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NEW YORK POST, MONDAY, DECEMBER 20, 1954

A Murder Trial Is a Ritual

By Max Lerner

For more than three days we have been sweating out the ordeal of a murder jury verdict. It isn't only Dr. Sam Sheppard and his cohesive clan and the battery of lawyers who have been waiting hour after hour for the "12 good men and true" to reach their finding. The rest of the nation has been sweating it out too.

Wherever they have met, people have asked, "Is the jury still out?" without having to say what jury—much as they might ask "What's the score?" or "What inning is it?" during a World Series.

Thus the murder trial has become one of the great rituals of American culture, much like the World Series, the Presidential campaign, the TV comedian, the Fourth of July, and Christmas. Which is to say that is a collective experience shared by every class and age group, with a symbolic meaning for the culture that goes beyond the particular murder episode or the fate of the particular defendant.

There is a certain kind of intellectual purist who is condescending toward these murder trials and who is pained at the coverage the newspapers are giving them. I don't pay much notice to him and to his curious notions of the human experience. Sure, your taste can get morbid until you finally read about nothing else and are left hungry despite the steady murder diet now available in the press. But the great murder trial is one that throws its spell far beyond these cult groups and gets everyone involved in its intricacies.

The Sheppard case has been such a trial. Its chief quality has been the bafflement it leaves on every mind that cares about evidence, motive, and personality.

During all the weeks of the trial I have heard any number of theories of what happened and why, but I have heard none which seemed better than a shaky guess. Some have been ingenious, including the theory that Sam Sheppard killed his wife without knowing he had done it, in a genuine blackout. When I have asked where then he got the story of the bushy-haired intruder with whom he grappled, the answer has been that the whole encounter with the intruder was part of the imaginings in the blackout.

However extreme, this theory has at least the merit of not leaning—as does the "unfaithful husband" theory—on the rickety motive of his killing her in order to marry a girl whom he could have without marriage. Nor does it leave all the unanswered questions of the defense theory about a burglar who came from nowhere, vanished into nowhere, and left no traces.

Had I been on the jury, I should have voted the Scottish verdict, "Not proven," which has a shade of meaning lacking in the closest American verdict, "Not guilty." But regardless of how the jury votes in the end, the nature of our involvement as an audience in the case sheds some light on our human nature.

A Murder Trial Is a Ritual
By Max Lerner

Sidewalks of New York
By Carl Gustav

The Lyons Den
By Leonard Lyons

Page Proof

Is the jury still out?
The jury in the Sheppard case has been sweating out the ordeal of a murder jury verdict. It isn't only Dr. Sam Sheppard and his cohesive clan and the battery of lawyers who have been waiting hour after hour for the "12 good men and true" to reach their finding. The rest of the nation has been sweating it out too.

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We follow these murder cases much as a circus audience follows the juggler or the trapeze performer—will he, won't he?

There is the fascination of watching a man's gamble against failure and disaster, even against death—especially against death. But the difference between the vigil we have gone through waiting for the jury verdict and the vigil at, let us say, a mine disaster is that in a murder case every person becomes a chooser. He casts his ballot, even though uncounted. He has all the luxury of sitting in judgment with none of its responsibilities.

In the process of waiting and passing judgment, we tend to identify ourselves either with the defendant or the D.A. Every ritual involves this act of identification. In the case of a murder trial you identify either with the hunter or the quarry.

I doubt whether most people in the Sheppard case identified with the hunter. To be sure, the impulse for vicarious revenge is very strong in all of us, and there must be millions of people who felt that a man immoral in his sexual conduct must also have been capable of killing his wife. But I think the real emotional sources from which identification comes go much deeper.

We live in an age of both guilt and anxiety. As the details of a family life are pitilessly revealed in the course of a murder trial, who is there of us who doesn't ask himself how his own life would look when subjected to the same merciless exposure? And who of us is there who can say that he has never felt a murderous impulse or been guilty of harboring murderous thoughts?

