

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SCR 920

INTRODUCER: Rules Committee and Senator Farmer

SUBJECT: Groveland Four

DATE: April 13, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Hrdlicka</u>	<u>CJ</u>	Favorable
2.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3.	<u>Sumner</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SCR 920 acknowledges that Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the men who came to be known as the “Groveland Four,” were the victims of gross injustices and that their abhorrent treatment by the criminal justice system is a shameful chapter in this state’s history. The Legislature extends a heartfelt apology to the families of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas for the enduring sorrow caused by the criminal justice system’s failure to protect their basic constitutional rights. Lastly, the Legislature urges the Governor and Cabinet to expedite review of the cases of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas as part of their constitutional authority to grant clemency, including granting full pardons.

Despite a lack of evidence or credible witnesses, the four men were charged with rape. Ernest Thomas escaped while under arrest, and law enforcement officers shot and killed him. Amidst an environment of inaccurately-obtained eyewitness identification, forced confessions, and indicting news reports, Mr. Greenlee, Mr. Irvin, and Mr. Shepherd were convicted of rape. Mr. Greenlee, just 16 years old at the time of the incident, received a sentence of life imprisonment. Juries sentenced Mr. Irvin and Mr. Shepherd to the death penalty.

The concurrent resolution requires a copy of the resolution to be provided to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the families of the Groveland Four.

II. Present Situation:

Concurrent Resolutions

A concurrent resolution is a resolution that is adopted by both houses and is limited to procedural legislative matters and ratification of federal constitutional amendments.¹ Florida Senate Rule 3.6 requires concurrent resolutions to contain a proper title, as defined in Article III, Section 6 of the State Constitution. Standard rules of capitalization apply. Concurrent resolutions are required to contain the resolving clause: “Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:”

Florida Senate Rule 4.13 requires that each concurrent resolution be read by title on two separate days before a voice vote on adoption, unless decided otherwise by a two-thirds vote of those Senators present.

Clemency

Except in cases of treason and in which impeachment results in conviction, the Governor may, by executive order filed with the Secretary of State, suspend collection of fines and forfeitures, grant reprieves not exceeding 60 days, and with the approval of two members of the Cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.²

III. Effect of Proposed Changes:

The Senate Concurrent Resolution provides in whereas clauses additional factual statements relating to the Groveland Four, following their trials and convictions:

On July 17, 1949, a 17-year-old white married woman Norma Padgett, and Willie Padgett, her estranged husband, reported to police that she had been abducted at approximately 2:30 a.m., driven about 25 minutes to a dead-end road, and raped by 4 black men after the car in which she and her estranged husband were riding broke down on a rural road outside Groveland in Lake County.

Charles Greenlee, who was sixteen years old in July 1949, was being detained 20 miles away by two retail store night-watchmen at about the same time as the attack was alleged to have occurred. The alleged rape victim’s husband stated on 2 separate occasions that Mr. Greenlee was not one of the young men present when the car broke down on July 16, 1949. Mr. Greenlee denied that he and Mr. Thomas ever met Mr. Shepherd, Mr. Irvin, the alleged victim, or her estranged husband.

Walter Irvin and Samuel Shepherd, both World War II veterans, acknowledged that they had stopped by the broken-down vehicle to see if they could assist the couple, but denied any involvement in the alleged rape.

¹ The Florida Senate, *Glossary, Bills: Resolution: Concurrent Resolution (SCR, HCR)*, available at <http://www.flsenate.gov/Reference/Glossary/#concurrent> (last visited April 12, 2017).

² Section 940.01, F.S.

After their arrest that evening, Mr. Greenlee, Mr. Irvin, and Mr. Shepherd were severely beaten in the basement of the county jail. Mr. Greenlee and Mr. Shepherd were coerced into confessing to the crime while Mr. Irvin steadfastly maintained his innocence despite repeated beatings.

Ernest Thomas, understanding the racial realities of the time and the danger he was in, escaped Lake County before law enforcement could locate him. When he was located by an armed, deputized posse, in the woods of Madison County, Florida, Mr. Thomas was shot as he slept beside a tree.

