PART III

A FAILURE OF EXECUTION
Some 230 people lived on Florida’s death row by 1986—several had been there a dozen years. Their fate was the subject of political campaigns and judicial seminars and angry letters to the editor. But somehow the whole vast, chaotic enterprise of the death penalty boiled down in the public mind to a single man. Ted Bundy.

In a state that ranked, year in and year out, near the top of the crime statistics—a person could hardly shake the sand from a beach blanket in Florida without spraying at least a grain or two on a criminal—Ted Bundy stood out. During his 1979 murder trial, one poll found that his statewide name recognition was second only to the governor’s. And his notoriety went far beyond state lines; if he was not, in early 1986, the best-known killer in all America, he would be when NBC devoted four hours of prime time to a movie version of his bloody career. Five books had been written about him, countless magazine and newspaper articles. Bundy could, if he wished, command an interview with any television network; even the staid New York Times sought an audience with him. In his infamy, he became an archetype—not one condemned man among hundreds in Starke, but the essence of death row itself. Bundy’s enigmatic face became the face of evil, his undistinguished flesh the embodiment of America’s spreading dread.

A remarkable set of forces converged to make this happen. Foremost was the enormity of his crimes. Over a period of at least four years, and perhaps nine, Ted Bundy abducted, raped, and murdered an unknown number of young women—at least two dozen, likely three dozen, maybe as many as fifty. His carnage spanned the country, from Washington and Oregon eastward through Utah, Idaho, and Colorado to an awful end in Florida. Covering thousands of miles in his beat-up old Volkswagen, carefully choosing his victims from widely disparate police jurisdictions, never harming anyone he might have met before,
Bundy epitomized the serial killer in rootless contemporary American society. He was not the first serial killer, but none before him had so completely exploited the grim advantages of contemporary America: the interstate highways, the footloose freedom of young women, the anonymity of the suburbs. Bundy was brighter than the average psychopath, too, and he made a study of investigative techniques, immersed himself in the nature of law enforcement bureaucracies, using this knowledge to stay ahead of the law—allowing him to kill twenty times or more before scattered detectives fully realized they were all looking for the same man.

His persona was a part of the mix: intelligent, charming, attractive. Bundy was capable, when he applied himself, of breezing through college courses; he was a promising volunteer in Washington State Republican political circles; he volunteered on a suicide-prevention hotline; he attended law school. All this made him compelling in ways most killers lacked—for it took him beyond himself into a realm of symbols. Bundy symbolized America’s fear that violent crime had jumped the fence; the menace was loosed from the inner cities, from the biker bars and the psycho wards, and now it stalked nice subdivisions and sedate campuses looking just like a next-door neighbor. In all the books and articles about him, this was the dominant image: Bundy was “handsome,” “brilliant,” “charming”; he could have had a future as a senator or a millionaire. (In the TV-movie version of the Bundy story, the killer was played by Mark Harmon—*People* magazine’s “sexiest man alive.” Early in the film, someone greets him as “‘Ted! Ted Bundy! Seattle’s answer to JFK!’”) This view was exaggerated. Even at his most “normal,” Bundy was a petty thief, an alcoholic who haunted sleazy porno shops. But the hype was understandable. Among the addled, ignorant men who commit most of America’s first-degree murders, Bundy was unusual. There were smarter, better-looking men just about anywhere in America—except on death row. There, he was a stand-out.

Among his talents was an actor’s gift; like his other talents, this turned vile in his hands. Bundy often lured his victims to their deaths by playing a fumbling student, a solicitous police officer, an injured sailor in need of help. He could radically alter his appearance through
the simplest changes in costume, posture, hairstyle. When he was stalk-
ing women, tempting and trapping them, Bundy felt he was playing a
part in a movie. Playing a “role”—that’s how he described his whole
life, his political activities, his courtroom theatrics, his romances. When
he went on trial for murder in 1979, he assumed his greatest role: the
suave young law student defending his own life. His trial was among
the first ever televised in Florida; he played masterfully to the lens.
Long before the invention of Court TV, Bundy’s trial was a nightly
feature on public television stations across the country, and commercial
stations ran regular updates. The television coverage jacked up the
newspapers. Editors were so hungry for Bundy news that the Associa-
ted Press transmitted hourly dispatches.

What did people see when they tuned in the Ted Bundy show?
Not the face of a man broken by madness or consumed by guilt. They
saw a cold manipulator, arrogantly putting prosecutors and judges
through hoops; they saw a preening Narcissus, squeezing every drop of
pleasure he could find from the rights of the accused. Bundy became a
symbol not just of menace but of sneering menace. No shred of con-
science shone through his performance.

