 people in a gymnasium, although he had a Morgue out here that we built, we taxpayers built at the cost of \$700,000, in which to hold inquests. He held the inquest out in Bay Village. And what an inquest it was.

And this man, who could have claimed his Constitutional rights, who could have refused to answer any questions -- he knew just as well as I know that that was nothing but a hostile crowd and a hostile investigation, and he was not permitted to have counsel, and Dr. Gerber held that thing there. And when it got out of hand and when the mob began to move against the Sheppards that were testifying -- and I protested -- I was thrown out of the meeting.

MR. DANACEAU: We object to that.

MR. CORRIGAN: I was thrown out.

MR. DANACEAU: Just a minute.

There is no evidence of any mob moving. The evidence is that you were thrown out because you created a disturbance.

MR. CORRIGAN: Well, I was thrown out, Mr. Danaceau.

MR. DANACEAU: Just a minute.

That is the evidence and there is no evidence to the contrary. I was there. There was no mob. You created the disturbance --

MR. CORRIGAN: I was thrown out.

MR. DANACEAU: -- and that's why

you were thrown out. There is no evidence to the

contrary. That's exactly what happened.

MR. CORRIGAN: You tell the jury what you want to about it.

THE COURT: Let's confine ourselves to the evidence in this court room.

MR. DANACEAU: But you stick to the proof and to the evidence.

MR. CORRIGAN: I was thrown out.

MR. DANACEAU: Yes, because you created the disturbance. No mob moved. You were the mob.

MR. CORRIGAN: All right. But I can't be thrown out of this court room.

MR. DANACEAU: You might, if you did the same thing, sir.

MR. CORRIGAN: I can't be thrown out of this court room. I might overstep the bounds of propriety, and the Court might put me in jail for contempt, but I can't be thrown out of this court room or prevented from representing Sam Sheppard. I could come down from jail and still represent him. That's the difference.

And on the 30th of July he was arrested. He was back and forth about his business, but in the night time three men came to his house and

manacled him. It almost reminds you of the old Gestapo days that we remember about. In the night this man manacled, a mob in front of his house. There's evidence to that, sir.

Shouts in front of his house. There's evidence to that, sir. People screaming through his windows and looking through his windows, and he's manacled to that Bay Village policeman and a mob is there surrounding that place, and reporters and photographers and everything else are notified, but not his counsel, his counsel can't be there.

He's not given any opportunity to have his counsel. And then he is arraigned before a councilman and a big parade of cars follow up to the village hall, and then he is manacled and thrown in jail at eleven o'clock at night and put on the fourth floor where he is incommunicado until the next Friday from anybody else but his lawyers. There's a visiting day on the fourth floor on Friday.

And then the third degree starts. And if you read about this thing in a story about the People's Court in China or behind some Iron Curtain, it would raise the hair on your head. But you

are hearing about something that happened in your city, by the officials of this city, and it's astounding to me, and that's why I say that sometimes as I went through this case I felt: Is this a dream?

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And then on Saturday, the next day, you saw and you heard that which he was subjected to. On Saturday morning, Braden and Green, doctors, and Story and Kerr, the head of the Homicide Department, who makes statements to the newspapers but doesn't appear on that stand, and then from one o'clock until twelve o'clock at night this young man is subjected to the most grueling examination by people who know how to do it, not amateurs, detectives.

When one group was through then the next group came along. When one group was through, the next group came along, and that continued for a number of days, that type of examination.

Now, ladies and gentlemen, if Sam Sheppard was guilty of the murder of his wife, do you think he could withstand that type of grilling and not make the confession that they were looking for to cover up their own incompetence in this case, to make a victim for their own incompetence in this case? No, no, no more than you or I would do it. The commission of a crime, of a brutal crime like this, is just as foreign to the nature of Sam Sheppard as anything could possibly be. The commission of this brutal crime would weigh upon his soul, and the



soul would endeavor to give that off, and there would be a compulsion within his soul to give that off and tell about that, just as much as if he had taken some poison into his stomach, the stomach would revolt and attempt to throw it out, and the comparison of a soul of a man, the spiritual part of a man and the physical part of a man are the same, and the reason that these gentlemen solve crimes is because of that very fact, that you can't, if you committed a crime and you are subjected to questioning, you can't conceal it. Oh, hardened criminals, maybe, but you and I and Sam Sheppard couldn't conceal it.

