

OUR CENTURY

1998

AT A GLANCE

Yankees stop Tribe in playoffs

After 40 years of wandering in the baseball desert, the Indians were in the postseason for the fourth time in four years. They won the Central Division with 98 victories. However, that was 16 fewer than the Eastern Division New York Yankees, who broke the record of the 1954 Indians by winning 114.

Manny Ramirez led the Tribe with 45 home runs and 145 runs batted in. Charlie Nagy and Dave Burba won 15 games, and the young fireballers, Bartolo Colon and Jaret Wright, won 14 and 12 respectively.

The Tribe was bombed in the opener by the Boston Red Sox. But they came back with a barrage of home runs and outstanding pitching to take three in a row. That put them in the League Championship Series against the Yankee machine, which had swept the Texas Rangers in three straight.

The Yankees scored five runs in the first inning to take the opener 7-2. In the second game, the Indians caught a break. The teams were tied 1-1 in the 12th when Jim Thome singled and Enrique Wilson ran for him.

Travis Fryman bunted down the first base line. The throw by Yankee first baseman Tino Martinez hit Fryman in the back. Second baseman Chuck Knoblauch, who was covering first, stood arguing with umpire Ted Hendry that Fryman was guilty of interference.

Wilson kept running. He stumbled rounding third base and staggered home just ahead of Knoblauch's belated throw. Kenny Lofton added a two-run single to give the Indians a 4-1 win. Back in Cleveland, Colon threw a four-hit complete game and Thome homered twice in a 4-1 win. Suddenly the Indians were ahead of the feared New Yorkers.

That would be as far as they got. The Yankees won 4-0 and 5-3 in Cleveland and 9-5 in New York. In the World Series they swept the San Diego Padres. The Indians were the only team to beat them in the postseason.

Ohio had two Republican senators for the first time in 25 years. Two-term Gov. George Voinovich defeated Mary Boyle, the former Cuyahoga County commissioner, for the seat given up by John Glenn. Republican Secretary of State Robert Taft won the governorship over Lee Fisher, former attorney general.

"I learned a lot about politics," veteran educator Richard Boyd said. "I don't think much of it works to the betterment of kids in this town." On Jan. 1 Boyd left the superintendent's job to which he had been appointed three years earlier by the state, which was now in charge of Cleveland schools.

James Penning was named interim superintendent until a new law putting Mayor Michael White in charge of the schools took effect. White vowed there would be no politicians on the board he appointed.

He gained control Sept. 9, after the law had cleared court challenges. On Nov. 16 his new board named as chief executive officer Barbara Byrd-Bennett, 48. She had been superintendent of the "Chancellor's District" in New York, meaning she was given responsibility for the city's poorest performing schools.

Meanwhile, U.S. District Judge George White ruled that court control of the district would end in July 2000. He said the district had complied with a 1978 desegregation order "to the extent practicable."

John D. Rockefeller had founded Standard Oil Co. in Cleveland in 1870. So it was more than an economic shock when British Petroleum PLC announced it had bought Amoco Corp. and would move the headquarters of BP America to Chicago.

That would vacate 350,000 square feet of the BP America tower on Public Square — not to mention costing the jobs of up to 1,350 BP employees and 300 outside contractors.

The 1997-98 Cavaliers had Shawn Kemp and a lot of rookies. It was a good combination, one that promised to get better with time.

Kemp, a perennial All-Star, came from the Seattle Supersonics in a trade that cost the Cavs point guard Tyrell Brandon. Four of the youngsters made the All-Rookie team.

Two were starters — Zydrunas Ilgauskas, a 7-3 Lithuanian who had missed the 1996-97 season with a broken foot, and Brevin Knight, who took over at point guard without missing a beat. Forward Cedrick Henderson and guard Derek Anderson made the team as reserves.