All these elements and more, by some weird catalysis, made Ted
Bundy mythic. Like Jack the Ripper or Charles Manson, Bundy was
more than vile, more than deadly, more than a pervert. He represented
everything vile, all murder, every perversion. Of all the killers on death
row, Bundy was the one people hated and feared, and above all, he was
the one they wanted dead.

The story of his birth is a sad and mysterious tale, though how
sad, how mysterious, the world may never know. Theodore Robert
Cowell was born November 24, 1946, at a home for unwed mothers in
Burlington, Vermont. A bright, slight girl named Louise Cowell was
seven months pregnant when she arrived at a place known to gossipy
townspeople as Lizzie Lund’s Home for Naughty Ladies. Louise was
quiet and studious, neither well off nor poor; she was a shop clerk from
Philadelphia living at home with her parents. Louise Cowell finished
second in her high school class. Had she finished first, she would have
won a scholarship to college; had she gone to college, she might not have become pregnant; had she not become pregnant, a very bad man might never have been born.

Hundreds of journalists, detectives, and shrinks would explore every aspect of the life of that child, but virtually nothing would be learned about his father. When Louise arrived at the home for unwed mothers, the staff asked, and she told them she had been swept off her feet by a smooth older fellow named Jack Worthington. This Jack Worthington, Louise said, was a Navy man fresh home from the great war, rich, educated at a posh prep school. He had seduced her, then vanished. It was a plausible story in those frenetic days. Depression and war were finally past; young people courted and mated and reproduced as never before in American history—and not all of these couplings were on the up-and-up. Decades later, investigators would search in vain for any record of a Navy man named Jack Worthington. Fruitlessly they combed prep school records for traces of the mystery man and they found nothing. This did not disprove Louise’s story; this would not be the first time a man had lied to get laid. Actually, a man who puffed himself up to get what he wanted, then swept his tracks clean, would have been an apt father for Ted Bundy. Nonetheless, the fact that so many investigators could not find even a hint of Jack Worthington gave rise to Gothic speculations about the killer’s lineage—speculations about rape, or even incest.

After the birth, Louise Cowell left her infant son in Burlington and returned to her parents’ house, where she considered her options, which were few. She could give the boy up for adoption and begin again. Or she could press ahead on her fated path. Louise was a serious and responsible young woman; she met her obligations, faced the consequences of her choices. She also had a streak of naïve optimism that would, nowadays, be called “denial.” She took the child home to Philadelphia, where Teddy Cowell learned to walk and then run in his grandparents’ rambling old place. He went exploring across the lawn, enjoyed the doting caresses of his aunts, and passed happy hours in the humid warmth of his grandfather’s greenhouse. Through the imperfect filter of memory, Ted Bundy later recalled those as halcyon days, and he remembered being upset when, not long after his fourth birthday,
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Louise moved him across the country to Tacoma to make an independent life.

In Tacoma, Louise Cowell met a decent, hardworking hospital cook named Johnnie Bundy, and when they were married she gave her husband’s name to her little boy. Ted Bundy was a shy child, good in school but not precocious (his IQ was about 120, on the borderline between “average” and “superior” intelligence). Louise and Johnnie did their best to make a wholesome home: They went to the Methodist church each Sunday; Johnnie worked with the local Boy Scout troop. Ted Bundy had a paper route, picked beans alongside his stepfather for a little extra money, ran the low hurdles on the junior high track team. He was, by all accounts, a loving big brother to the two sons and two daughters born to Louise and Johnnie.

Except for some periodic troubles applying himself and occasional difficulties getting along with his classmates, young Ted Bundy seemed like an ordinary boy. At least until puberty, when the pressure of sexual maturing exposed some of the flaws in his personality. Like most boys, Ted Bundy sought out naughty books and pictures of naked women. But his search was unusually heated. Bundy roamed the neighborhood digging for smut in the garbage cans. And he masturbated compulsively, not just under the sheets or behind a locked bathroom door. One story was that Bundy had been caught red-handed in a school coat closet. This humiliation, combined perhaps with some other experience, left the boy so shameful that he would endure any amount of ridicule rather than strip for the showers after gym.