And he was subjected to that questioning, and what was it for? Confession. They used the different means. Each team had a different way of attacking him, one with the pictures would shove it in front of his face, the murdered body of his wife, insulting his mother, insulting his father, calling him vile and unspeakable names, and using vile, unspeakable terms, and then another group telling him, "Well, manslaughter. We will make a deal for you."

"I'm going to the ball game," said Doren, "wouldn't you like to be going out with me to the ball game? I'm going down to see the ball game? Wouldn't you like to get out of the jail and plead

guilty to manslaughter? A couple of years. Nine months, maybe."

Those are the kind of methods that they were adopting in order to get a confession out of this man, and during that period of time, during all this period of time, remember Sam Sheppard told -- related what happened on the 4th of July, on the morning of the 4th of July -- take all the questioning down through, don't you think that if it was not the truth, that all of this questioning would have developed fatal errors in his story, and that you would have heard those fatal errors that would have developed from his story on that witness stand when he sat there for three days?

But, no, from the beginning to the end, it has been the same, and not all the ability of all these people on their questioning can change the truth and the facts.

And McArthur sat here for nine weeks. I don't know what he sat here for. The Chief of Detectives of the City of Cleveland, did he give you any information? Did he produce any information to you that would help you in this matter?

MR. DANACEAU: We object to this, if the Court please. He was here to consult counsel, not to

give the jury information.

MR. CORRIGAN: He is the Chief of Detectives.

MR. DANACEAU: Yes, but he could not take the witness stand, having sat with us here throughout the trial, under the rules of this court.

THE COURT: I think it is pretty well known to the jury that he was here to furnish the prosecutor information.

MR. DANACEAU: That's right, and was not permitted to take the witness stand, having sat here.

MR. CORRIGAN: Argue to the jury.

MR. DANACEAU: I am making my objection to the Court to your statement that he was here and didn't tell the jury anything. How could he?

MR. CORRIGAN: All right.

THE COURT: He was properly here and he did not have to take the witness stand.

MR. CORRIGAN: He was here. I will agree with that. His detectives did the job.

MR. DANACEAU: Please argue to the jury.

MR. CORRIGAN: His detectives did the job. Did any of his detectives take that witness stand

and deny anything that was said by Sam Sheppard?  
It stands unrefuted, ladies and gentlemen of the jury.

You had a picture drawn for you of happiness;  
you had a picture drawn for you of a home that was  
a noble house, that all the children of the neighbor-  
hood played around, that the neighbors went to; that  
they were a happy family.

I don't care about whether this difficulty  
arose about Sue Hayes, and that he wandered from the  
path of rectitude. Is sex the only thing in the love  
of a man and a woman? Is that the only thing that  
holds me and my wife together that sometime I can  
go to bed with her? Is that the only thing that  
is in marriage? Is that the only thing that makes  
you love a woman?

Mr. Parrino says that they slept in twin beds  
so there must be something.

Well, how many people sleep in twin beds?  
He knows little about marriage. He has very little  
understanding about marriage.

And the fact that Sam strayed from the path  
of rectitude is no proof that he didn't love his wife,  
Marilyn, and love his home and love his child. In  
fact, March was quite a distance from July the 4th,  
and Susan Hayes was 2,000 miles away, and as far as

you know, there was happiness in that home, and there was happiness on that Saturday night.

And Mary Lavelle Miller that testified that she saw her on Wednesday and Marilyn was radiant -- is the expression she used. You heard Meyer Rosen -- I think his name is --

MR. PETERSILGE: Seymour Rosen.

MR. CORRIGAN: Seymour Rosen, and the other young fellow who told about meeting them, meeting Marilyn shortly before her death. Mr. and Mrs. Paine, Mr. and Mrs. Howell, Mr. Schuele, the next door neighbor, everybody that came into this case, with the exception of that one young fellow for one incident many years ago, said that their life was a life of happiness, that they loved one another, and that they demonstrated they loved one another.

And Mary Brown, the woman who was closest to them of anybody in the world, closest to Marilyn than anybody in the world, who was the last witness, told you of how these people loved one another, and her last letter that she wrote to Mary Brown, the last letter of Marilyn that she wrote to Mary Brown, exudes from it happiness and contentment, and that is the picture that you have up to Saturday night,

when he put in this hard and difficult day working in the hospital on Saturday afternoon, and then the rather pleasant evening that they had together with the Aherns, and the pleasant dinner, and then after that he sat on the seat with his wife, Marilyn, the same seat, and Mrs. Ahern said in her testimony that, "You are not the only ones that can be loving or show love," addressing Sam and Marilyn, and she then went over and sat upon her husband's lap.

