

Dr. Sam Sheppard Plays Role Of 'Wronged Man' Like Star

(Dorothy Kilgallen, syndicated columnist whose writing appears in the afternoon Star-Telegram, will write from time to time about the trial of Dr. Samuel Sheppard. Here is another of her articles.)

BY DOROTHY KILGALLEN.
CLEVELAND, Oct. 18.—"Dr. Sam" Sheppard walked into the jury small courtroom of his trial for murder Monday looking like a movie star playing the role of a defendant wrongly accused.

All the correct emotions crossed his handsome face—tension, restraint, a conscious nobility of gaze, a kind of chin-up determination to face the unpleasantness without flinching.

He came through a narrow doorway to the judge's bench—the door closest to the prison where he is kept—and he looked at the 26 photographers milling in front of him as if he hated them but had fully expected them. He neither smiled nor frowned.

He is wide-shouldered and walks like an athlete, inches taller than most of the men in the courtroom. His face is sensual and a little spoiled looking, with the kind of spoiled look so often seen on the face of a man who can not remember when he was refused a dance or a kiss.

Dress Appropriate.
His dress was equally appropriate for a murder trial or a cocktail party—the dark blue suit, soft white shirt, black knit tie, black socks, black shoes. It made it easy for the spectator to visualize him in more casual moments, in the days before July 4, and his becomingness made it easy to understand that in his home town, the fashionable beach resort of Bay Village, he might have been—if he chose—that the Victorians called a very devil with the women.

He took a chair at the huge counsel table, placed his arms on its arms, and looked directly forward as newspaper photographers and newsreel photographers circled around him, knelt in front of him, and climbed on empty chairs to shoot him from above. He gulped, and his adam's apple could be seen to move, but otherwise he remained impassive, even his hands—which are large and strong and untanned—utterly relaxed.

He spoke to no one. When court came to order and his white-haired attorney William J. Corrigan, seeing him for the first time, boomed: "Why, good morning, doctor," the doctor rose from his chair and took a step forward to shake hands, but did not reply. He pressed his lips together in a distinct grimace, as if he were too full of checked emotion to dare a reply. Then he sat down and crossed his legs so the right ankle was resting on the left knee, and listened to the preliminary arguments.

Delay Possible.
It was generally believed in the courtroom and possibly by Dr. Sam as well aware, that all Corrigan's smoothly phrased protests about "publicity" and "prejudice" would serve to delay, but not postpone, the trial, and the trial which will vindicate him or send him to prison or to the electric chair will go on—Tuesday or the next day or the next day—if it is possible to find a proper jury.

Judge Edward Blythin, a distinguished and gently stringent jurist who looks rather like a picture of Woodrow Wilson, summed up all the legal palaver when he said:

"The defendant might not be guilty at all, but certainly a crime was committed and someone committed it."

The crime was the brutal slaying of Marilyn Sheppard, the doctor's wife, a soft-eyed blond with a lovely figure. And between the prosecution and the defense there is one unargued point: Marilyn was killed by one or two murderers—her husband or the man with bushy hair.

That is what it boils down to and in the end that is what the jury at this trial of the century will have to decide.

No one knows who the man with the bushy hair is, or even what he looks like except that he is tall and strong enough to overpower a former football hero. Dr. Sheppard saw him "vaguely" and grappled with him on the night of the cruel crime.

No one else saw him. He did not leave any footprints or any fingerprints. He did not leave the weapon, whatever it was. He did not drop his hat at the scene of the crime, or a cigar ash, or a fallen key or a piece of thread or even a burnt match. He was clever, for he broke into the house without leaving any marks of entry, and he moved with extraordinary quietness, not disturbing the child in the house, or the dog, or even Dr. Sheppard who was sleeping on a couch downstairs. Dr. Sheppard might never have seen the man with bushy hair had he been standing awake by his wife's screams cutting through his slumber, presumably just a moment before she died.

