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Because I Could Stop for Death: Florida's Death Row Prisoners in the 1960s and 1970s

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Abstract

This article focuses on Florida's death row in the 1960s and 1970s when executions stopped, even though juries continued to return capital verdicts for murder and (until 1977) rape. It first challenges the conventional wisdom surrounding the moratorium years as there were no executions in Florida from mid-May 1964 until May 1979. It investigates the overlapping governor-initiated pauses, court-ordered postponements, and significant state and national court rulings in this period. This article then explores the experiences of male death row prisoners who were held in solitary confinement with limited human contact on a special wing in the Florida State Prison at Raiford, an often violent and unstable maximum-security state prison. Prior to the *Furman v. Georgia* (1972) U.S. Supreme Court decision, capital prisoners in Florida waited for up to twelve years for courts and politicians to make crucial death penalty decisions. Death row conditions declined as the number of penalized bodies increased threefold between 1963 and 1972. However, Florida's death row also became a crucial political, social, and cultural space in which some prisoners directly challenged the biopower of the state prison system, by submitting hand-written legal appeals, offering to participate in military service and medical-scientific research, and engaging in collective petitioning and hunger strike.

Keywords: death penalty 1960s; death row; Florida; death row syndrome; capital punishment 1970s; executions; capital prisoners



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1. Introduction

In November 1971, ACLU lawyer Tobias Simon filed a petition with the Florida Supreme Court for a writ of mandamus on behalf of seven death row prisoners to ensure that their clemency applications would be placed on the agenda of the state pardon board meeting in mid-December.¹ All were African American men who had been convicted of capital rape, their convictions and death sentences had been confirmed by the state supreme court, and they were seeking commutations to life imprisonment. Ellis Thomas Jr was the longest serving petitioner, from January 1963, while Albert Thompson and Alvin E. Anderson had arrived in April and May 1969, respectively. Simon complained of “disquieting statements” that the pardon board did not wish to hear these cases.² On each individual clemency application, “Death is not a proper punishment for the crime committed as a matter of law and also based upon the facts of the case,” and “the applicant is capable of rehabilitation,” were the reasons given for requesting consideration, but death row conditions were also at the fore.³ The petitioners were described as “literally decaying, both mentally and physically” and their rights to “participate in normal activities

accorded prisoners in the general prison population” were severely circumscribed.⁴ The state supreme court denied Simon’s petition.⁵

By December 1971, there were 82 men on “R” Wing at the Florida State Prison at Raiford, but the Division of Corrections (DOC) was responsible for 90 male prisoners under sentence of death. Six were being held in county jails and two were patients at the State Hospital for the Insane at Chattahoochee. The one woman sentenced to death in Florida during this period, a fugitive pursued by the FBI between March 1969 and December 1971, and subsequently housed at Lowell Correctional Institution, is discussed elsewhere (V. Miller 2004, pp. 406–7). Male prisoners on “R” Wing were confined to their cells for much of the institutional day. They were “permitted to use a 60 × 100-foot recreation yard for basketball and softball for four hours per day, five days a week,” but could not access the larger recreational yard or prison gym. They had restricted library, canteen, and visiting privileges: pre-selected library books and meals were delivered by prison trustees, and visiting hours were Saturdays 9 am–3 pm whereas other FSP prisoners could have visits on Saturdays and Sundays. Capital prisoners were also prohibited from taking on institutional work assignments. They could attend one movie per week (four for other prisoners) and bimonthly chapel services, but did not have “television privileges because the institution has no money with which it can purchase a television for every two inmates. All other prisoners may enjoy television in a recreation room which is available to each wing.”⁶ Simon asked that these “slowly rotting and decaying” men be quickly reclassified from death row to close custody prisoners, so they could have better visitation privileges and more out of cell time, and be considered for work details.⁷

In the third decade of the twenty-first century, stories of capital convicted prisoners spending many years in solitary confinement on U.S. death rows, waiting to die either by execution or from natural causes before the state gets around to executing them, are commonplace. But sixty years ago, this was still a rare phenomenon. The average time between conviction and execution in 1963 was two years, compared to two decades by 2023 (Florida Death Penalty Commission Report 1965, p. 8; Steiker and Steiker 2024; Gray 2019). The often-cited example of Caryl Chessman, who spent eleven years, ten months, and seven days in California’s death house before his execution in May 1960, was unusual (Hamm 2001; Bryant 2019). Given the ever-lengthening time between the original pronouncement of sentence of death against an individual and their execution during the post-1976 restoration decades, it is easy to overlook how challenging the earlier moratoria years were for death row prisoners, guards and prison administrators.

This article focuses on Florida’s death row in the 1960s and 1970s when executions stopped but juries continued to return capital verdicts for murder and (until 1977) rape. Most death penalty histories highlight the national ten-year moratorium period from 1967 to 1977, bookended by the executions of Luis Monge in Colorado and Gary Gilmore in Utah, but this singular timeframe does not fit most states. In Florida, executions stopped in mid-May 1964 and did not resume until May 1979. I argue that there was not one death penalty moratorium⁸ in this southern state, but a series of overlapping governor-initiated pauses, court-ordered postponements, and state and national court rulings that halted executions. I refer to this as the moratoria years. Capital prisoners spent up to twelve years waiting for courts and politicians to make crucial death penalty decisions and the penal system responsible for holding them was simply unprepared for any lengthy cessation of executions. Death row numbers rose, from 32 men in August 1963, to 89 men and 1 woman by December 1971, to 100 prisoners in June 1972. Inevitably, death row conditions declined, and Florida’s prison officials were forced to grapple with mounting welfare and disciplinary concerns. However, Florida’s increasingly overcrowded and fractious death row also became a crucial political, social, and cultural space in the 1960s and 1970s that

enabled some prisoners to directly challenge the biopower of the state prison system. In June 1972, all 100 death row prisoners were saved from execution by the U.S. Supreme Court's landmark *Furman v. Georgia* 408 U.S. 238 (1972). As one legal historian declared, "*Furman* swept away every death penalty statute in the country; and spared the lives of every man and woman on death row in one grand gesture" (Friedman 1993, p. 316). This article moves away from the grand gesture imagery and the language of legal triumph. It shows that behind the seemingly generous reprieve for so many individuals lies a darker history of neglect and poor treatment that offers important lessons for contemporary death rows.

2. Investigating Capital Punishment in Pre-Furman Florida

Florida offers a constructive case study of the moratoria years. For most of the twentieth century, it was an active execution state in which there were 196 state executions between 1924 and 1964, plus two federal executions; it remained resolutely retentionist throughout the years when executions did not take place; it had one of the largest U.S. death row populations by the early 1970s; and it was the first state to approve new capital statutes after *Furman*. Of the 196 men executed in Florida between January 1924 and May 1964, 152 (78 percent) had been convicted of first-degree murder, 43 had been convicted of rape, and there was one execution for kidnapping. Black men accounted for 68 percent of all executions, but 95 percent of those executed for rape (41 of 43 men) during this 40-year period (Florida Department of Corrections, Execution List 1924–1964). At least five women were sentenced to death for capital murder between 1924 and 1969, but none were executed (V. Miller 2004, 2023). Annual numbers of executions fluctuated, ranging from one to eleven, with an average of 4.4 executions per year in the 1930s, 6.5 per year in the 1940s, 4.9 per year in the 1950s, and 2.4 per year in the early 1960s (Florida Department of Corrections, Execution List 1924–1964). Florida sheriffs continued to perform executions until 1941 when a state executioner was appointed, even though executions had been centralized at the state prison from 1924 when electrocution became the dominant method. Increased bureaucratization and centralization of state capital punishment processes and appellate changes which lengthened the time between sentence and execution or alternative disposition of prisoners' cases meant that Florida's death row became markedly larger and prisoners stayed there for longer from the 1940s. There were fifteen death row residents by late 1958 and twenty-two by late 1960 (Miami Herald 1958; Orlando Sentinel 1960).