The combination was good for a 47-35 record. It wasn't good enough in the playoffs against the Indiana Pacers. They ousted the Cavs, three games to one, despite a heroic performance by Kemp, who averaged 26 points a game.

Robert Clark and his partner saw a man dealing drugs at Madison Ave. and West Blvd. They chased him into a nearby building and trapped him on a landing, where he turned and fired six shots.

Clark was killed. So was the suspect, Correy Major, by another officer. Clark left a wife and three small children. He was honored posthumously with a medal and with federal funding in his honor for a program to help Northeastern Ohio police fight drugs.

By Fred McGunagle

The words "Sam Sheppard" and "news media" were fated to be forever linked.

So when attorney Terry Gilbert invited the media to a press conference in March, his announcement was sure to make headlines. It was also sure to rekindle smoldering emotions.

"We now have, in 1998, conclusive evidence that Sam Sheppard did not kill his wife," he announced.

He presented results of DNA analysis of blood samples from the brutal 1954 murder of Marilyn Sheppard. They went beyond the tests he had reported in 1997.

Dr. Mohammed Tahir, a nationally recognized expert, examined five samples. They showed, Gilbert said, blood that was neither Sam's nor Marilyn's. That would mean that a third person was in the Sheppard's Bay Village home that early Fourth of July morning.

Further, Gilbert said, the third person appeared to be window washer Richard Eberling, who was now serving time for a murder he committed in 1984. He said the new analysis showed Eberling appeared to have raped his victim while her husband and 7-year-old son slept.

Gilbert demanded that Cuyahoga County Prosecutor Stephanie Tubbs Jones reopen the 44-year-old case. That could help a civil suit he had filed to collect damages for Sheppard's 10-year imprisonment.

Tubbs-Jones scoffed at Gilbert's new evidence. She accused him of using the news media to influence the courts. "Shame on you, Terry Gilbert," she said.

The media had figured in the sensational case from the beginning. It dominated headlines in the three Cleveland dailies for six months. In 1966, the U.S. Supreme overturned Sheppard's 1954 conviction, saying "massive, pervasive and prejudicial publicity" had deprived him of a fair trial.

In particular the justices cited front-page editorials in the Cleveland Press. One was headlined "Quit Stalling and Bring Him In!" They ordered Sheppard's release from the Ohio Penitentiary, where he had served 10 years of a life sentence.

It was also a media campaign by Sheppard's attorney, F. Lee Bailey, that kept the case alive during those 10 years. It even reached West Germany, where Ariane Tebbenjohanns read of Sheppard's plight, wrote to him and soon after married him. Among Bailey's public appearances was one on the Mike Douglas TV show in which he demonstrated a lie detector test on comedienne Dody Goodman.

At his 1966 retrial, Sheppard was acquitted on the first ballot. Jurors were influenced by scientific evidence developed by Dr. Paul Kirk, the defense forensic expert. At the first trial Sheppard's defense had no scientific expert to contest claims by prosecution experts.

This time, media coverage of the case was drastically toned down. Clevelanders, remembering the 1954 trial, remained unconvinced. Outside Cleveland, opinion was that the verdict corrected a rank injustice. Sheppard died in 1970. In 1989 a campaign to clear his name was begun by his son, Sam Reese Sheppard (known as "Chip" in 1954). He was aided by lawyer Gilbert, who volunteered his services. The two made TV appearances and gave magazine interviews to further their crusade.

In 1995 Sheppard and investigator Cynthia Cooper published "Mockery of Justice." The book made a circumstantial case against Eberling, a petty thief with a knack for being on the fringes of suspicious deaths.

The same year, Gilbert sued on behalf of Sheppard's estate to have Sheppard declared legally innocent, rather than merely not guilty beyond a reasonable doubt. That would allow the estate to seek millions of dollars for wrongful imprisonment.

The DNA evidence would be crucial, since Eberling's past conduct was presumably inadmissible. Sheppard backers around the world hailed it as proof of the doctor's innocence.