And after a while, weary with the labors of the day, and although wishing to keep company with his guests, he went over on the couch and fell asleep, and then his eyes were weighed down, and then he fell asleep. Sleep that weighs the heavy eyelids down and steeps the senses in forgetfulness; sleep that knits up the raveled sleeve of care and refreshes us and restores us and takes up the shock that we have been experiencing all day long.

And then these gentlemen would have you believe that that man jumped up out of that sleep, and ran upstairs and battered his wife to death, for what? For why? And with what?

That he committed the act of a depraved person; that he committed the act of a malicious heart. Sam

Sheppard. Sam Sheppard, with that scene, and with these hands killed his wife, with these hands that worked over a beautiful little boy whose head was crushed that afternoon, and who tried to bring him back to life; with these hands that have tended the sick and the wounded; with these hands that have been trained to cure and not to kill. Do you believe it? Do you accept it?

Now, there was something said about why I spent so much time with Mr. Adelson. I spent time with Mr. Adelson, or Dr. Adelson, because I wanted to develop to you that the autopsy was sloppy and incompetent, and that if it had been properly performed that there would have been some knowledge gained at that autopsy of the kind of a weapon that was used, which blow was struck was first, and information could have been obtained that would have had some effect in solving this murder.

And I went into -- Parrino says 35 blows. There weren't 35 blows. There are seven blows on the top of the head, and as Mr. Petersilge illustrated to you, they are an inch apart, and when the detective was up quizzing Sam and was saying, "Down, down, down, down," imitating the blows that he had charged that he had rained on his wife, it isn't the fact at all.

Each one of those wounds on the top of the head, on the front of the head, are jagged and ragged. They are not cuts. They are not the result of a knife. They are not the result of a sharp instrument. They are the result of a pronged instrument of some kind that hit that woman six times, made six wounds at one time. You can't figure it any other way, because nobody could go into a dark bedroom and mathematically put six wounds apart. And then there are four wounds over here. These wounds are not through the bone. There is a small wound in the back, a quarter by an eighth of an inch. There is another small wound here, and if there had been a proper autopsy and a proper analyzation of this case we would know something about it, but the reason it wasn't done is because the word had gone to Adelson, "This man killed his wife," so he didn't pay any attention to it, and he washed away the blood.

And then his autopsy -- he says he cut the head open and 20 cc's of blood flowed out of each space, and when I examined him on 20 cc's of blood flowing out of each space, I found that it was wrong; that he estimated 20 cc's of blood. That isn't in the autopsy, that he estimated. And those were the wounds on the top of the head.



The other wounds show this very definitely:

That there was a struggle in that room. 17, 18 and 19 apply to the right eyelid. There was no blow on the right eyelid. 24, 25 and 26, apply to the teeth and the mouth, and there was no blow on the mouth, and these smart detectives, with the least bit of analysis, would have shown that there was something peculiar that the woman's teeth were broken, and the wound was inside the mouth, and there was no wound on the outside of the mouth.

And 23 is a small wound on the edge of the nose, a scratch on the edge of the nose, but her nose is broken, but I don't know where or why, but I can visualize a man putting his hand over a woman's mouth, I can visualize a man grabbing a woman's nose and breaking her nose.

And the other wounds show an abrasion, skin scraped off on the hands in three or four different places. They are not blows. They are the result of a struggle.

I was surprised at Mr. Adelson, or Dr. Adelson, he didn't know the difference between a coronal suture and a frontal suture, and he called them both the same, and in one place in his autopsy he talks about the separation of the frontal suture, another

place about the separation of the coronal suture.

Well, he says, "I am not an anatomist."

Well, ladies and gentlemen, neither am I.

All I know about anatomy is what I read in books, but I know this: That anatomy is as essential -- the knowledge of anatomy is as essential to a pathologist or a doctor as your tools are to you, as the knowledge of your tools are to you, and if Mr. -- Dr. Adelson is not an anatomist, then I think Cuyahoga County ought to make an investigation and get an anatomist to perform these autopsies in the County Jail.

