

By the Committee on Rules; and Senators Farmer, Torres, Bracy, and Perry

595-03757-17

2017920c1

Senate Concurrent Resolution

A concurrent resolution acknowledging the grave injustices perpetrated against Charles Greenlee, Walter Irvin, Samuel Shepherd, and Ernest Thomas, who came to be known as "the Groveland Four"; offering a formal and heartfelt apology to these victims of racial hatred and to their families; and urging the Governor and Cabinet to perform an expedited clemency review of the cases of Charles Greenlee, Walter Irvin, Samuel Shephard, and Ernest Thomas, including granting full pardons.

WHEREAS, on July 16, 1949, a 17-year-old white woman and her estranged husband reported to police that she had been abducted at approximately 2:30 a.m., driven approximately 25 minutes to a dead-end road, and raped by four 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, and

WHEREAS, Charles Greenlee, Walter Irvin, and Samuel Shepherd were charged with rape, while Ernest Thomas was presumed guilty of the crime, and

WHEREAS, Charles Greenlee, who was 16 years old in July 1949, was being detained 20 miles away by two retail store night watchmen at approximately the same time at which the alleged attack occurred, and

WHEREAS, the estranged husband stated on two separate occasions that Charles Greenlee was not one of the young men present when his car broke down on July 16, 1949, and

WHEREAS, Charles Greenlee denied that he and Ernest Thomas

595-03757-17

2017920c1

30 ever met Samuel Shephard, Walter Irvin, the alleged victim, or
31 her estranged husband, and

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

36 WHEREAS, after their arrest that evening, Charles Greenlee,
37 Walter Irvin, and Samuel Shepherd were severely beaten in the
38 basement of the county jail; Charles Greenlee and Samuel
39 Shepherd were coerced into confessing to the crime; and Walter
40 Irvin steadfastly maintained his innocence despite repeated
41 beatings, and

42 WHEREAS, Ernest Thomas, understanding the racial realities
43 of the time and the danger he was in, escaped Lake County before
44 law enforcement could locate him, and

45 WHEREAS, after being hunted for more than 30 hours through
46 at least 25 miles of swampland in Madison County by an armed,
47 deputized posse of approximately 1,000 men with bloodhounds,
48 Ernest Thomas was killed in a hail of gunfire as he slept beside
49 a tree before he could answer questions or declare his
50 innocence, and

51 WHEREAS, the three surviving men, Charles Greenlee, Walter
52 Irvin, and Samuel Shepherd, were tried and convicted in the
53 case, with Charles Greenlee sentenced to life imprisonment due
54 to his young age and Walter Irvin and Samuel Shepherd sentenced
55 to death, and

56 WHEREAS, the judge who presided at the men's trial denied
57 the men's attorneys access to an exculpatory medical report of
58 the alleged rape victim and barred testimony regarding the three

595-03757-17

2017920c1

59 men being repeatedly and brutally beaten by law enforcement
60 officers, and

61 WHEREAS, Thurgood Marshall, then-Executive Director of the
62 NAACP Legal Defense and Educational Fund, appealed the
63 convictions of Walter Irvin and Samuel Shepherd to the United
64 States Supreme Court, which unanimously overturned the judgments
65 on April 9, 1951, and ordered a retrial, and

66 WHEREAS, 7 months later, on November 6, 1951, as Walter
67 Irvin and Samuel Shepherd were being transported from Florida
68 State Prison in Raiford to Tavares Road Prison for a pretrial
69 hearing, Lake County Sheriff Willis McCall shot both men on a
70 dirt road leading into Umatilla, claiming the handcuffed men
71 were trying to escape, and

72 WHEREAS, Samuel Shepherd died at the scene as a result of
73 his wounds, immeasurably compounding the suffering of his
74 hardworking, close-knit family whose home had been burned to the
75 ground by a mob in the days immediately following reports of the
76 alleged rape, and

77 WHEREAS, during an interview with an investigator sent by
78 then-Governor Fuller Warren, Walter Irvin stated that, after he
79 had been shot twice by Sheriff McCall, Deputy Sheriff James L.
80 Yates shot him through the neck as he lay on the ground
81 handcuffed to the deceased Samuel Shephard, and

82 WHEREAS, the Federal Bureau of Investigation discovered a
83 .38-caliber bullet directly beneath a blood spot marking where
84 Walter Irvin lay, providing forensic corroboration of Walter
85 Irvin's statement that he was shot while lying on the ground,
86 and

87 WHEREAS, Walter Irvin, who pretended to be dead, survived

595-03757-17

2017920c1

88 despite a delay in treatment caused by the hospital's refusal to
89 transport him in an ambulance due to his race, and

90 WHEREAS, Walter Irvin was retried and convicted a second
91 time for the alleged rape and was sentenced to death, despite
92 the fact that a former Federal Bureau of Investigation
93 criminologist stated that he believed forensic evidence had been
94 manufactured by law enforcement, and

95 WHEREAS, Walter Irvin's sentence was commuted to life in
96 prison in 1955 by then-Governor LeRoy Collins after the
97 prosecuting attorney, who twice convicted Walter Irvin, stated
98 in a letter that not only was a life sentence more appropriate,
99 but that Walter Irvin maintained his innocence even after being
100 shot when he believed himself to be dying, and

101 WHEREAS, Walter Irvin was found dead in his car while
102 visiting Lake County for a funeral in 1969, 1 year after being
103 paroled by then-Governor Claude R. Kirk, Jr., and

104 WHEREAS, Charles Greenlee, who was paroled in 1960 at the
105 age of 27, died in April 2012 at the age of 78, and

106 WHEREAS, the people of this state recognize that no action
107 on the part of the Legislature can make right the egregious
108 wrongs perpetrated against Charles Greenlee, Walter Irvin,
109 Samuel Shepherd, and Ernest Thomas and their families by the
110 criminal justice system, law enforcement agencies, and
111 individuals whose actions were fueled by racial hatred, and

112 WHEREAS, the families of Charles Greenlee, Walter Irvin,
113 Samuel Shepherd, and Ernest Thomas have demanded that steps be
114 taken to clear the men's names, NOW, THEREFORE,

115
116 Be It Resolved by the Senate of the State of Florida, the House

595-03757-17

2017920c1

117 of Representatives Concurring:

118

119 That we hereby acknowledge that Charles Greenlee, Walter
120 Irvin, Samuel Shepherd, and Ernest Thomas, who came to be known
121 as "the Groveland Four," were the victims of gross injustices
122 and that their abhorrent treatment by the criminal justice
123 system is a shameful chapter in this state's history.

124 BE IT FURTHER RESOLVED that we hereby extend a heartfelt
125 apology to the families of Charles Greenlee, Walter Irvin,
126 Samuel Shepherd, and Ernest Thomas for the enduring sorrow
127 caused by the criminal justice system's failure to protect their
128 basic constitutional rights.

129 BE IT FURTHER RESOLVED that the Legislature urges the
130 Governor and Cabinet to expedite review of the cases of Charles
131 Greenlee, Walter Irvin, Samuel Shephard, and Ernest Thomas as
132 part of the Governor's and Cabinet's constitutional authority to
133 grant clemency, including granting full pardons.

134 BE IT FURTHER RESOLVED that a copy of this resolution be
135 provided to the Governor, the Attorney General, the Chief
136 Financial Officer, the Commissioner of Agriculture, and the
137 families of the Groveland Four as a tangible token of the
138 sentiments expressed herein.