There is a substantial literature on historical and contemporary capital punishment in the United States generally, and on the death penalty in Florida (for example, Radelet 1981; Vandiver 1983, 1993; Banner 2002; V. Miller 2004; von Drehle 2006; Franklin 2010; Christianson 2010; Garland 2012; Kotch 2019). It highlights declining numbers of executions in the 1960s and includes a familiar narrative focused on the constitutional litigation strategies to abolish capital punishment that culminated in the *Furman v. Georgia* (1972) U.S. Supreme Court decision. However, surprisingly little attention has been paid to death row cultures or the experiences of the death row prisoners at the center of those legal campaigns (Perkinson 2010; Blue 2011; Campbell 2017; Vines 2022). There are a small number of invaluable ethnographic studies of death row prisoners from the late 1970s and investigations into the future dangerousness of *Furman*-commuted prisoners (Lewis 1979; Marquart and Sorensen 1988, 1989; Vito and Wilson 1988). Robert Johnson's interviews with 35 men on Alabama's death row in September 1978 illuminated myriad problems and crises, coping mechanisms, and the prisoners' severely circumscribed world (Johnson 2019).

This article builds on these earlier studies to explore the lived experiences of Florida's male death row prisoners from the early 1960s to the mid-1970s, and it excavates a rich capital punishment archive in the Florida State Library and Archives in Tallahassee to inves-

tigate death row prisoner experiences during the moratoria years. This archive includes governors' correspondence with corrections' officials and citizens, prison/corrections reports, prisoner letters and petitions to state officials and lawyers, state pardon board/executive clemency meeting minutes, and death penalty files for every capitally sentenced individual that often include trial transcripts or summaries of testimony. These were reviewed in person, while appellate court decisions and ACLU papers were accessed largely online, as were newspapers and periodicals. There was considerable media interest in both individual prisoners and the material conditions of collective confinement at Raiford (and other state death rows) from the mid-1960s, including a series of print articles in the *St. Petersburg Times* in 1965 and the *Miami News* in 1966. The tone of such reports could be sympathetic, patronizing or condemnatory, and they invited a range of reader emotions, such as compassion for prisoners who had been convicted of horrible crimes, and frustration toward state officials and court personnel, or vice versa. This article is a qualitative study using social history approaches: it focused on close reading of archival materials to understand the changing physical space of Florida's death row, the material conditions of capital confinement and the effects of overcrowding, and the voices and perceptions of death row residents during an exceptional period in the state's capital punishment history. While it privileges the prisoners' perspectives, as the project moves forward it aims to incorporate the voices and experiences of victims and death row personnel.

3. Rethinking the Timeline of the Death Penalty Moratorium

Executions in Florida stopped in mid-May 1964 but there had been growing political, public and gubernatorial unease over discriminatory death sentencing and disproportionate use of the death penalty for non-white defendants for some time. In 1959, Governor LeRoy Collins asked Florida legislators to take the state out of the "barbaric business of state killing," the same year that he signed ten death warrants (Fitzpatrick 1964). Collins' biographer suggests the governor was deeply troubled by the law enforcement and judicial (mis)treatment of four Black suspects, then three Black defendants—after the posse murder of one suspect—in the controversial 1949 interracial Groveland rape case. Collins was also horrified by the November 1951 deliberate shooting of two of these men, Black Army veterans Sam Shepherd and Walter Lee Irvin, by Lake County sheriff Willis McCall, as he transported them from Raiford to the courthouse in Tavares for a retrial hearing after the U.S. Supreme Court had reversed their original convictions (Dyckman 2006, pp. 101–4, 182–86). Shepherd was killed. Irvin was seriously wounded but subsequently reconvicted and resentenced to death. In December 1955, Irvin's sentence was controversially commuted to life imprisonment by the state pardon board, of which Collins was a member (Lawson et al. 1986; King 2012). By the late 1950s there was abundant evidence that death sentences for rape in Florida were reserved largely for Black defendants accused of raping white women, but few Florida politicians were willing to consider any changes to death penalty laws or practices (V. Miller 2017).

In June 1959, four young white men from Tallahassee were convicted of the kidnap and gang rape of a Black female FAMU student. This case roused national condemnation of racial discrimination across local and state criminal legal systems in Florida, and of local law enforcement and court practices (McGuire 2004, 2010; Lawson 2003). When the four defendants received life sentences, the NAACP demanded that Florida should never again execute a Black male for rape (Poston 1959). Death penalty abolition bills were tabled but rejected by legislators in 1959 and 1961. Nationally, important shifts in attitudes toward interracial rape accusations and over the treatment of Black defendants by police and courts were occurring (Freedman 2013). Nevertheless, the controversial Groveland and Tallahassee interracial rape cases ultimately did not generate sufficient support for either

abolition or new death penalty safeguards in the Florida Legislature, which was dominated by conservatives from northern and western counties prior to late 1960s reapportionment (Heinberg 1966, pp. 6–7).

There were 36 death row prisoners in December 1962 (sixteen white and two “colored” men), but 32 by April 1963 (eleven white and 21 “colored” men).⁹ All had been convicted and sentenced from 1960, therefore there were no hold-over cases from the 1950s. The row was already “full” in March 1961 when DOC director H. G. Cochran told Governor Farris Bryant that one prisoner was being held in the maximum-security building due to “extreme overcrowding.”¹⁰ Governors received monthly prison reports which detailed death row numbers and the racial breakdown. Inevitably, numbers fluctuated as prisoners received commutations or court-ordered new trials, or were executed. For example, (white) serial rapist Howard B. Piccott, sentenced to death in Hillsborough County in July 1958, received a commutation to life imprisonment in 1963, while Earl Leach and Joe Smith (both white) were executed in September 1962, for the killing of another prisoner at Raiford. When Emmett Clarke Blake (white) and Si Dawson (Black) were executed at Raiford on 12 May 1964, the pace of executions had slowed somewhat but it was not necessarily clear that these would be the last in Florida until May 1979.

Bryant signed death warrants for at least ten men during his term as governor (1961–1965) and bristled at criticism that death row numbers were rising because he had failed to undertake this duty properly. In May 1964, he told one constituent, who volunteered to dispatch all capitally sentenced “cheap common degenerates” himself, that most of the men on death row had appeals pending or were awaiting pardon board consideration, thus their executions could not proceed for legitimate legal reasons.¹¹ Following the double execution on 12 May, there were no other executions during Bryant’s remaining months in office. A fifteen-member Special Commission for the Study of Abolition of the Death Penalty, set up by the state legislature, met from January 1964, and held hearings in various Florida cities between May and August to consider whether long-term imprisonment or death were better deterrents to crime (Florida Death Penalty Commission Report 1965, p. 42). A proposal to abolish capital punishment was defeated 10–3. DOC officials had argued vigorously against abolition or modification and for retention, contending that capital punishment remained an important deterrent to prisoner violence.¹² Another proposal to change rape from a capital to a non-capital offense was also defeated 9–4 even though the Commission’s final report highlighted discriminatory capital sentencing in interracial rape cases (Florida Death Penalty Commission Report 1965, pp. 27, 38).

Commission members presented the 1965 Legislature with a thoughtful report which incorporated varying viewpoints, but also revealed clear gaps in institutional and official knowledge of the state’s execution history. For example, the report did not address sentencing inequities whereby three defendants charged with the same murder were tried separately and received three different sentencing outcomes, as highlighted by later letters from judges to the state pardon board,¹³ or stark geographic disparities between Florida counties with no capital convictions since 1924 and those with multiple death sentences, and exhibited a naïve faith in the ability of the state criminal legal system to identify and correct miscarriages of justice. While abolition was never a serious prospect in mid-1960s Florida, the Commission did recommend reforms: in order for a judge to impose a death sentence on someone convicted of a capital offense, a majority vote of the jury should be required, otherwise a sentence of life imprisonment should be imposed; and there should be a bifurcated trial process (which was adopted after *Furman*) rather than a unitary trial (Florida Death Penalty Commission Report 1965, p. 42; Ehrhardt et al. 1973, p. 11). Bills proposing these changes were introduced and rejected by state legislators in 1965 (Heinberg 1966, p. 7).