Will He Come Alive?
The question is, will "Dr. Sam" be able to make the man with bushy hair come alive? Will the jurors believe him? Will he describe his struggle with the monstrous figure so vividly that the courtroom spectators will pity him for the horror of that night? Obviously, he did not impress the judge with his story of the "puzzle" stranger. There is nothing on record to show that they ever issued a livestate alarm for a tall man with bushy hair possibly wearing bulky clothes.

Perhaps as the trial unfolds the vague intruder will emerge from the shadows of Dr. Sheppard's memory and take form for all to see.

Every jury faces a conflict, but this jury's conflict will be unusually great and constant and complicated from the moment it is seated until the hour of decision. There are enough "whys" in this case to keep a flock of criminologists busy for a month of Sundays, and for the mind of the average layman to grasp them and sort them into a pattern, they require rapid attention and a dedicated interest.

"Why didn't the dog bark when the intruder entered, unless the intruder was a friend of the family? (But if the intruder was a friend, Dr. Sheppard would have recognized him. He would not have described him as a man with bushy hair.)"

If Mrs. Sheppard screamed loud enough to rouse the doctor, why didn't the child awaken?

Clothing Not Bloody.
If Sheppard killed his wife with 35 blows of some heavy instrument, why was he not covered with blood, instead of being just slightly smeared? (Possible answer from the prosecution: he might have removed his clothes before the murder, and put them back on after the deed had been done and he had washed himself. But if that were true, another "why" pops up: why did he have to hide or destroy the shirt? Why was he not dressed, when the police arrested, exactly as he had been when the neighbors last saw him sleeping on the couch?)

If Sheppard did not take off the shirt himself, what happened to it? Why would the murderer take it away?

Why was the living room ransacked? A thief looking for money would not have to smash a window 35 times to know she



Associated Press Wirephoto. **DEFENSE LAWYER**—Heating the defense staff in behalf of Dr. Samuel H. Sheppard, on trial for the murder of his wife, is William J. Corrigan, left, shown as he entered the courtroom Monday morning.

was dead, if he were afraid of her outcry. (On the other hand, if she were murdered in a moment of rage by someone who hated her, why was the living room ransacked at all? This part of the puzzle seems to mount strongly to anyone who did kill with hatred and faked a robbery afterward to throw suspicion elsewhere.)

Why, if the events occurred as the young doctor said they did, was he kept incommunicado at his family's hospital for such a long time before the authorities could question him?

Actually Dr. Sheppard's behavior after the crime did more to produce him in the minds of those who jump to unreasoning conclusions than any genuine evidence so far known to be in the possession of the prosecution.

His doctor father and his doctor brothers said he had a broken neck, the result of his struggle with the intruder, but they alone said it; no police doctor corroborated their diagnosis. The attitude of the prosecution may have been merely professional, but it appeared to be high-handed and evasive.

And when at last "Dr. Sam" emerged from seclusion for the first time after his wife's murder, he was wearing a giant leather collar from his chin to his clavicle, an orthopedic device that made him look a little like a man from another planet. That grotesque collar may have eased some physical pain, but it did more to make him look sinister in the newspaper photographs than a bloody sawtooth, held aloft, would have done. No prop devised by the most imaginative stage director could have more quickly changed an ordinary man into a figure of ominous drama.

Then it was announced that Dr. Sheppard, when it became clear that suspicion was beginning to fall upon him, had refused to take a lie detector test. To many stalwart citizens, brave when they are not facing any danger, that proved "Dr. Sam" had something to hide. And perhaps he did, but whether it was his affair with Susan Hayes, or an association with some other undiscovered lady, or the more frightening crime of murder, has not yet been proved beyond a shadow of a doubt.

Detectives and prosecutors look for at least four elements as they shape a murder case against any suspect: motive, opportunity, means of the crime, and consciousness of guilt afterward.

For many in this vicinity, including the district attorney, Samuel Sheppard's quick retreat to the hospital, his lack of cooperation with the authorities, his refusal to submit to the lie detector, spelled consciousness of guilt.

And so he is on trial today, candidate for the electric chair—the sole defendant unless by some sudden magic he can conjure up in this small prison courtroom the man with the bushy hair.