Thus whenever there is genuine bafflement in the evidence—except in barbaric cases below the threshold of human sufferance—our identification is with the quarry. I think this has been true in the Sheppard case. The psychiatrist may have some shrewd questions about a man who is depicted as having always contained his emotions, never expressed rage. He may wonder whether it is not exactly such a man who might, when he reached his breaking point, commit exactly this kind of crime.

But most of us are not psychiatrists. We share the human condition and are baffled with it and anxious about it. As we go through the vigil of waiting for the verdict we have a suspicion that the man waiting for the verdict alone in his cell might be any one of us.
[[line]]

Page Proof . . .

From "The Revolutionary War," as told by James Street (Dial, \$3).

We are the only people who have ever broke clean with the British Empire, the only people who ever pulled away and left not a string tied to London or a thread tied to the Queen's apron . . . Our Revolutions was our most glorious hour, one of mankind's most glorious minutes.
[[line]]

Sidewalks of New York

By CARL GASTON

QUESTION: Do you think there are any such things as flying saucers?
PLACE: City Hall, at meeting of the Early Birds, pilots who soloed before
Dec. 17, 1916.

[[image]]
CLARENCE A. de GIERS, aircraft instruments, Nassau Co.—No, I don't
think so. What most people have observed are reflections off dust swirls
caused by a setting sun. In all of my flying days, I have never noticed
anything even faintly resembling a flying saucer.

[[image]]
EDWARD J. BOLAND, aeronautics, Manhattan—Most people who have
reported seeing flying saucers were imagining them but there have been
some reports of objects in the sky which could not be shrugged off.
Flying saucers are a possibility and, I hope, an American possibility.

[[image]]
BLANCHE STUART SCOTT, Air Force Museum, Ohio—I am the first
woman pilot and my flying days go back to 1910. In all that time I have
never noticed what might be described as a flying saucer. Personally my
mind is quite open on the subject as I believe nothing is impossible.

[[image]]
V. KATCHINSKY, aircraft company, Connecticut—No. Most of the
reports on flying saucers have been disclosed as meteors or other
phenomena in the sky. If such a thing as a flying saucer were to
approach the earth at anywhere near the speed reported for these
objects, they would burn.

[[image]]
E.N. PICKERILL, retired, Nassau Co.—No, I don't believe there are
flying saucers. However, I do think that our government is experimenting
with some type of rocket aircraft which may be a closely guarded secret.
It is quite possible these have been mistaken for flying saucers.
[[line]]

The Cheerful Cherub
[[image]]
My life is a handful of days,
Too few for regret or for sorrow.
I scatter my hours like seeds—
Will they bloom for some stranger tomorrow?
R McCann
[[line]]

The Lyons Den [[image]]
By Leonard Lyons

A Hollywood actress, who wrote the President and asked why he had
shaken Sen. McCarthy's hand in the '52 campaign, received a frank
reply. The President wrote that "they" advised him he should do it and
that it was a necessary step . . . Gov. Harriman will appoint the N.Y.
Times financial editor as Superintendent of Banking . . . John Shaw
Billings has retired as editorial director of all Luce publications. His title
also will lapse from the masthead after the next issue . . . Frank Sinatra

had more fights this year than Marciano.

Dinah Shore, coming East for her Waldorf opening, chartered a full car on the Super Chief, so that she can rehearse her routines during the long trip . . . The Playwrights, with Elia Kazan directing, will produce Tennessee Williams' "Cat On the Tin Roof." Barbara Bel Geddes will star in it, and Joe Melziner is doing the sets . . . Ex.-Sen. Sherman Cooper has turned down the Ambassadorship to India . . . Gary Cooper hired his own story editor to find new film stories. Cooper instructed him: "Anything, to get me out of ten-gallon hat."

Moss Hart's new film assignment is to write the Eddie Duchin Story. Many friends of the late pianist-bandleader offered to tell Hart all the stories they know about Duchin. "Don't tell me," Hart replied. "I have the movie story all set in my mind, and I've come to believe it. I don't want to hear true stories about him; they'll only confuse me." One of the characters in a play which opened recently was inaudible on opening night. A practical joker had stolen his dentures just before curtain rise . . . Lucius Beebe, the ex-columnist who retired to Virginia City, just ordered a new private railroad car built for himself. It was Beebe who once showed up at El Morocco in frock coat, ascot and wing collar and said: "Oh, I just went to the closet and pulled out any old thing" . . . Eric Kirkland, who'll work on the Ted Strater TV show Dec. 23, is Gypsy Rose Lee's son.