Bryant's successor, Haydon Burns (1965–1967), was a self-proclaimed white “moderate” who had been re-elected as mayor of Jacksonville for fourteen years on the back of a series of largely unfulfilled promises to the city's Black voters. Relations had soured because of the mayor's response to NAACP-Urban League sit-ins in August 1960 and white racial violence on city streets. Burns ran a gubernatorial campaign based on opposition to the 1964 Civil Rights Act and a strong law and order platform following a police crack-down on civil rights protestors and a subsequent race riot in Jacksonville in March 1964 (Bartley 2000). When Governor Burns took office, there were 31 men awaiting execution, six of whom had cases which were designated “legally sufficient for the signing of a Death Warrant,” and which he termed “one of the less appealing inheritances” from his predecessor (*St. Petersburg Times*, 1 March 1965; *Miami Herald*, 1 March 1965). Burns was on record as supporting capital punishment but within weeks of his inauguration he made a series of decisions which had profound consequences.

On 28 February 1965, the governor publicly expressed doubts over the validity of the death penalty for rape: “[Rape] is of course, a serious crime and adverse to all moral and social standards, but I have doubts within my own mind as to whether the perpetration of this act of law violation justifies the supreme penalty.” (*St. Petersburg Times*, 1 March 1965). At that point, twelve men on Florida's death row had been convicted and sentenced to death for rape (all with white female victims) including William Benjamin Craig. Burns announced that he would not sign death warrants for any men convicted of rape until the U.S. Supreme Court had considered Craig's appeal.¹⁴ Burns' comments alarmed white voters and many wrote to express their concerns.¹⁵ He was less ambivalent about capital murder convictions, but stated: “I will not sign a single death warrant until it has been researched by my own staff, and until they have found that all legal procedures have been exhausted and that the individual has had every conceivable consideration under the law. . . . When that criterion has been met, then I will sign the warrants just as I have to sign many other state documents” (*St. Petersburg Times*, 1 March 1965). However, Willie Porter's execution, scheduled for July 1965, was halted by a federal court, and there were no executions during Burns' two-year term (Drane 1965). Death row numbers continued to rise to 36 by June 1965.¹⁶ A year later, as Burns' unofficial moratorium remained in place, Florida's “death row” comprised four mini rows, each with seventeen cells, on two floors in Raiford's East Unit; by February 1971, death row cells occupied three floors to accommodate 75 men (Barry 1966; Kerr 1971).

4. Legal Challenges

Surviving documentation in individual death penalty files, as well as legal appeals and commutation requests, all confirm that local law firms across Florida were actively challenging the discriminatory and arbitrary application of the death penalty from the late 1940s, particularly in interracial rape cases, as well as the constitutionality of the death penalty itself (V. Miller 2017). However, by the mid-1960s focus was shifting to national campaigns and strategies crafted by an ACLU and NAACP-LDF “war council,” specifically an attempt to block all executions via the courts and force a moratorium to create “a death-row logjam.” ACLU and LDF lawyers would intervene directly in hundreds of cases in over thirty jurisdictions, submit numerous legal challenges and clog up the appellate courts. A “Last Aid Kit” of petitions for habeas corpus, applications for stays of execution, and legal briefs which articulated every significant constitutional argument against the death penalty was distributed to hundreds of lawyers across the nation (Wolfe 1969, p. 4; Meltsner 1973a, 1973b; Foerster 2012). By March 1967, ACLU-LDF lawyers—including Tobias Simon—were supporting over fifty men under sentence of death nationally. However, the ACLU-LDF

moratorium strategy did not *create* a death-row logjam in Florida; it merely intensified an existing one (Banner 2002, pp. 247–57).

When Claude R. Kirk, Florida's first Republican governor since Reconstruction, took office in early January 1967, his in-tray contained numerous complaints about prisoner mistreatment and poor conditions in the different state penal facilities and county jails, concerns over the gap between the rehabilitative ambitions of DOC director Louie Wainwright and custodial realities, and deteriorating conditions on an overcrowded death row.¹⁷ Kirk had campaigned on a strong law and order platform. He was on record as saying that he wanted to sign death warrants, and anticipated executions would quickly resume (Raum 1968). Consequently, within days of his inauguration, a list of death row prisoners was compiled for the governor's office, and was quickly forwarded to the Attorney General to determine which prisoners could be executed and which had "any legal impediments" preventing execution.¹⁸ The resulting five-page report detailed the legal status of 52 capital prisoners: there was "no legal reason why death warrant may not issue" for eighteen men; eight men had stays issued by federal courts; one was waiting for the state pardon board to review his case in March; two men were waiting for their record of conviction to be approved; fifteen had appeals pending in the Florida Supreme Court; one had an appeal pending in the U.S. Supreme Court; and the convictions of seven men had been reversed and they were remanded awaiting new trials.¹⁹

Among those deemed ready for their death warrants to be issued were Freddie Pitts and Wilbert Lee, two Black men convicted of the robbery–kidnap–murders of two white gas station attendants in Gulf County in July 1963, and who had been on death row since August that year. Both had confessed to the murders after lengthy police interrogations, threats and beatings, and on poor advice from a court-appointed attorney who had cooperated with those same police (Hubbart 2023; G. Miller 1975). There was clear and damning evidence of wrongful convictions by late 1966 as the local white man who had actually committed the murders confessed. Two investigative articles on the case were published in the *Miami Herald* on 5 and 6 February 1967, days before the Attorney General's office commenced execution-eligibility checks (G. Miller 1967a; 1967b, 1967c, 1967d).²⁰ Pitts and Lee spent twelve years at Raiford, nine on death row, before they could walk out as free men in September 1975.

In April 1967, U. S. District Judge William A. McRae of Jacksonville, Florida, stymied Kirk's capital punishment plans when he directed state officials to stop performing any more executions until he could reach a final ruling on a petition from death row men challenging Florida court procedures. In *Adderly v. Wainwright* (1967) attorneys Tobias Simon of Miami and Steadman Stahl of Hollywood noted that a defendant who pleaded not guilty at trial but was then found guilty by a jury had no opportunity to plead for mercy. They further highlighted Florida's lack of uniform death penalty sentencing standards (*Fort Lauderdale News*, 14 February 1971). Judge McRae postponed his ruling for nearly five years as he waited for the U.S. Supreme Court to address these and other issues. Meanwhile, courts across the country continued to issue death sentences. In 1970 alone, in Florida, ten men received death sentences for murder and another three for rape (Kerr 1971).

On 29 June 1972, the 5-4 *Furman v. Georgia* U.S. Supreme Court decision held that the death penalty was administered in an arbitrary, capricious and discriminatory manner and so constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments. As the decision was both retroactive and prospective, it nullified the death sentences of 631 prisoners in thirty-two states plus the District of Columbia (although there remains some uncertainty over the exact numbers), and all 100 capital prisoners in Florida were subsequently resentenced to life imprisonment (Lewis et al. 1979, p. 1).

It is well documented that Florida was the first state to restore capital punishment as legislators agreed a new set of guidelines, including aggravating and mitigating circumstances to be weighed in determining sentence, and automatic state supreme court review of all death sentences (Arkin 1980, pp. 75–76). Governor Reubin Askew (1971–1979) had already issued an Executive Order in February 1972, staying the execution of any death sentence in Florida until 1 July 1973, to provide time for pending litigation to be completed, and for legislators to examine the many moral and legal death penalty questions. A Governor’s Committee to Study Capital Punishment and special legislative sessions were convened later in 1972 (Ehrhardt et al. 1973, p. 11; Ehrhardt and Levinson 1973, pp. 10–12). It would of course be a further four years before the U.S. Supreme Court would uphold the constitutionality of reformed death penalty statutes on 2 July 1976, in *Gregg v. Georgia* 428 U.S. 153 (1976), after which Florida’s governor and attorney general signaled that they were ready to process death warrants. They anticipated it would take six months for the state to resume executions, and that thirteen to fourteen would take place during the following two years. However, this timeline would prove to be overly optimistic (Oelsner 1976; *Fort Lauderdale News*, 2 July 1976; *Miami Herald*, 4 July 1976; *New York Times*, 5 October 1976).

