

to unblemished prison record might have a black mark when the parole commission was again scheduled to re-examine his case in 1965.

So Dr. Sam will remain in the Columbus prison indefinitely, Koblenz asserted, and will never, while there, be permitted to see or communicate with Ariane.

What is this woman like?

I met Ariane the night before the Columbus hearing. She convinced me that she sincerely believed herself to be in love with Sam, although simultaneously she appalled me with her plans to use the romance as a publicity vehicle for hastening his freedom. Here is the story of her romance, as she told it to me.

She began writing to Sam nearly four years ago. He was allowed to receive but not to answer her letters. Appreciative of these gay missives from Europe, Sam had asked his brother Stephen to acknowledge their receipt and to inform Ariane that he hoped she would keep writing. The correspondence thrived, with Stephen, anxious to do anything to make life more cheerful for Sam, acting as a go-between.

Late in 1962 Ariane asked prison authorities whether she would be permitted to visit Dr. Sam. The first answer she received was no. Last Jan. 8, however, Lamoyne Green, superintendent of the Marion Correctional Institution, wrote her in Düsseldorf as follows:

"Dear Madam: We have reconsidered your request to visit the above named (Sam Sheppard) and at his request have placed you on his visiting list as a friend. As of this date, we are granting you permission to visit him when you make your trip to Marion, Ohio. The visit will have to be between the hours of 8 a.m. and 3 p.m."

Sam Meets His Admirer

Ariane arrived alone at the Marion prison on Jan. 24, five days before the commutation hearing, and that day she had her first, and so far only, meeting with Sam. He was summoned from his prison tasks to a reception room where he was allowed four-and-one-half hours with his dazzlingly attractive visitor.

Small wonder that a romance nurtured for four years by mail burst into full bloom in these hours, at least on the part of Sam, who had scarcely seen a woman in nine years. Nor can it surprise anyone that Sam, at parting, threw his arms around her. Yet this fleeting embrace is on Sam's record as a breach of prison rules.

The timing of her meeting with Sam in relation to the commutation hearing makes it plain that the state of Ohio must bear some of the responsibility for what happened. The unfortunately timed betrothal could not have taken place when it did without the state's cooperation. If the state had sought to bait a trap in which Dr. Sam might imperil his chance of early freedom, it could scarcely have done a better job.

When Ariane's Nazi connection was exposed, she appeared genuinely puzzled that this could



Dr. Sam Sheppard—still behind prison bars.

hurt Sam. After all, she said, she was never a Nazi, although as a child she had belonged to the Hitler Youth movement. Her half-sister, Magda, was 20 years her senior and had married Dr. Goebbels in 1930, the year that she was born. She never lived in the same house or city with Magda and barely knew her. Her parents, she said, were anti-Nazi, especially on the question of Nazi persecution of the Jews.

All true, conceivably. But by that time it made very little difference what Ariane said. When I last talked to her in April, she said she had hired a lawyer to figure out how she could marry Sam by proxy, and I know she has taken steps to assist financially in legal moves to free him.

Was Sam Really Guilty?

What does Sam think of all this? He is cut off from the world and can't say.

Those who believe Sam a murderer say his apparent susceptibility to Ariane's international courtship points up facets in his character consistent with the theory of his guilt. Those who believe him innocent think fate has once again stepped in to hurt him. So the basic question remains: is Sam Sheppard guilty of killing his wife? Let's look at the evidence.

Injuries, including a bruise to the spinal cord which caused loss of reflexes, were suffered by Sam on the murder night but were scoffed at by the state as trivial or self-inflicted. Disorder in the house was blamed by the state on a clumsy attempt by Sam to simulate burglary in support of his intruder story. The state sent scientific investigators into the house but seized the keys and locked the place against inspection by the defense. No weapon was ever found—Sam must have hidden it, the state said—and no motive was ever established.

The state gave the jury an excuse to guess at a motive, however, by proof that Sam had been an unfaithful husband in an affair with an attractive, unmarried hospital technician—an affair which had been carried on up to four months be-

fore the slaying of Mrs. Sheppard.

In final analysis, the state proved two things: that Sam was in the house at the time of the murder and that he had been a philanderer.

So flimsy was the murder evidence against Sam that the state waited 26 days to arrest him and acted then only after public pressure demanded that the "principal suspect"—Sam—be taken into custody. This pressure pictured Sam as a rich man trying to get away with murder by virtue of skilled lawyers and an influential family. Prejudice against Sam was so high at the trial—and I attended every session of it—that in my opinion a fair trial was impossible.

The jury needed five days to reach a verdict, an indication that compromise and guesswork played a part in the outcome.

The trial judge rejected as grounds for a new trial evidence which a noted criminologist hired by the defense found in the murder room as soon as the state surrendered the keys to Sam's house. This included an expert deduction that the slayer must have been left-handed (Sam is not) and that one spot of blood came neither from Sam nor his wife, hence must have been deposited by a third person—the murderer.

Two Judges Dissent

The Court of Appeals for the Eighth Ohio district and the Ohio Supreme Court later upheld the conviction, but two judges of the Ohio Supreme Court spoke out strongly for Sam in a minority opinion, branding the evidence as wholly circumstantial and insufficient to warrant conviction.

These judges said Sam had suffered prejudice at his trial by admission of hearsay evidence, by erroneous instructions to the jury on the weight of character evidence and the nature of circumstantial evidence, and by telephone calls which jurors were permitted to make to members of their families in violation of law while deliberating on a verdict.

What next for Dr. Sam? He is back where he was when his prison career began but worse off because avenues of legal redress then open to him have been sealed off one by one as various courts have ruled against his appeals.

But two legal moves aiming at Sam's vindication are still in the mill. One is an appeal to the United States Supreme Court to order Ohio prison authorities to permit Sam to undergo a lie-detector test, which Sam has demanded unsuccessfully. The other is an appeal to the Federal courts for a writ of *habeas corpus* on the theory he was denied due process of law at his trial. This *habeas corpus* proceeding was initiated in April and may require years of expensive litigation. Not many such actions are successful.

Thus Sam's chances at the moment are not bright, but not dead, either. Many people, including this writer, believe he does not and never did belong in prison.

Blondes, love, and publicity should not obscure this challenge to the public conscience.