Now, in the evidence here, where did it come from? We had to pull it out. We had to bring in the trace evidence. Everything was accumulated and put out in the morgue, the icebox, Dr. Gerber calls it, and the teeth, and the trace evidence, and I want to show you something very interesting, ladies and gentlemen about this investigation that you have seen, that there is evidence under the fingernails of Marilyn Sheppard that was never investigated except to this extent: To find out if they could tie that evidence to Sam, and when they couldn't tie it to Sam, then they filed it away in the morgue to be forgotten until we brought it into

court.

Not so long ago in Springfield, Massachusetts, there was a man traced and found guilty of a murder, who was a pallbearer of the woman he had murdered, by a thread found under his fingernail or under the girl's fingernail.

But let me show you now my exhibit, and show you how these people have not given the information that we are entitled to. When we asked for a report of the microscopic examination, we got this, and it says, "Scrapings removed at autopsy from underneath fingernails of Marilyn Sheppard. No significant fibers or hairs noted."

Now, that is the report of your Cuyahoga County Morgue. That is the report, and if we hadn't investigated any farther and had accepted that, the official report, we would not have the evidence in this courtroom to show you.

And I expect that anybody that is a public official, when he comes in this courtroom, should be fair, and Dr. Gerber was not fair. He had made a mistake. He had made a mistake, and he has made a mistake in this case, and they have all made a mistake in this case, and they are still trying to maintain

the position of their mistake, and when he got on that stand, on page 1499 of the record, he said to you that Sam Sheppard told him, "He couldn't tell what the form was, couldn't tell whether it was a human being, couldn't tell whether it was a man or a woman, could not ascertain whether or not he could see any hair, could not ascertain whether this person was wearing a hat or any clothes whatsoever."

Now, supposing that Sam Sheppard didn't have a lawyer, and supposing I didn't go to the inquest and listen to what was going on and get a record of what happened at the inquest, and supposing no lawyer was there, as is liable to happen with many a person that doesn't get a lawyer, or that can't get a lawyer, can't afford to get a lawyer until he comes into court under indictment and a lawyer is assigned by the Court, and can't protect his interests, and suppose I wasn't there and didn't take the record -- because what he told you was absolutely false on that witness stand.

Sam Sheppard told him, "I saw a form," and this was in the cross-examination -- "as I think of it now-- I thought -- I can't quite decide in my mind what brings me to this feeling, of a big man. Whether it was because he struck me down so easily, but it seems

to me it was a form that was relatively large, large head, good size head.

"Well, again as I told you, I thought it was a he. I say he because I gather it to be a he.

"He went down the steps from the landing to the beach house on the beach. As we got down -- as I approached the beach, I thought this form was -- again and again I wish to say it may be because I was so easily knocked down by him, but I felt he was a fairly large man and had on a dark clothing from the back.

"Was he a white or a colored person?

"I can't say for sure. I somehow after encountering him have a feeling it was not a colored person. I felt he had a large head, and it seems to me like there was, as I have mentioned earlier, a lot of bushy hair."

Now, if I wasn't there, and if nobody was there, Mr. Gerber would be believed, and I say that he has been entirely unfair. He took 159 pages of transcript of Sam Sheppard at that hearing, and 76 pages were devoted to July the 4th, and the rest were inquiring about the birth of his first child, his diseases, and so forth.

And then he said to you that the blood was dry on the bed, and that the bedclothing was taken out and there was no blood on them, that there was blood on them as they appear today.

Look at the picture, look at the picture, ladies and gentlemen, of the bedclothes as they lay that day, and you find only one little bit of a spot on the top of the bedclothing. That is Exhibit, State's Exhibit 21. The bedclothing were rolled up and the blood got all over them, and they were carried out, and that is probably how some of the blood got on the stairs going down the stairs, and then he said the blood was dry.

Now, let me show you something. I will show you two pictures to show you that that isn't the truth, that the blood wasn't dry. You remember that I questioned him, and he moved the body up in the bed because the feet were hanging over the end of the bed. You remember that. He got on one side and the undertaker got on the other.

Now, before that happened, here was Marilyn's body, and there is the position of the blood on the bed.

Now, look at that. That is State's Exhibit No.10.

Then here is the picture taken after her body is removed. Do you see where the blood has come to? When her body was pulled up the blood followed it. That is Exhibit 10 and Defendant's Exhibit JJJ.

And Drenkhan, as Mr. Garmone told you, said that the bedclothes were bundled up and taken out by the undertaker, and then I come to another point, the injuries of Dr. Sam Sheppard.