5. Impact of the Moratoria on Death Row Prisoners

Most of Florida’s death row men were held at Raiford, an unstable, fractious, and violent institution that was constantly overcrowded and understaffed, and a sprawling prison estate with various buildings in different stages of disrepair (von Drehle 2006, p. 42; V. M. L. Miller 2012; Schoenfeld 2018). In the early 1960s, DOC director Cochran told officials in the U.S. Department of Justice’s Civil Rights Division that Raiford was a “maximum-security” prison which housed “inmates of the type that the Federal Bureau of Prisons confines at Alcatraz and Atlanta.”²¹ Prisoners under death sentence were held on the top floor of a special wing in the recently constructed East Unit and under rigorous restrictions as they were: “a very special type of inmate, mainly because of the nature of their sentences. . . They are not committed to the Division for treatment and rehabilitation. Consequently, the atmosphere surrounding these inmates is one of maximum security” for reasons of security and safety.²² Capital prisoners who were returned to local jails for court appearances remarked on better food, better cells, and fewer restrictions. Convicted murderer, 28-year-old William Reddick, was temporarily confined in Pasco County jail in January 1965 while his petition to have his conviction and death sentence set aside was considered. Among the many luxuries he commented on was being permitted to shave using a regular safety razor (*St. Petersburg Times*, 23 January 1965).

The penalized bodies on Florida’s death row reacted in different ways to prolonged periods of solitary confinement with limited human contact: from depression and withdrawal, to endurance and resilience, to defiance and negotiation. Johnson identified “powerlessness, fear, and extreme loneliness giving rise to feelings of emotional emptiness or death” as the “broadly shared features of the death row experience” in late 1970s Alabama (Johnson 2019, p. 14). Dominant themes in news articles on Florida’s death row prisoners in the 1960s included seclusion, abandonment, and estrangement from the outside world. Many sought to retain family ties through letter writing and visits; some resorted to self-harm, or were violent towards guards and other prisoners. Several capital prisoners told journalists they felt they had been abandoned by their lawyers or were not even sure if they still had any legal representation. In response, some prisoners continued to draft individualized hand-written petitions and legal appeals, using law books in the prison library, sample petitions, and advice from other prisoners (Waldron 1965).

By the late 1960s, men on “R” Wing were “in a brutal sort of limbo.” Governor Kirk had promised voters that executions would resume, but no executions could proceed because

Judge McRae had postponed a crucial ruling on capital punishment while he waited for U.S. Supreme Court guidance, and capital prisoners could not be paroled or reclassified because they were under sentence of death (Raum 1968). They remained under constant surveillance and control, were deemed incapable of rehabilitation, and had fewer privileges than prisoners in Raiford's main custodial units. Yet, prisoner letters and petitions, together with DOC communications, also show that death row became a crucial political, social, and cultural space for some condemned prisoners. In this liminal space, they asserted their rights and expectations, through offers of participation in military service and medical-scientific research, and collective petitioning, all of which were framed by the larger Black Freedom Struggle and prisoners' rights movements, and their respective claims to human rights and dignity. Death row prisoners demanded that officials pay greater attention to the problems of overcrowding and inactivity, and proactively address their material and psychological wellbeing. In short, they challenged the biopower of the state prison system (Federman and Holmes 2005).

In May 1968, 32-year-old Black death row prisoner Jimmie Wilson sent lengthy neat hand-written letters to Governor John Bell William of Mississippi and President Lyndon B. Johnson stating that his 19-year-old brother had been drafted for army service and politely requested that he be allowed to take his brother's place. He told Governor Bell:

"I was brought up in the State of Mississippi, and I still have a Family there; my mother, and Four younger Brothers. . . . I really think a man Should Serve his Country in time of war wherever it may be, but my Brother that's nearly to go to the Army are nothing but a kid, and dont even know the facts of life itself, therefore I thought it worthy of Cause for me to write to you on this matter."²³

Between the Gulf of Tonkin Resolution in August 1964, the deployment of U.S. combat troops to Vietnam in March 1965, the Tet Offensive in early 1968, and Wilson's letter, the war had become a brutal and bloody stalemate. African Americans were acutely aware that Black men were being drafted in disproportionate numbers (14.3 percent of all draftees 1965–1970) and casualty rates were rising. Black communities across the nation were deeply divided over the war. While many deeply patriotic draft-eligible Black men went willingly into the armed forces, others agreed with major civil rights leaders and Black self-defense groups that the war was immoral and should end, and supported draft resistance (Westheider 2007, pp. 20–37; Huebner 2008, pp. 171–206).

Wilson's arguments were pragmatic rather than ideological. He detailed the economic struggles of his widowed mother who was desperately trying to keep his brothers in school "so they can Learn Something worth while, and don't just grow up and be Rioters as so many of the young people are now doing foolishly."²⁴ In the wake of the Moynihan report, it would have been easy to see a Black female-headed family beset by pathological familial disorganization and declining values, rather than Wilson's articulation of a conservative Black masculine and patriarchal responsibility centered on preventing further familial destabilization, avoiding welfare dependency, and acknowledging respect for law and order. As his teenage brother was the only breadwinner,

"Thus I feels morally obligated as well as obliged to submitt myself For duty in Vietnam or any other part of the war in the place of my Brother (Ernest M. Wilson) because what would in profit to send him off to war. . . . Furthermore, I don't think it will make sense to hold a man on death Row just to execute him, when he Could Serve his Country, as well as help his younger Brothers thats too young to help and take Care of theirselves and make it thru School."²⁵

Aware that he might pose a flight risk, Wilson assured President Johnson, "I will plege myself to fight a double term or to the end of the Vietnam Conflict," and commit to returning

to death row “if you think I will go A.W.O.L.”²⁶ Needless to say, Jimmie Wilson remained at Raiford. Even if his request had been considered seriously, his ability to pass essential military fitness tests would surely have been compromised by death row years of “virtual isolation and comparative inactivity and boredom.”²⁷

That same month, Tobias Simon submitted a formal complaint about death row conditions for 54 men to the Commissioner of Agriculture and Governor. It was refuted by DOC director Wainwright, but did prompt an official investigation, of one-day duration in mid-June, by a staff member working in the Secretary of State’s office.²⁸ Based on his observations of prisoners and cells, conversations with “most of the death commitment inmates” over their treatment, private interviews with three of those prisoners, and sampling the noon meal, the investigator confirmed Wainwright’s assessment and dismissed Simon’s complaints. He described well-treated prisoners surrounded by sincere and professional correctional officers, living in a well-maintained, clean and well-provisioned housing unit, and with no signs of humiliating treatment. Prisoners received monotonous but adequate food and had access to an enclosed courtyard where they could play shuffleboard and softball catch. The report continued:

“Each cell is equipped with piped-in radio with earphones and the inmates are allowed to participate in their hobbies, i.e., reading, studying and educational materials, as long as those activities are activities that would not require material or objects that could be used in a manner which would be hazardous to the inmate, his fellow inmates or the correctional staff.”

While some prisoners painted or crafted objects, boredom was undoubtedly the main driver rather than unaffected enjoyment from a freely chosen leisure activity. An earlier news report described two African American death row men at Raiford playing cards, lying on their stomachs on the concrete floor, with their arms through the bars, and with the cards placed on a tea towel. Others played chess, did puzzles, listened to radios, or practiced push-ups in their cells. Some simply slept and smoked (Barry 1966).

