

ENROLLED

CS/HCR 631

2017 Legislature

## 1 House Concurrent Resolution

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

12  
13 WHEREAS, on July 16, 1949, a 17-year-old white woman and  
14 her estranged husband reported to police that she had been  
15 abducted at approximately 2:30 a.m., driven approximately 25  
16 minutes to a dead-end road, and raped by four black men after  
17 the car in which she and her estranged husband were riding broke  
18 down on a rural road outside Groveland in Lake County, and

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

22 WHEREAS, Charles Greenlee, who was 16 years old in July  
23 1949, was being detained 20 miles away by two retail store night  
24 watchmen at approximately the same time at which the alleged  
25 attack occurred, and

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

29 WHEREAS, Charles Greenlee denied that he and Ernest Thomas  
30 ever met Samuel Shepherd, 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

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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  
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, seven 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

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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 lie on the ground  
81 | handcuffed to the deceased Samuel Shepherd, and

82 |       WHEREAS, the Federal Bureau of Investigation discovered a  
83 | .38-caliber bullet directly beneath a blood spot marking where  
84 | Walter Irvin lie, 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  
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

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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 House of Representatives of the State of  
 117 Florida, the Senate 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,

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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 Shepherd, 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.