And they spread around the town, and they tried to infer in this case that the injuries were self-inflicted and that he wasn't badly injured.

Well, there is a picture taken on the morning of the 4th of July. Do you need anything else to tell you that Sam Sheppard was injured? That is Defendant's Exhibit No. 5.

And then you had the testimony of Mildred Harridge, who looked in the door and saw him when he didn't see her, and she saw him painfully getting out of the bed.

You had the testimony of Anna Franz, a registered nurse who took his clothes off with Dr. Brill in the morning, his body was cold, he was shivering and shaking, he was incoherent and mumbling, and when she took his shoes off his feet were shriveled as though they had been in the water a long time, and when she

tried to take his temperature she could not -- she could get no temperature registered. Shock.

Well, you recover from shock, but there is every evidence in the world that that man was in shock.

And then you have the testimony of Dr. Foster and Mrs. Vetter, Mr. Paine, Dr. Brill, Dr. Don, all of whom testified to the condition of the man on that morning.

And another thing, was the body moved? I will leave Steve Sheppard and Richard Sheppard out, but Dr. Dozier, when he went up in the room, when he made the inquiry, you remember what happened when somebody told him, "Marilyn is dead, Marilyn has been murdered," and then when Richard and Steve departed, he went up into the room and he found her arm hanging over the bed at right angles, and he took the pulse, but later when the picture was taken that is here in evidence, the body had been changed and the arm is under the sheet.

Now, the fact that he was injured cannot be gainsaid. You heard Dr. Hexter, produced by the State, who said that he made an examination and he found some missing reflexes, and that "reflexes didn't mean



anything to us doctors," and that he did not examine the back of the neck. And if Dr. Gerber wanted a fair and impartial and a competent witness before this inquest, or these gentlemen wanted a fair and competent witness before their Grand Jury, they wouldn't take Dr. Hexter, because Dr. Elkins told Gerber on Wednesday, and he said everything I have told you here today, what he testified, so that Gerber had a competent witness and a competent man, but he chose Hexter, who is not a competent man in this field and doesn't pretend to be, and who didn't examine the neck.

And Dr. Elkins, who is an M.D., who is not an osteopath and who feels the difference between the osteopaths and M.D.'s, as M.D.'s do, came all the way from Tucson, Arizona, without pay and without subpoena, because he is a man and he is a doctor, and he wants to see justice done.

And he told you that he was suffering -- his impression was at the conclusion of his examination on Wednesday that Sam had suffered from a spinal concussion which would produce unconsciousness, and in some occasions would produce death.

And then he came here on August 6th -- and Hexter, who doesn't know anything about a cremasteric reflex, said the absence of the cremasteric didn't mean anything -- and Elkins told you that it meant a lot -- and that the cremasteric reflex, when it is absent, of itself means nothing.

Like I illustrated, if I went in to you without any injuries and you found the absence of a cremasteric reflex and there was nothing else wrong with me, it wouldn't mean very much to you. But if a man has a cremasteric reflex and it disappears and then comes back again, then you know, as he says, there is something going on inside.

And he came down on the 6th of August and he examined Sam again and found out that he was recovering. And his examination of the neck was of such a nature that Sam could not fake it, and he was recovering.

And I want to go just a moment now to our Police Department and what they did in examining this man, I think it was the 3rd day of August.

Elkins says, when he examined him up in the jail, there was plenty of facilities there. He found all the facilities he needed to make the examination, but the Police Department and the authorities, oh, they've got a jail here but they wouldn't use those facilities.

They pulled Sam Sheppard out at night, at seven o'clock at night, and they took him in a devious route, police officers, to the City Hospital, and there was Braden and there was Green, doctors, and two other doctors and four detectives, and they took him into a room and they stripped his body bare, and they subjected him to an examination, and they stuck pins in him, they took X-rays of him. Why, you would think that that couldn't happen around here, wouldn't you?

Is it any wonder that I think every once

in a while I'm in a dream when I find that they do that kind of thing to a prisoner, when they knew that he had a counsel and without asking his counsel whether it could be done? That's the kind of stuff this young man was subjected to; trying to make up for the error they had made, trying to draw a cord around him.

But where is Braden, where is Green, where is the other doctors? Why didn't they come here? What did they do to the man if they were not to be used as witnesses?

And then they took him out of the jail and took him over to the Central Police Station, and they hung a number around his neck. And he became a felon before he was indicted and his picture was published in the paper.