Shortcomings in medical and dental care for death row prisoners were noted in the 1968 report, but it was acknowledged that these were linked to wider institutional problems. The predicament of 26-year-old Charles Cirack was highlighted: he had to wear a trachea tube (because of an automobile accident prior to his capital conviction) and required dental treatment, but had been given much-needed prescription glasses since arriving on “R” Wing in March 1966.²⁹ The report made three recommendations: expand prisoner access to the courtyard; add juices and fresh fruit to death row meals; and encourage better communications between prisoners and correctional officers, because “[t]he matter of being locked up, not to mention the death commitment presents many emotional problems for these inmates. The opportunity to voice their problems and requests to a designated correctional staff member should improve the inmate’s morale.”³⁰

There were clear differences between a report based on a brief snapshot of death row conditions and the lived experiences of men under constant scrutiny and observation who were acutely aware of their physical and mental decline, and powerless to halt that decline. However, some improvements did occur in the late 1960s. For example, John A. Adderly, 41-year-old father of eight children and grandfather of five, and death row resident since July 1961, approved of the relaxation of visitation rules. Previously, “[t]hey’d only let five members of my family visit me then. . . Now they let everybody in and we have a nice visit. They all drive up from Fort Lauderdale once a month. It takes two cars” (Fort Lauderdale News, February 14, 1971). Simon’s petition for writ of mandamus in November 1971 stressed that significant improvements were still needed, but a DOC report the following month stated there was no conclusive evidence that death row “deprivations” contributed to either physical or mental illness.³¹ DOC officials were on the defensive

following media, public, and legislative criticisms amid inmate mistreatment scandals at Florida's major state prisons and correctional institutions, and recurring complaints about the quality of personnel. There was also a separate ongoing investigation into the causes of the February 1971 prison "riot" at Raiford (Dyckman 2011, pp. 75–76). See Figure 1. However, meaningful changes were coming.



Figure 1. Governor Askew inspecting Florida's "death row," January 1971. A handful of death row prisoners are visible standing behind the bars of their cells. Florida Memory Project Image No. PT00554.³²

DOC director Wainwright approved an integration program whereby each month, from January 1972, one–two prisoners would be reclassified and transferred from death row to the main prison population. All death row prisoners were to be interviewed to ascertain who could be transferred safely and who remained high risk. Assessments were to be based on prior good behavior as well as future disciplinary considerations. Yet, they also clearly involved a subjective administrative calculation as to which prisoners were most likely to be executed. By December 1971, Askew anticipated that "the imposition of the death penalty under certain circumstances may be upheld," and had ordered execution-eligibility checks for the men on death row.³³ "Under certain circumstances" seemed to refer to first-degree murder convictions only as Florida state officials believed there would be no further U.S. executions for rape after *Ralph v. Warden* 438 F.2d 786 (4th Cir. 1970). Consequently, an internal memo directed that all death row men convicted of rape should be integrated into the main prison population immediately.³⁴ One of the early reclassified men was Charles Cirack (convicted of murder rather than rape) who recalled: "I was jittery outside R Wing, for about two weeks. It was like I was in a foreign place. . . I had been cooped up on R Wing, and more or less humiliated all the time I was there. It felt strange to be entrusted with all these privileges, after everything had been taken away on R Wing. . ." (Marsh 1972).

Many DOC officials vocally supported the continued segregation of condemned prisoners who they viewed as "greater security risks" and "frequently troublemakers," and remained suspicious of any pragmatic welfare interventions.³⁵ However, FSP Assistant Superintendent James Tompkins acknowledged that "many of the people on death row were at breaking point; so we had to do something" (Quoted in Marsh 1972). One of those

at breaking point was Jerry Chatman who had been under death sentence since July 1960, and growing administrative anxieties over death row welfare were undoubtedly linked to his suicide attempt. In late November 1971, Simon told Governor Askew that Chatman had slashed his throat and left arm on the morning that he was scheduled to appear at a habeas corpus hearing in the U.S. District Court in Jacksonville and that the wounds were so serious that Chatman was unable to attend.³⁶ Historically, death row suicides were not uncommon. Of Alabama's death row in the 1930s and 1940s, Scottsboro "Boy" Clarence Norris recalled, "Lots of the men in the death house went nuts, some worried until they wasted away and died in the hospital. Some killed themselves." (Norris and Washington 1979, p. 51). However, in the twenty-first century it is recognized that extended death row confinement with limited human contact can lead to high rates of suicide.

Self-harm, depression, shouting, aggression, and various psychological and psychiatric conditions were hardly uncommon among capital prison populations in the 1970s, as in the twenty-first century, but the ever-lengthening time on Florida's pre-*Furman* death row led to acute challenges for prisoners and prison staff. Contemporary twenty-first century studies also find that defendants on death rows have higher rates of mental illness and mental disorders than general prison and non-incarcerated populations, and that a prisoner's mental health declines as their time on death row lengthens (Johnson and Lantsman 2021; Hunt 2023). Tobias Simon directly attributed Jerry Chatman's self-harm to the mental toll of eleven uncertain years on death row without any resolution in sight, and chastised the governor for state failures to address deficiencies in prisoner welfare years earlier. He was also describing specific negative psychological responses directly attributed in the twenty-first century to the "dehumanizing" and "psychologically torturous aspects" of prolonged death row exposure and now identified as a distinct condition: "death row syndrome" (Federman and Holmes 2005, p. 339; Smith 2008; Tongue 2015; Tartaro and Lester 2016). Amy Smith theorizes that "death row phenomenon" has three components: temporal, based on the length of time between sentencing and execution; physical, based on material death row conditions; and experiential, based on the meaning of living under sentence of death. The combined psychological response to all three components likely gives rise to "death row syndrome" (Smith 2008, p. 240, 247).

6. Florida's Death Row After Furman

When news of the *Furman v. Georgia* decision filtered through to condemned prisoners in late June 1972, there was widespread celebration on death rows across the country (*New York Times*, June 30, 1972; Dyckman 2011, pp. 145–49). Jubilation reportedly broke out at Raiford as capital prisoners returned to their cells after watching the movie "Dirty Harry." In reality, individual prisoner reactions ranged from disdain to delight. Some feared the state would still find a way to execute them or they would automatically be resentenced to life imprisonment without parole (Waldron 1972; Marsh 1972). Ultimately, all 100 Florida death-sentenced prisoners were resentenced to life imprisonment (with parole) following state supreme court rulings in September, and 99 men were quickly transferred to other cellblocks.³⁷ The lone Black woman whose death sentence was commuted remained at Lowell Correctional Institution (V. Miller 2004, pp. 406–7). Despite warnings of imminent rebelliousness and future dangerousness from prisoner administrators and mental health professionals, the majority of *Furman*-commuted prisoners posed little threat to other prisoners or staff, although one was later convicted of the capital murder of another prisoner and returned to death row (Marquart and Sorensen 1988; Vito and Wilson 1988). Marquart and Sorensen concluded that generally "the dual effects of long prison terms (incapacitation) and aging on these offenders" meant that they were already fully institutionalized and had learned how to "do time" (Marquart and Sorensen 1989, p. 26). Many *Furman*-commuted

prisoners were never released, including Dennis Whitney who died in April 2005, after forty-four years in Florida's prison system (*The Observer News* 2007).

As noted earlier, Florida legislators had approved new capital statutes by December 1972. A new death row cohort soon took up residence in the small green cells on "R" Wing, and as illustrated in Figure 2, numbers quickly reached pre-*Furman* levels. In the years between the *Furman* and *Gregg* decisions, there were several protests by death row prisoners, including a fifteen-day hunger strike in October 1975 to protest food quality and portion sizes, punitive recreational privileges, and limited visitation rights. Death row rules had been reset to the most restrictive and the post-1968 relaxations had largely disappeared. In a subsequent petition to Governor Askew, prisoners objected to being housed alongside prisoners in punitive segregation in the East Unit. They also complained about the "open-door policy for reporters," which they regarded as an invasion of their privacy, and a source of "increased tension in the area," particularly when individuals "who felt they had been misquoted, or who were quoted saying things unacceptable to their peers, had problems."³⁸ Officials characterized the strike as a failure, as 46 of 60 death row inmates took part but numbers quickly dropped, and they dismissed reports that 100 prisoners in the general population had also gone on hunger strike in support of death row protestors (*St. Petersburg Times*, October 26, 1975; *Pensacola News Journal*, October 29, 1975; *Fort Myers News-Press*, November 12, 1975). No concessions followed, indicating that the balance of biopower between death row prisoners and keepers was different to the late pre-*Furman* period.