John Golden, co-founder of ASCAP, advanced its first rent- \$25 a month's desk space, because he doubted it would last longer. This year ASCAP will distribute almost \$20 million . . . Raymond Massey, whose most memorable roles were as Lincoln, will play the father of Lincoln's assassin in the new movie, "Prince of Players" . . . Alfred Gwynne Vanderbilt has set a \$5,000 stud fee for Native Dancer . . . Edward Steichen expects to retire to delphinium breeding, after he finishes his photo show for the Modern Museum.

Henri Matisse was buried at the Chateau cemetery in Nice- the one used as the setting for the movie story, "The Barefoot Contessa" . . . In auditioning the cast of "Lunatics and Lovers" Sidney Kingsley showed them only the first act. The full script was shown only to those who signed contracts . . . Joseph Cotten is flying back here for the holidays. He just finished "Special Delivery" in a German film studio . . . Susan Shentall, the 18-year-old co-star of the prize-winning "Romeo and Juliet," plans to retire from movies. It's her first film.

The stars of "No Business Like Show Business" - Ethel Merman, Dan Dailey, Donald O'Connor, Johnnie Ray and Mitzi Gaynor - recorded an album of the Berlin songs. Marilyn Monroe didn't participate. Dolores Gray recorded the Monroe parts. Only in the album. That's because Miss Monroe is under exclusive contract to another company, RCA-Victor. She signed with RCA-Victor because she liked the roster of artists-liked a company that could advertise "Enrico Caruso and Marilyn Monroe."

The producer of a Broadway show says his risk was small, because his income from other businesses is high. "The fact is," he said, "the Sexy. of the Treasury should get billing as co-producer" . . . Gordon MacRae wasn't allowed to have his hair cut during the nine-month filming of "Oklahoma!" He said this Samson bit didn't make him stronger- only itchier . . . Gene Leone tells of the two bopsters who saw "Peter Pan."

when Mary Martin began to fly through the air, one bopster said: "Main, I thought there was No Smoking in this theater."

Geore Jessel is claiming kinship to Patricia Jessel, of the new hit, "Witness for the Prosecution." The British actress concedes only that "all Jessels probably are related" ... After watching Jackie Gleason's last-minute revisions of his TV show, Jessel said: "Jackie, you must time this show with a sun-dial" ... In describing the last movie he produced, George sighed: "The trouble was that my cameramen had more curves than my female star."

Louis de Rochemont's "Animal Farm," three years in the making, will have its world premiere at the Paris Theater Dec. 29 ... Robin Roberts, the pitcher and Stan Musial, the slugger, were sitting at opposite sides in Toots Shor's. "I always like to see Musial this way," said the pitcher, "at a distance of over 100 feet" ... Elaine Malbin sang at the Truman Memorial Library Dinner in Philadelphia last week. Only one Republican attended the dinner, and to him Miss Malbin dedicated the song she'll sing in "Kismet": "Stranger in Paradise".

Charles Cushing gave the party of the year Thursday night, in honor of the Duke and Duchess of Windsor. More than 200 guests, from Broadway, Hollywood and Park Av., attended. The Duchess wore a short-length gown. "I wear long gowns only at home," she said. "If you wear a long gown when you go out, it's awkward getting in and out of cars" ... The Duke plans no equal to his book, for a while. He feels "it would be stretching too much of a good thing."

A TV star has been warned by his doctor to stay on the wagon. His masseur reported to the doctor: "What'll I do about his alcohol rubs? Every time I give him one, he licks himself" ... The top names in town will spend New Year's Eve at the \$100-a-couple Celebrity Ball at the Waldorf's Starlight Roof. It's for the United Epilepsy Assn. ... The brothers of a high-salaried performer are on his payroll. "And they earn their keep," Oscar Levant said. "After all, it's on their lives that he always takes oaths."

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