There's that man that you see here today that has suffered more than any individual that I have known, who has lost his wife, who has lost his home. Just imagine what these authorities have done. They have taken his home and his child's home away from him, and they hold it today. Did you ever hear of such a thing, holding his home and his child's home and his property without any warrant of law? And you saw what

happened when I tried to get the keys in this court room.

And Sam, who bought that home and put it in his wife's name, who bought the insurance for his wife and protected his wife by insurance, who gave her his paychecks and she handled the bank account -- he is the man that killed her? For what? For why? With what?

And what Sam said on this witness stand is as he remembered it. And if he remembered more, if he knew all about the light, if he knew every detail, if he moved this, if he could answer all the questions that Mr. Mahon had worked out as an astute cross-examiner -- "Did you do this? Did you do that? Did you do this? Did you do that? Did you go there?" -- and if he could answer them all perfectly, then I would say that he would be inconsistent in his story, he would be inconsistent.

Ladies and gentlemen, I have a fertile imagination. You know I've been charged with having talked to this man and told him what to say. I didn't talk to him on the 4th of July. But if I wanted to make up a story for anybody, for you, I have the ability to make it up. But I would never make up a story for a client, nor

no lawyer ever makes up a story for a client unless he is a fool.

Lawyers take the stories of their client and present them to the jury. He would be a fool, a lawyer would be a fool to make up a story and put it in the mouth of their client, because if you do that, a lawyer puts himself under the control of the client, who can come into court and say, "Corrigan told me to say that," or, "Some other lawyer told me to say that," and I would be disbarred.

We are not fools, we who practice law, in handling business, in handling peoples' cases. But the inconsistency, the inconsistencies and the failures to recreate the facts of the story -- the man who was cross-examining him was calling for the reactions of a normal man, of a man who had sat down and figured things out and knew just what he was going to do from spot to spot. He was giving you the reactions of a man that had been blacked out twice. He was giving you the reactions of a man that saw this horrible thing in his room and that had been visited by this murderer.

And even Dr. Gerber said, in my

cross-examination, that it looked to him, and that he made the statement, that it was the act of a schizophrenic and a madman. And Sam Sheppard is neither.

And he further said to you that the story that Sam Sheppard told about being knocked out twice was physically and mentally a possibility.

Now, I have come, ladies and gentlemen, almost to the end of what I have to say to you, and as I said before, you'll probably not remember many of the things that I say by the time we get around to tomorrow afternoon or tomorrow morning when you start your deliberations, but I hope you remember some of them.

But there is one thing that I do want you to remember, and I want you to -- where is my transcript? Pardon me while I find it. Did somebody pick it up? Will you go in there and see if somebody took that from my desk?

Well, I can't find it, but I remember it.

You remember that very fine young lady that came into this court room from her position in Bay View Hospital, dressed in white, and who told you how she was called on the morning of

July 4th, and that Sam Sheppard was brought into the room to have X-rays taken, and that when he come in he was mumbling, he was incoherent, he was shaking, he was cold, and she thought that he was unconscious until he moved his eyes.

And that she started to take X-rays of him, and in the course of the X-rays, it was necessary for him to open his mouth, and he couldn't open his mouth except about 25 per cent, and then she saw that his mouth was full of blood and all she could see was the two front teeth.

And then in the course of the examination it was necessary to move him, and he had -- she had learned that he was struck in the back of the neck. And she immediately looked at that and she saw the mark of something that had struck him in the back of the neck, and that she was in the room alone with him.

That she didn't know his wife's name. And he wasn't looking at her or he wasn't looking at anybody, and he wasn't talking to her, he was talking to the room.

And that morning Sam Sheppard was saying, out of his subconscious mind, "I tried to get to Marilyn. I heard Marilyn scream. I tried to get



to Marilyn but couldn't."

That's what she heard and what she told you, and you know it's the truth, and you know that it's the thing that should acquit Sam Sheppard, and you know that under those conditions that he, out of his subconscious mind, was re-enacting the thing that morning.

And I want you to remember that, if you remember nothing else, tomorrow when you go to your jury room. I want you to remember Eileen Hugu when you go to your jury room tomorrow morning, if you remember no other word that I have said in this case.

MR. GARMONE:                      Here's the transcript.

MR. CORRIGAN:                      I don't want it now. I am through with it.