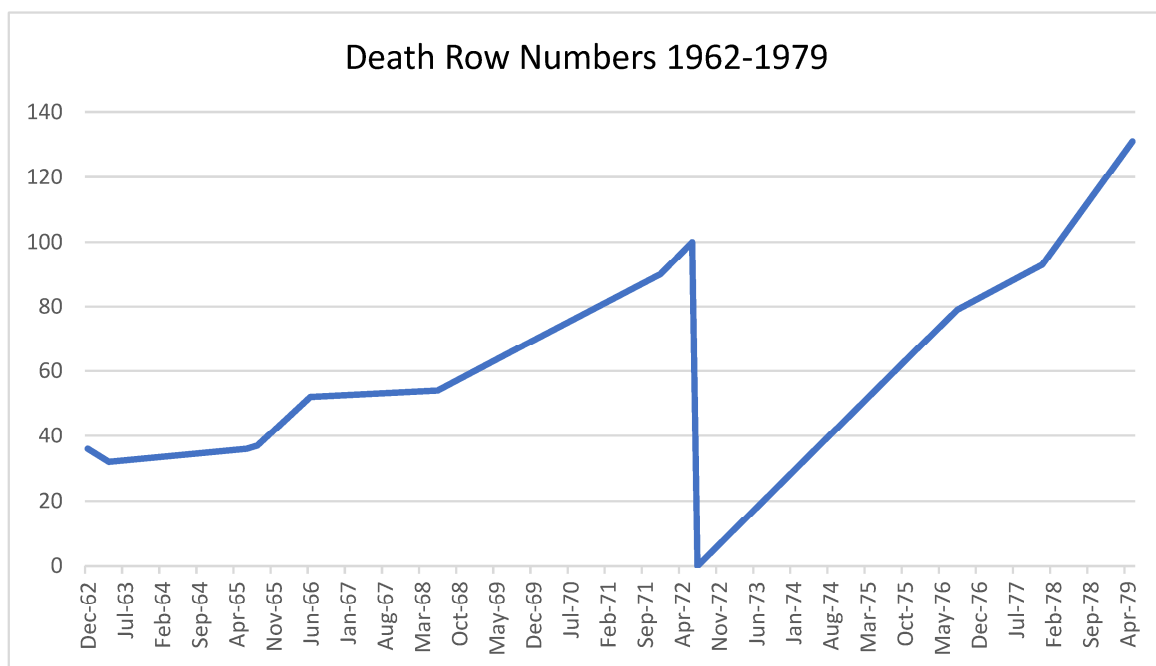


Figure 2. Florida's Death Row Population 1962–1979.

Media access was also a bugbear during the 1960s as death row residents remained intensely suspicious of strangers and complained of being gawked at as if they were animals on display (Barry 1966). Ironically, earlier journalist visits and newspaper reports had provided important witness accounts of the "double" punishment of prisoners experiencing unprecedented delays between sentence and execution and the increasingly cruel and unusual realities of extended solitary confinement on death row (Steiker and Steiker 2024). The civil rights and prisoner rights movements, the rights revolution backlash, urban protest and prison riots undoubtedly made African American prisoners less tolerant of

discriminatory practices, but as Florida's post-*Furman* death row was predominately white, the 1975 hunger strike and petition suggest that prisoners from different racial groups well understood the power of collective prisoner protest and could occasionally organize.³⁹

The 72 men on "R" Wing responded to the U.S. Supreme Court's *Gregg* decision, to approve revised state death penalty statutes and effectively restart executions, with a mixture of anger, fear and resignation in summer 1976 ("On Death Row: All I Have Left Now Is Prayer" 1976). A flurry of legal appeals followed, but individual prisoners also initiated negotiations with prison officials and with state legal officers. Charles Proffitt had been convicted of murder in March 1974 (von Drehle 2006, pp. 165–67), and *Proffitt v. Florida* (1976) was of course one of the five cases grouped together in *Gregg v. Georgia* which upheld the constitutionality of Florida's new death penalty statute.⁴⁰ In November—in what can be interpreted as a cynical ploy to postpone any execution date or a bold assertion of corporeal control—he wrote to Florida's Department of Offender Rehabilitation. Officials interpreted Proffitt's request as his wish to donate his body to science *after* his execution. However, Proffitt's public defender provided much-needed clarity when he wrote:

"I regret to say that you have misconstrued the language in Mr. Proffitt's Will. It is not his purpose to donate his body to science after death. However, it is his desire, prior to execution, to submit himself to various medical studies and research. Such study and research after his brain has been burned or distorted by a powerful electric current would not be practical, I believe."⁴¹

Indeed, Section 2 of Proffitt's last will and testament clearly states:

"I have not believed myself completely normal in my mind. Alcohol, severe headaches and blackouts have bothered me. I did, for example, have episodes of blackout during the period July 9–10, 1973, during the approximate time Joel Medgebow met his death, and if I am permitted to go before a Board of Clemency... *I will also agree to make myself available for a later full and complete psychiatric examination*, to be conducted as designated psychiatrists may desire. Even though... I have no recollection of stabbing Joel Medgebow to death, I recognize that my chances of escaping electrocution are poor. I am truly regretful Mr. Medgebow died; and also, *I desire to make a contribution to medical science to help determine from a study of my being now [so] mental abnormalities, if they exist, can be detected and successfully treated before tragedy strikes.*"⁴²

There was extensive correspondence as to whether the state had a legal obligation to accede to Proffitt's request, if there was any legal prohibition against it (according to the state Attorney General there was neither), and whether it was possible for a prisoner to donate his live body—as an "anatomical gift"—to any organization prior to death. It is not clear from surviving DOC correspondence how this issue was resolved, but Proffitt was not executed in 1976, and remained in prison under sentence of life imprisonment until his death from natural causes in February 2012.⁴³

7. Conclusions

This article presents a case study of Florida's death row in the 1960s and 1970s, during an exceptional period in U.S. death penalty history, and of a unique group of prisoners waiting to die for many more years than anticipated because they were caught between state and national moratoria. After May 1964, Florida's capital prisoners were in effect "warehoused for death" (Johnson 2019, p. 4) as "R" Wing was a custodial storage facility for an inconvenient penalized population whose existence perplexed state officials and prison administrators. The death penalty views of Democratic governors, particularly those characterized as southern progressives and modernists, LeRoy Collins and Reubin

Askew, were clearly evolving in these years. However, no Florida governor articulated a clear strategy or plan for the inevitable rise in death row prisoners while executions were suspended. Therefore, gubernatorial and prison administrator responses were largely reactive. In addition, declarations from successive Florida governors that they would not sign death warrants could have deleterious impacts on death row residents even when they were couched in the language of legal fairness and humanitarianism. There was little easing of death row rules until 1968 and the program to reclassify death row prisoners and integrate them with the main prison population at Raiford did not commence until January 1972, just months ahead of the *Furman* decision, and nearly five years after Judge McRae had halted all executions.

The physical space that was Florida's death row continued to expand as new tiers of cells were added to accommodate the steadily rising number of death row residents after May 1964. In their severely circumscribed and regulated world, prisoners filled their days by sleeping, smoking, playing cards or chess, listening to radios, working out in their cells, painting, drafting legal appeals, reading and more. Boredom was the defining feature of days of solitary confinement where contact with cell neighbors, prison trustees and guards was very limited. Throughout the 1960s, it was clear that death row regulations were increasingly physically oppressive and mentally hazardous for many men living under sentence of death as their incarceration stretched from months to years, as highlighted by Jerry Chatman's desperate attempt to self-harm in November 1971. The ACLU lawyer who battled to prove the innocence of Freddie Pitts and Wilbert Lee reported that neither ever fully recovered from their nine years on death row and continued to experience PTSD symptoms after their release (Hubbart 2023, pp. 344–45). Lee declared, "If you've ever been to Death Row, then you've been to Hell" (Quoted in Hubbart 2023, p. 336). The 1975 death row hunger strike, no matter how short, illustrated that a different capital cohort were also frustrated with institutional rules and regulations during a different phase of death penalty uncertainty. However, Jimmie Wilson's offer of military service in Vietnam and Charles Proffitt's interest in medical science suggest that Florida's death row also became a crucial political, social, and cultural space in which some prisoners directly challenged the biopower of the state prison system.