A problem, however, was that it had not been collected and preserved under modern procedures. They call for use of gloves, disposable instruments and sealing in paper enve-



CHRIS STEPHENS / PLAIN DEALER PHOTOGRAPHER

Samuel Reese Sheppard prays as his father's coffin is unearthed.

A book of 'Our Century'

Today marks the second-last week of the Our Century feature. Early next year we will be offering readers the opportunity to obtain a compendium of these pages. Look for more information in The Plain Dealer in mid-January.

lopes, not plastic, to prevent contamination.

The evidence had also degraded with age. Tahir was able to test only eight of 42 possible alleles, or genetic markers. On a PBS "Nova" broadcast in October 1999 two DNA experts described it as "worthless." They were Barry Scheck, one of O.J. Simpson's lawyers, and Dr. Keith Inman, a forensic scientist.

Still, Gilbert did not need to prove Eberling guilty. He merely needed to convince Judge Ronald Suster that Sheppard was more likely than not to be innocent.

Prosecutors objected that the wrongful imprisonment law does not allow an estate to sue, only the person who was imprisoned. They also said the case was too old to revive.

In January of 1998, their objections finally were heard by the Ohio Supreme Court, which was expected to rule in four to 10 weeks. A month later Suster filed to run for the Supreme Court seat of Justice Paul Pfeiffer.

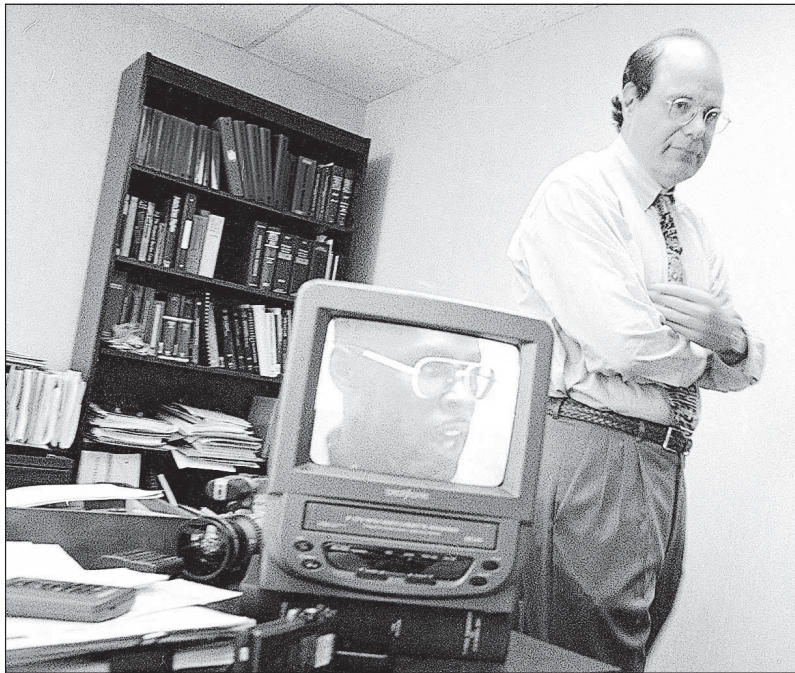
Months went by. Then in July, six months after the hearing and five months after Suster's filing, Pfeiffer announced he was withdrawing from the case.

In a column, Plain Dealer Editorial Page Director Brent Larkin wrote that the justices originally voted 4-3 to throw out Gilbert's suit, but one later changed his or her mind. That would leave Pfeiffer in the position of casting a deciding vote against his opponent in a high-profile, emotionally charged case. Larkin cited no sources, but there was no denial.

Chief Justice Thomas Moyer named Richard Knepper, an appeals judge, to take Pfeiffer's place. In December — 11 months after the hearing and one month after Pfeiffer defeated Suster — the court announced its decision.