And then these gentlemen cross-examined Eileen Hugu. Do you remember their cross-examination of that young woman? I want to refresh your recollection, and I want you to remember that, that their cross-examination consisted: "Did somebody else take another X-ray at some other time?"

Now, ladies and gentlemen, I am completely

free of any desire for revenge. I find that I have no anger in my heart. As Clarence Darrow has written:

"No one who has seen himself the prey and sport and plaything of the infinite forces that move men can tell what justice is for someone else or for himself. I am not the judge of others' motives or actions, and I do not intend to function in such capacity at any time. I have had experiences which have taught me a new way of life and given me a new sense of value. There is only one judge that any of us should truly fair, and I face him without hesitation or apprehension."

What am I reading? I am reading Sam Sheppard's letter to me.

And when Sergeant Lockwood said to him, "How can you stand all this?" Sam replied, "I trust in God, and Marilyn is at my side."

And I said to him when he was on the stand, "Is she at your side now?"

And he said, "Yes."

And is he at your side now, Sam Sheppard, and he'd say "Yes," that Marilyn is with him.

You have heard a case unprecedented in

the history of this county, ladies and gentlemen. You sit as jurors in the case of an innocent man. You have the opportunity to turn back this tide and to tell the people of this community, aye, the people of the nation because it's been spread all over the country; aye, the people of the world because it's been spread all over the world, that in Cuyahoga County the Constitution still lives.

Thank you, ladies and gentlemen, for your kind attention and your patience in this case. I hope that I have said something to you that will help you. I hope that during the trial of the case that some of my volatile mannerisms and methods have not offended you.

I wish I had the calmness of Judge Blythin, Mr. Petersilge and Sam Sheppard, but I haven't. So that sometimes I did talk during the trial of the case a little louder than I should, but don't hold that against Sam Sheppard. He is to be tried on this indictment, and as you promised me under oath at the beginning of this case when you sat there and answered on your voir dire examination that you would compel the State to prove his guilt beyond a reasonable doubt, that you would compel them to prove each and every

material allegation in the indictment; that one wouldn't do, two wouldn't do, three wouldn't do, but they all must be proven, that is what you promised, isn't it? -- I hold you to your promise.

And there is just one word I say before I go. This man is 30 years old, he will be 31 in December. My boy, sitting alongside of him, is 31 years old. They were born the same year within a month of one another. Your children some day, you who have children, some day will be 31 years of age. They are growing up around you now just as Sam grew up around his father and mother, with no more thought in your minds, ladies and gentlemen, that your child ever would have to sit in the seat of Sam Sheppard just like Dr. Sheppard, Sr., never thought that his little boy would have to sit in a criminal court.

And remember that what you are doing in this court room and in this case is not for Sam Sheppard alone, but to preserve for your children and other people's children the rights that have been dearly bought and dearly paid for.

And his father can't be here, and his mother is stricken down, and his little boy I wouldn't bring into this court room because I

have no idea of trying to arouse sympathy in your hearts, and that is the only reason that little Chip would be brought in here. But he exists, you know that. I look for justice and I look for the maintenance of freedom in this community.

We approach the season of Christmas, and God came down to a virgin to set men free and to establish the world freedom. That follows the question of religion and the question of principles. And if you are not a Christian, if you are Jewish, you approach the season of the Lights. And the old priest, Maccabeus, from the hills of Judea, when the Syrians came down with their cohorts of silver and gold, he called his people to the hills to strike and fight for freedom; and his son, his noble son, Judas, carried it to a successful conclusion and established peace in Jerusalem 165 years before the birth of Christ and lit the light in the temple. And you approach that season.

And I approach this case imbued with the idea that unless we do our part, we American lawyers do our part, and we American juries do our part in maintaining in this court room today, now, in the case of Sam Sheppard, that freedom, we have failed in our duty.

Thank you, ladies and gentlemen, for  
your kind attention.

THE COURT: Ladies and  
gentlemen of the jury, we will now be adjourned  
for the noon hour, and we will return as near  
as possible to 1:15 this afternoon. In the mean-  
time, please do not discuss any phase of this  
case at all.

(Thereupon, at 12:05 o'clock, p.m., an  
adjournment was taken to 1:15 o'clock, p.m., at  
which time the following proceedings were had:)

---  
*Allowed and made part of the  
Bill of Exceptions this day  
allowed.*  
*James H. [unclear]  
Circuit Judge  
2-14-66*