A new death row cohort soon took up residence in the small green cells on "R" Wing which were vacated by the *Furman*-commuted prisoners. By December 1977, there were 93 persons under sentence of death in Florida: 54 white men, 38 Black men and one woman (at Lowell Correctional Institution), whose cases were in various stages of appellate or clemency review.⁴⁴ Peter Lewis's ethnographic study of "R" Wing in 1977 described cramped and restricted conditions that were similar to those described in Simon's 1971 petition. The most obvious difference was the number of televisions in death row cells, which officials characterized as "electronic tranquilizers." Lewis also found a striking sense of optimism as 92 percent of the prisoners interviewed did not believe they would ever be executed and expected the appellate courts to intervene on their behalf as by this point there had been no executions since May 1964 (Lewis 1979). David von Drehle described similar death row conditions and attitudes in the late 1970s and early 1980s (von Drehle 2006, pp. 121–30). Prisoner optimism would soon be dashed. After several stays and much political maneuvering, John Spenkelink died in the electric chair in the East Unit in May 1979 (von Drehle 2006, pp. 3–116). Tensions were high both inside and outside Raiford. The prison was surrounded by protestors, armed police and National Guardsmen. Inside the main prison, on one night leading up to the execution, prisoners banged on their bars of their cells, chanted "Save John Spenkelink!" and a "fusillade of books, shoes, juice cartons, bars of soap," and "a wad of flaming newspaper" were directed at guards. Protests were put down by a squad of officers in riot gear (von Drehle 2006, pp. 74–79). This

signals that the shift from prolonged periods of death penalty non-use to the resumption of executions in the 1970s and 1980s and the reactions of capital and non-capital state prisoners—of indocile behaviors—also warrants greater scholarly attention.

Additional research avenues suggested by this study include: more attention to prisoners' everyday struggles to endure life under sentence of death in the 1960s and 1970s; how these intersected with legal appeals and longer-term litigation strategies focused on elimination of the death penalty in states that were resolutely retentionist; whether these strategies impacted differently on capital murder and capital rape prisoners, and on pre- and post-*Furman* death row cohorts; and how the moratoria impacted the families of the men on death row, and indeed those of their victims. This case study of Florida further suggests that death row syndrome as experienced by pre-*Furman* prisoners should be factored into evaluations of cruel and unusual double punishments during the fifty years of post-*Furman* death penalty restoration. More detailed comparative studies of pre- and post-*Furman* cohorts in Florida will likely reveal commonalities as well as marked differences in their prisonization experiences, their ability to “do time,” and their willingness and ability to assert rights and negotiate over questions of dignity. There is scope for regional comparative analyses as southern states such as Tennessee (1960) and Georgia (1964) also stopped executions ahead of the national moratorium start date of 1967. Drilling down to state death penalties, local death rows and individual prisoner stories therefore creates a much more complex, and arguably much more intriguing, history of the moratoria years.

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Abbreviations

The following abbreviations are used in this manuscript:

ACLU	American Civil Liberties Union
DOC	[Florida] Division of Corrections
LDF	National Association for the Advancement of Colored People, Legal Defense Fund

Notes

¹ Copy of Petition for Writ of Mandamus, 22 November 1971, pp. 1–2, Record Group 103: Governor (1971–1979: Askew), Series 96: Executive Clemency Meeting Files, Box 8: Pardon Board—Special Project—Death Row Inmates, Florida State Library and Archives, Tallahassee, Florida, hereafter cited as FSLA. On Simon's earlier requests for pardon board consideration of these seven prisoners, see Tobias Simon to Mrs. Alice S. Ragsdale, 2 November 1971, and 9 November 1971; Tobias Simon to The Honorable Members of the State Board of Pardons, 12 November 1971, FSLA S96/Box 8. Of the 90 prisoners on Florida's death row in December 1971, 26 had been sentenced for rape and all were African American.

² Tobias Simon to Honorable Members of the State Board of Pardons, 5 October 1971, FSLA S96/Box 8.

³ See individual clemency applications, FSLA S96/Box 8.

- 4 Copy of Petition for Writ of Mandamus, 22 November 1971, p. 3, FSLA S96/Box 8.
- 5 Minutes, Pardon Board Meeting, 16 December 1971, p. 23, FSLA S96/Box 5.
- 6 Memorandum, B. R. Patterson to Mr. Damon O. Holmes, 3 December 1971, pp. 1–2, FSLA S96/Box 8.
- 7 Tobias Simon to Hon. Reubin O'D Askew, 30 November 1971, FSLA S96/Box 8.
- 8 I have used “moratorium” or “moratoria” as an umbrella term for the different variations of death penalty suspension in Florida in the 1960s and 1970s throughout this article even though the term is more appropriate for a period of death penalty suspension or non-use that originates with an executive or legislative decision rather than a judicial one.
- 9 See copies of Death Row rosters in FSLA S756 [Farris Bryant Correspondence, 1961–1965]/Box 63.
- 10 H. G. Cochran, Jr., to Honorable Farris Bryant, 10 April 1961, FSLA S756/Box 62.
- 11 Herbert E. Wilder to Governor Farris Bryant, 4 May 1964; Governor to Mr Herbert E. Wilder, 12 May 1964, FSLA S756/Box 64.
- 12 Louie L. Wainwright to Hon Ed H. Price Jr, 15 May 1964, S756/Box 64: “I would like to direct the Commission’s attention to the fact that since Earl Leach and Joe Smith were executed for killing another inmate on September 24, 1962, no further killings have occurred in any of the institutions.”
- 13 Several cases were highlighted in governors’ correspondence files, especially during 1970–1971. See for example, Order Denying Motion for New Trial and Recommending Commutation of Sentence, 23 January 1970, pp. 1, 2, and 5, S96/Box 8, from Circuit Judge A. H. Lane, Bartow, Polk County regarding Albert Bone Thompson. Thompson and two co-defendants were indicted for rape, of one victim, but tried separately before Lane, with the same evidence presented by different state attorneys, and resulting in sentences of death, 30 years imprisonment, and acquittal, respectively. See also Robert S. Hewitt to State Board of Pardons, 22 October 1971, S96/Box 8, regarding another gang rape case and disparate sentencing.
- 14 See for example, *Craig v. State of Florida*, 1967, in Capital Punishment; Discriminatory Death Penalty Law-Florida, 1959, American Civil Liberties Union Papers, 1912–1990, MS Years of Expansion, 1950–1990: Series 4: Legal Case Files, 1933–1990, Box 1317, Item 130, digitized from Mudd Library, Princeton University.
- 15 “On voter protests, see for example, Governor to Mrs Justine V. Prince, 4 May 1965, FSLA S131 [Haydon Burns Correspondence, 1965–1967]/Box 8.
- 16 The 36 death row prisoners were seven white males and 29 African American men. Most were lower-class men in their 20s and 30s. Of the men on death row: nine had arrived in 1960 (including three convicted of the same crime), six in 1961, five in 1962, four in 1963, eight in 1964 (including three for the same rape conviction), and two in 1965. The most recent arrival was 66-year-old Wallace Pleas in March 1965 from Leon County, convicted of murdering his wife. The longest death row inhabitant was 22-year old Dennis Whitney, a white male convicted of first-degree murder in Dade County in June 1960. He had shot three gas station attendants near Miami but was being sought in connection with at least three other murders in California and Arizona. The Dade county circuit judge who sentenced Whitney told the pardon board in December 1961, “Law enforcement in Florida would receive a severe setback if the death sentence of Dennis M. Whitney were commuted. This state has probably never had a more vicious wholesale killer and no consideration should be given to him for a commutation of death sentence.” Whitney’s application for commutation was denied but he was granted stays of execution in March and May 1964. See Report on Death Cases, 1965, S131/Box 16; *Whitney v. State* 132 So.2d 599 (1961).
- 17 For example, on Jefferson County Jail, see Memo from James E. Rozzelle to Louie L. Wainwright, 17 March 1967; Memo from Jack B. Straubing (Administrative Assistant in the Division of Corrections) to Mr. Louie L. Wainwright, 17 March 1967, FSLA S923/Box 58. Worse was to come. In December 1967, the U.S. Supreme Court described as “a shocking display of barbarism” the treatment given to Bennie Brooks, convicted of participating in a riot at Raiford in May 1965, after he and several others were held in sweatbox type conditions for two weeks. Brooks claimed that he was forced to confess to rioting. The Court reversed his riot conviction and the additional sentence of nine years. *Brooks v. Florida*, 389 U.S. 413, 416 (1967).
- 18 Governor to Honorable Earl Faircloth, 13 February 1967, FSLA S923/Box 58. After a case had gone through the appellate system, and the pardon board had reviewed it and denied commutation, a further series of checks were undertaken prior to a governor signing the warrant, i.e., each case was subject to a “legal sufficiency check” by the Attorney General.
- 19 “Status of Death Cases Involving Following Individuals On Death Row, Compiled February 22, 1967,” FSLA S923/Box 58.
- 20 Senator Jerry Thomas of Palm Beach County had already written to Kirk calling for an investigation by the Florida Sheriff’s Bureau to address a potential “gross miscarriage of justice” and for the governor to intervene in this “case which is attracting national attention and one which stands as a blemish on the courts of Florida.” See Jerry Thomas to The Honorable Claude Kirk, 8 February 1967, FSLA S923/Box 58. In March 1972, Pitts and Lee were re-tried in Marianna in another deeply problematic trial, and found guilty of first-degree murder a second time, and again sentenced to death. They were freed only after Governor Askew and a handful of Cabinet members voted to pardon on the grounds that both men were innocent of the murders for which they had been convicted.
- 21 H. G. Cochran, Jr., to Mr. Harold R. Tyler, Jr [Assistant Attorney General, Civil Rights Division, U.S. Department of Justice], 3 February 1961, p. 1, FSLA S756/Box 62.