Ted Bundy always traced his “problem,” as he called it, to his masturbatory obsession with pornography. Most boys, by the time they reach high school, pour their energies into trying to touch a real young woman; for Bundy, there was no reality, only images. Over time, he found himself aroused by increasingly explicit and violent images—stories and pictures of women stalked, women chained, women raped. Bundy began to frequent the dirty-book stores in Tacoma’s seedy section, where he found material catering to every sadistic fantasy. And while other young men went on dates, he spent his nights darting across lawns, hiding in shrubbery, peeping through windows as women undressed.
In spite of this worminess, or perhaps as compensation, Bundy cultivated a grand view of himself, massively self-centered and grossly covetous. He resented Johnnie Bundy for not being rich, and he envied the children of his more cultured uncle. He wanted things and he wanted them now; he had neither the self-discipline nor the patience to work and wait. And so, while still in high school, he embarked on a career of petty theft. Bundy stole ski equipment; he decorated his college apartments by shoplifting stereo equipment and houseplants. At least once in his youth he stole a car. When he got a part-time job at a yacht club—surely seething with resentment at the wealthy patrons—he rifled lockers for wallets and clothes. When Bundy desired something, he took it, and when he felt pangs of guilt, he trained himself to ignore them. After all, the world looked so bountiful to Ted Bundy. With so much stuff out there, why shouldn’t he have some of it? Who would miss it?

Ted Bundy lived in a world composed of props and stage flats. Like the lewd pictures he groaned over, it was all a matter of manipulating images, of designing appearances to satisfy certain desires. He did not want to be educated, he wanted to appear educated; he did not want to work for success, merely to seem successful. Bundy was always lying about his pedigree and his achievements. In college he threw himself into politics and overcame his shyness to date a rich and beautiful young woman—not because he loved politics or loved this young woman, but because he liked the way these things made him look. He mastered his roles: the future lawyer, the political comera, the brilliant wit. In reality, Bundy was a two-time college dropout and a budding sex criminal, but reality was a concept Bundy did not comprehend. Events were his to control, and people were but actors in a drama of his own imagining. “Control and mastery is what we see here,” he once said, speaking of his own pathology in a thinly veiled way. If Ted Bundy was a dark genius of any kind, it was as a manipulator, the man who steered the perceptions. “Sometimes he manipulates even me,” a psychiatrist once admitted.

He took the things he wanted and felt little guilt because nothing was real anyway. Booze helped him maintain his shadow world, and he became a heavy drinker. As the years went by, Bundy found less and
less pleasure in images of women raped and brutalized. He wanted something more—he wanted to become the master of those images. On his nighttime rambles through the shadows, Bundy stopped looking through windows and began watching women as they walked home, imagining what it would be like to leap out at them, grab them, take them the same way he took everything else he wanted. The world seemed so bountiful to Ted Bundy, there were so many women out there. Why shouldn’t he take one? Who would miss her?

Bundy was always surprised when anyone noticed that one of his victims was missing, because he imagined America to be a place where everyone is invisible except to themselves. And he was always astounded when people testified that they had seen him in incriminating places, because Bundy did not believe people noticed each other. These weren’t purely delusions. Bundy had spent many hours driving around with bound victims and dead bodies in his car; many times he had lugged corpses in and out of his apartment—no one had ever noticed. Bundy considered his crimes the consequence of a society without communities, without roots; where people are bound neither to one another nor to codes of behavior. As the archkiller said: “I mean, there are so many people. This person will never be missed.”

But they were real. Lynda Healy worked in radio, announcing the ski conditions each morning. The morning of February 1, 1974, she never got to the station. In the dark hours of the night, Ted Bundy opened her bedroom door, slipped his hands around her throat, and squeezed. Before he carried her from the room, wrapped in her red bedsheets, he carefully remade the bed with hospital corners.

About a month later, Donna Manson disappeared as she walked across the campus of Evergreen State University in Olympia, Washington. A month or so after that, Susan Rancourt vanished from another college campus in Washington, on the same night that two other women had narrowly avoided the advances of a mysterious man with his arm in a sling. In each case, Bundy had asked the pretty young women for help carrying his books to his yellow-brown Volkswagen.

Another month after that, Kathy Parks disappeared from a college
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campus in Oregon. A few weeks later, Brenda Ball staggered out of the Flame Tavern in a bad part of Seattle and was never seen again. (Bundy had picked up Ball outside a rough bar because he wanted to vary his pattern.) Soon afterward, he struck on another college campus: Georg-ann Hawkins seemed to evaporate into thin air from the University of Washington. Witnesses later mentioned seeing a man on crutches, fumbling with a briefcase, near the place where she was last seen.

On July 14, 1974, the sun shone gloriously over the soggy Washington coast. People flocked to Lake Sammamish State Park, on bikes, pulling sailboats, wearing shorts and bikinis. A man who called himself Ted wandered through the crowd, his arm in a sling, asking young women to help him load his sailboat. Two of them—Janice Ott and Denise Naslund—agreed to help him. They vanished. A month later, Carol Valenzuela was gone.

Ted Bundy moved to Utah to enroll in the University of Utah law school. The abductions stopped in Washington and Oregon. Now young women began to die in Utah, Colorado, and Idaho.