Mr. Greenlee, Mr. Irvin, and Mr. Shepherd, were tried and convicted of rape. Mr. Greenlee was sentenced to life imprisonment due to his young age, and Mr. Irvin and Mr. Shepherd were sentenced to death. The judge who presided at the men's trial denied their attorneys access to an exculpatory medical report of the alleged rape victim and barred testimony regarding the three men being repeatedly and brutally beaten by law enforcement officers. Thurgood Marshall, then-Executive Director of the NAACP Legal Defense and Educational Fund, appealed the convictions of Mr. Irvin and Mr. Shepherd to the United States Supreme Court, which unanimously overturned the judgments on April 9, 1951, and ordered a retrial.³

Seven months later, on November 6, 1951, as Mr. Irvin and Mr. Shepherd were being transported by Lake County Sheriff Willis McCall from Florida State Prison in Raiford to Tavares Road Prison for a pretrial hearing, the sheriff pulled over on a dirt road and shot both men, claiming the handcuffed men were trying to escape. Mr. Shepherd died at the scene as a result of his wounds.

During an interview with an investigator sent by then-Governor Fuller Warren, Mr. Irvin stated that, after he had been shot twice by the Sheriff, Deputy Sheriff James L. Yates shot him through the neck as he lay on the ground handcuffed to the deceased Mr. Shephard. The FBI later discovered a .38-caliber bullet directly beneath a blood spot marking where Mr. Irvin had laid, providing forensic corroboration of Mr. Irvin's statement that he was shot while lying on the ground. Walter Irvin, who pretended to be dead, survived despite a delay in treatment caused by the hospital's refusal to transport him in an ambulance due to his race.

Mr. Irvin was retried and convicted a second time for the alleged rape and was sentenced to death,⁴ despite the fact that a former FBI criminologist stated that he believed forensic evidence had been manufactured by law enforcement. Mr. Irvin's sentence was commuted to life in prison in 1955 by then-Governor LeRoy Collins after the prosecuting attorney, who was the prosecutor both times that Mr. Irvin was convicted, stated in a letter that not only was a life sentence more appropriate, but that Mr. Irvin maintained his innocence even after being shot when he believed himself to be dying. Mr. Irvin was found dead in his car while visiting Lake County for a funeral in 1969, 1 year after being paroled by then-Governor Claude Kirk.

Mr. Greenlee, who was paroled in 1960 at the age of 27, died in April 2012 at the age of 78.

³ *Shepherd v. Florida*, 341 U.S. 50 (1951).

⁴ See *Irvin v. Chapman*, 75 So. 2d 591 (Fla. 1954).

On March 15, 2016, the Lake County Commission approved Proclamation 2016-26 and presented it to the families of the Groveland Four. The proclamation reportedly apologizes to the families for the injustices against Mr. Irvin, Mr. Shepherd, Mr. Greenlee, and Mr. Thomas, and urges the Governor to exonerate the men.⁵

This resolution acknowledges that Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, the men who came to be known as the “Groveland Four,” were the victims of gross injustices and that their abhorrent treatment by the criminal justice system is a shameful chapter in this state’s history.

The Legislature extends a heartfelt apology to the families of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas for the enduring sorrow caused by the criminal justice system’s failure to protect their basic constitutional rights. Lastly, the Legislature urges the Governor and Cabinet to expedite review of the cases of Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas as part of their constitutional authority to grant clemency, including granting full pardons.

The resolution requires a copy of the resolution to be provided to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the families of the Groveland Four as a tangible token of the sentiments expressed therein.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵ Lake County Commission, *Minutes of a Regular Meeting of the Board of County Commissioners* (March 15, 2016), available at http://www.lakecountyclerk.org/forms/board_minutes/2016/03/2016-03-15_Regular_Meeting.htm (last visited April 12, 2017). Christal Hayes, *Groveland Four families thankful for Lake apology, still seek exoneration*, Orlando Sentinel (March 15, 2016), available at <http://www.orlandosentinel.com/news/lake/os-groveland-four-families-lake-county-20160315-story.html> (last visited April 12, 2017).

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 12, 2017:

The committee substitute:

- Deletes the request to deem the four men exonerated.
- Revises the facts in the whereas clauses in the title.

B. Amendments:

None.