- See Memorandum of 21 June 1968, Roy L. Allen to Senator Adams, Subject: Complaint by Tobias Simon, Esquire, regarding inmates under death sentence at Florida State Prison," pp. 2–5, FSLA S923 [Claude R. Kirk Official Correspondence]/Box 60.
- Jimmie Wilson #A003253 to Governor John Bell William, 3 May 1968, pp. 1–2, FSLA S923/Box 60.
- Jimmie Wilson #A003253 to Governor John Bell William, 3 May 1968, p. 3, FSLA S923/Box 60.
- Jimmie Wilson #A003253 to Governor John Bell William, 3 May 1968, pp. 1–2, 5, FSLA S923/Box 60.
- Jimmie Wilson, #A003253 to President Lyndon B. Johnson, 7 May 1968, p. 2, FSLA S923/Box 60.
- Emmett S. Roberts of Health and Rehabilitative Services to Honorable Louie L. Wainwright, 14 December 1971, FSLA S96/Box 8.
- Secretary of State Tom Adams to Honorable Doyle Conner, 25 June 1968; Memorandum of 21 June 1968, Roy L. Allen to Senator Adams, Subject: Complaint by Tobias Simon, Esquire, regarding inmates under death sentence at Florida State Prison," p. 1; Governor to Mr. Louie L. Wainwright, 21 June 1968, FSLA S923/Box 60. By June 1968, Dennis Whitney was the longest serving death row prisoner, at eight years, while James Richardson, convicted of first-degree murder, had been on R wing for two days (Raum 1968, p. 6).
- Memo from Gerald Mager to Governor Kirk, Subject: Investigation by Secretary of State of Death Row, 21 June 1968; Memorandum of 21 June 1968, Roy L. Allen to Senator Adams, Subject: Complaint by Tobias Simon, Esquire, regarding inmates under death sentence at Florida State Prison, pp. 3–4, FSLA S923/Box 60. Cirack had been convicted of first-degree murder in Titusville in March 1966. One of his co-conspirators was given a life sentence and the other avoided capture (Marsh 1972).
- Memo from Gerald Mager to Governor Kirk, Subject: Investigation by Secretary of State of Death Row, 21 June 1968, FSLA S923/Box 60.
- See Note 30 above.
- Florida Governor Reubin Askew inspecting "death row" at Raiford prison. 23 January 1971. State Archives of Florida, Florida Memory: <https://www.floridamemory.com/items/show/19249>, accessed on 21 March 2025.
- Emmett S. Roberts of Health and Rehabilitative Services to Honorable Louie L. Wainwright, December 14, 1971, FSLA S96/Box 8; Minutes, Pardon Board Meeting, 16 December 1971, pp. 23–24, FSLA S96/Box 5. Months earlier, when he took office, Askew had declared he would sign no death warrants.
- Memo from Assistant General Counsel, B. R. Paterson to Mr. Damon O. Holmes, 3 December 1971, pp. 1–3, FSLA S96/Box 8.
- Prison administrators, correctional officers, and other prisoners also cited security concerns and prisoner violence in their opposition to LWOP during post-Furman hearings (Seeds 2018, pp. 185–6).
- Tobias Simon to Honorable Reubin O'D Askew, 30 November 1971, pp. 1–2, FSLA S96/Box 8. Simon pointedly told Askew: "In July, 1960, Jerry Chatman, an indigent de facto illiterate black man living in Lake County, Florida, under the rule of law imposed by Sheriff McCall, was convicted of the crime of rape against a white woman. You will not be surprised to learn further than the jury declined to recommend mercy and the sentence of death was automatically imposed." Chatman was convicted on the basis of a forced confession, the illegal seizure of his clothing, and problematic footcast evidence. Death warrants were issued in August 1962 and April 1964, a stay of execution granted April 1964 as the appeal was heading to the U.S. Supreme Court in August 1964. See Chatman's death penalty file in Askew files- Pardon Board—Special Project—Death Row Inmates, FSLA S96/Box 8.
- Under the *Donaldson v. Sack*, 265 So. 2d 499, 505 (Fla. 1972) ruling, there was no death penalty in Florida. Under *Anderson v. State*, 267 So.2d 8 (Fla. 1972), forty death row prisoners whose appeals were still pending in the state supreme court were resentenced, and sixty prisoners who had no appeals pending were resentenced under *In re Baker*, 267 So.2d 331 (Fla. 1972). Ehrhardt et al. note that the men originally convicted of capital rape before 1972 were eligible to "file a motion with the trial court for mitigation of sentence from life to a term of years" (Ehrhardt et al. 1973, p. 11).
- [Seven page] Petition for Redress, to the Honorable Governor of the State of Florida from the Inmates on Death Row at the Florida State Prison, no date, circa Dec 1975; Florida Department of Offender Rehabilitation Interoffice Memorandum, from Suzi Wilson [Information Director] to Louie L. Wainwright, 25 October 1976, Re: Media Access to Death Row, Florida State Prison, Starke.
- Lewis identified 96 Florida death row prisoners in mid-1977; 60 percent were white and 40 percent were Black. Of the 98 Furman-commuted prisoners in 1972, two-thirds were Black and one-third white (Lewis 1979, p. 96).
- While burglarizing a private home in Hillsborough County in July 1973, a drunk Proffitt attacked the sleeping homeowners. He fatally stabbed high-school wrestling coach Joel Medgebow in the chest with a butcher knife from the kitchen and seriously injured his wife. See *Proffitt v. Florida* 428 U.S. 242 (1976).
- Memo from J. A. Anderson, Administrative Assistant, to Ramon Gray, Regional Director [State of Florida, Department of Offender Rehabilitation], 18 January 1977; Memo from Ramon L. Gray to John A. Anderson, Administrative Assistant, FSP, Re: Death Row Inmate Charles Proffitt, 27 January 1977; Letter from Jack O. Johnson, Public Defender, to Earl H. Archer III, Esquire, 30 December 1976; Letter from Earl H. Archer, III, to Mr. John Anderson, Florida State Prison, Re: Charles Proffitt, 10 January 1977, FSLA S96/Box 9.
- Copy of Last Will and Testament of Charles William Proffitt, 27 November 1976, emphasis added, FSLA S96/Box 9.

- ⁴³ The U.S. 11th Circuit Court of Appeals in Atlanta ordered a new sentencing hearing for Proffitt in 1982, and a Florida judge subsequently resentenced him to death, but he again appealed that decision to the state supreme court, arguing that his crime was not heinous enough to warrant the death penalty. Justices voted 6-1 in his favor.
- ⁴⁴ Memorandum from Eleanor Mitchell to Governor Askew, 16 December 1977, S96/Box 9.

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