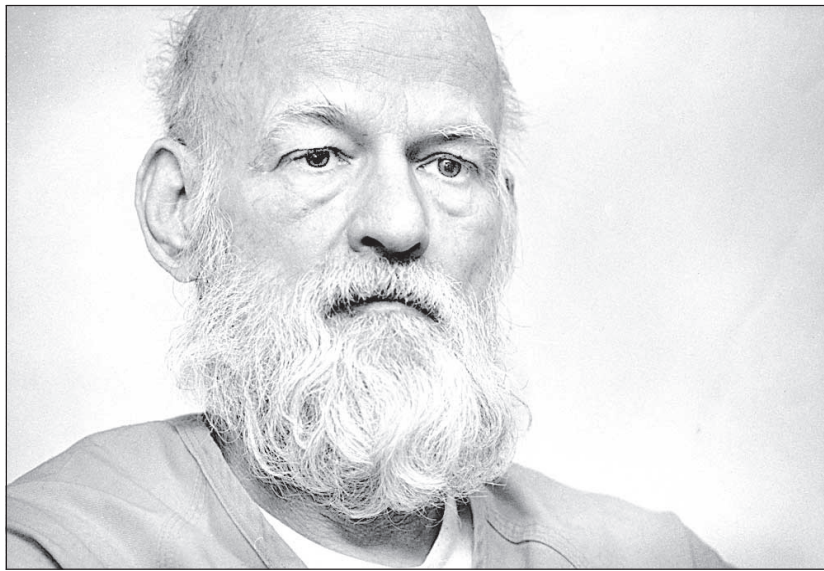
Four justices — Evelyn Stratton, Deborah Cook, Moyer and Knepper — ruled that the issues should be considered on appeal. In other words, they would rule whether there should have been a trial after it was over. That would be sometime in the 21st century.

In a scathing dissent, Justices Andy Douglas, Francis Sweeney and Alice Resnick implied the four had ducked a hot potato.



GUS CHAN/PLAIN DEALER PHOTOGRAPHER

Attorney Terry Gilbert listens to a videotape of Robert Lee Parks in which Parks said Richard Eberling confessed to murdering Sam Sheppard.



PLAIN DEALER FILE PHOTO

Richard Eberling.

"I believe the majority has based its decision on something other than law," Douglas wrote. "Unfortunately, and for whatever reasons, the majority has elected to sidestep the patent and unambiguous requirements of [the pertinent statutes]."

That left Gilbert and Sam Reese Sheppard in a difficult position. Whatever Suster's ruling, the case is likely to reach the Supreme Court again. They would face a court in which three, if not four, of the current justices believe the suit should be

thrown out. The other three have expressed no opinion.

McGunagle is a Cleveland freelance writer. This account is based in part on his 45-year history of the Sheppard case on the Internet at <http://www.crimelibrary.com>

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LOOKING AT A YEAR

Jan. 21 — First reports surface of the investigation of the Bill Clinton-Monica Lewinsky affair.

Feb. 3 — A U.S. military plane cuts the cable on a ski lift in Italy. Twenty die.

April 10 — Britain and Ireland reach an accord on Ulster.

Aug. 8 — Bombs at U.S. embassies in Kenya and Tanzania kill 224.

Sept. 9 — Independent Counsel Kenneth Starr presents his case for the impeachment of President Bill Clinton.

Oct. 29 — Ohio Sen. and astronaut

John Glenn returns to space at age 77.

Sept. 21 — Hurricane George batters the Caribbeans, killing more than 600.

Oct. 8 — The House votes to approve impeachment hearings against President Clinton, 258-176.

Deaths — Singer Gene Autry, Rep. Sonny Bono; actor Lloyd Bridges, sprinter Florence Griffith Joyner, Linda McCartney, Cambodian dictator Pol Pot, Martin Luther King assassin James Earl Ray, singing cowboy Roy Rogers, singer Frank Sinatra child-rearing expert Benjamin Spock.