Barley Duty Hike Barred; Quota Is Set on Imports



Associated Press Wirephoto. **JUDGE ARRIVES**—Judge Edward Blythin of the Cuyahoga County Common Pleas Court arrives Monday to open the trial of Dr. Samuel H. Sheppard.

WASHINGTON, Oct. 18 (INS).—President Eisenhower has rejected Monday a recommended increase in the duty on barley but ordered imports of the grain restricted to 27,500,000 bushels between Oct. 1 of this year and next Sept. 30.

The chief executive declined to accept a recommendation by the tariff commission which would have imposed and additional 80-per-bushel fee on imports in excess of 22,500,000 bushels.

Canada simultaneously indicated it will take voluntary action to limit exports of feed barley to this country to 3,500,000 bushels in the same period. Canada is a major source of the barley shipped into the U. S.

A total of about 38,000,000 bushels of barley were imported into this country during the last crop year. The present duty is approximately 7½¢ per bushel.

Associated Press Wirephoto. **DOCTOR GOES ON TRIAL**—This is Dr. Samuel H. Sheppard, right, as he entered the courtroom Monday to go on trial on a first degree murder charge. He is accused of beating his wife, Marilyn, to death July 4th.



Associated Press Wirephoto. **ATTORNEYS FOR PROSECUTION**—Heading up the prosecution in the first degree murder trial of Dr. Samuel Sheppard are Thomas J. Parrino, left, and Thomas J. Mahon, assistant prosecuting attorneys for Cuyahoga County.

Sheppard Trial Begins; First Juryman Picked

CLEVELAND, Oct. 18 (AP).—The first degree murder trial of Dr. Samuel Sheppard got under way Monday with the selection of the first jury. The trial judge refused a defense plea to delay the case.

The intense atmosphere that has surrounded the July 4 slaying of Sheppard's blond, pregnant wife was highlighted by the first two jury prospects called.

Both men admitted their minds were made up on the case—although they didn't say which way. Both were dismissed automatically.

But the third prospect, Howard L. Barrish, a dark, serious man of 28 and with an 11th grade education, withstood a grueling examination by the state and finally was accepted. Then the trial recessed overnight. Attorneys estimated it may take a week to select a jury.

Barrish is married, childless and a time keeper in Cleveland's Republic Steel Corporation; the defense questioned him minutely for more than an hour and a half.

Sheppard, a handsome, athletic osteopathic physician, is accused of bludgeoning his wife, Marilyn, to death after a romance with a pretty young medical technician, Susan Hayes. He has never backed tracked in his plea of innocent.

Trial Judge Edward Blythin denied a fervent defense plea for a postponement of the case "until all this furor dies down."

Defense Attorney William J. Corrigan took the setback with apparent good grace. "We'll acquit the fellow," he told a reporter. "He'll acquit himself."

Corrigan, a small, white haired

court veteran with a deceptive air of weariness about him, argued that widespread publicity has surrounded the case, prejudiced the Cleveland area and ruled out a fair and impartial trial.

Judge Blythin conceded that the 31-year-old Marilyn's ugly death in her own bedroom more than three months ago aroused tremendous public interest. But he added, with a reference to American guarantees of newspaper freedom:

"This court has never yet found any way in the world of shutting down publicity if newspapers and news media care to expound."

Aledo Gridster Collapses, Dies During Practice

ALEDO, Oct. 18 (Sp).—Thomas Hernandez Jr., 13, dropped dead while practicing football with the Aledo Junior High School squad here Monday.

The youth, a halfback, was taking his final warmup lap on the running track when he collapsed over.

The eighth grader is the son of Mr. and Mrs. Thomas Hernandez Sr.

He also is survived by four sisters, Aurora, Delores, Pasquala and Linda, and four brothers, Frank, Agnino, Tulvan and Benito Hernandez.

Funerary services will be held at 10 a. m. Wednesday in St. Stephen's Catholic Church in Weatherford with burial in East Greenwood Cemetery there.

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