Bundy was a killing machine, but of a specialized kind. If his only goal had been to avoid detection, he would have taken victims with cloudy pasts and small futures. But in the world he imagined, it wouldn’t do for the suave and brilliant young Republican to possess a poor runaway or a tired prostitute. He stalked college campuses, high schools, and ski resorts. He took the things he wanted. And “the ultimate possession was, in fact, the taking of the life,” he told an interviewer.

He thought of himself as a hunter, aroused by the stalking. The record indicates that only one woman got into the hunter’s Volkswagen and lived to tell about it. On November 8, 1974, Carol DaRonch was shopping at a little mall in Murray, Utah, when a man who claimed to be a police officer approached. He smelled of liquor. He said someone had been seen trying to steal her car. Come with me, he said.

DaRonch was suspicious when the man fumbled at a locked door of the mall. Even more suspicious when he told her to get in his car for a ride to “the station.” Her suspicion turned to horror when he pulled off the street and struggled to handcuff her to the steering wheel. Desperate, she freed herself from the car and ran screaming down the

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street. Bundy roared away. Later that night, a strange man appeared in
the auditorium of a local high school during a performance of a school
play. He appeared to be wearing a fake mustache. He invited at least
one woman to step outside and identify a car. A girl named Debra Kent
walked outside during intermission and was never seen again.

Ted Bundy was arrested in August 1975. The charge was evading
arrest—he had been driving suspiciously through a darkened neighbor-
hood; when a cop tried to pull him over, Bundy floored it. The officer
eventually caught up to the VW, and when he searched the car he
found, among other things, a pair of handcuffs and a pantyhose mask.
That was the beginning of the end. Carol DaRonch picked him out of
a lineup, which shocked Bundy because he had done so much to
change his appearance. He had combed his hair a new way, hiked his
belt up nerdishly, scrunched his chin into the folds of a turtleneck shirt.
He was even more amazed when a judge found him guilty of aggra-
vated kidnapping in the DaRonch case, after he had played the role of
bright young law student with bravura. How could anyone call him a
criminal?

But there he was, at the state penitentiary in Utah, awaiting extra-
dition to stand trial for a murder in Colorado. Police were finally onto
him, though Ted Bundy could not digest it. People had always seen
him as he wished to be seen. He controlled the imagery, and the only
people who saw the truth were dead.

In Aspen, Colorado, Bundy was charged with the murder of a
vacationing nurse named Caryn Campbell. He demanded to serve as
his own defense counsel, playing the part of the promising attorney.
This performance earned him unusual access to the telephone, the
mail, and the courthouse law library, where they kept the windows
open on warm June afternoons. On June 7, 1977, Bundy hopped out
of the window while his guard was taking a cigarette break.

In decadent Aspen, Bundy’s escape was the source of great goofy-
ing: Local entrepreneurs hawked T-shirts declaring that “Ted Bundy is
a One-Night Stand”; a bartender invented the Bundy Cocktail, made
of rum, tequila, and two Mexican jumping beans. A local restaurant put
Bundy Burgers on the menu: The bread was there but the meat was gone. Hitchhikers held signs that said \textit{I AM NOT BUNDY}. But surely even the ski-slope sybarites would have been less amused at the thought of Bundy loose had they realized exactly what he did to women. Ted Bundy kidnapped women, raped them ferociously (sometimes sinking his teeth into their flesh). He bashed in their heads with tire irons, strangled them with his bare hands, sodomized them with rods and bottles. He kept some of the bodies for days in his apartments, washing their hair, painting their fingernails. In ten cases, maybe more, he decapitated his victims. Even after he dumped the bodies on remote mountains across the West, Bundy sometimes returned to the sites to rape an exposed corpse.

But these things were not yet known, not fully, and so by the time Bundy was recaptured a week later he was a celebrity. And when, six months later, he escaped again by crawling through the light fixture in his jail cell, he became a regular John Dillinger. No jail could hold him. He made the FBI’s Ten Most Wanted list. Over the next two months, people got a clearer sense of just how awful Ted Bundy really was.

From Aspen he took a bus to Denver, caught a plane to Chicago, rode the train to Ann Arbor, Michigan. There, he pored over maps, looking for a place with sunshine and college students. He chose Tallahassee, Florida. Bundy had once asked an acquaintance what state was most likely to execute a murderer, and that friend said Florida. Perhaps Old Sparky drew him toward its embrace, like a distant magnet, or maybe mere chance took him there, instead of to San Diego, say, or New Orleans. In any event, by January 7, 1978, Ted Bundy was living in a cheap rooming house on the campus of Florida State University.

During his time in prison, Bundy had convinced himself that he had mastered the urges that drove him to kill. He was wrong. A man who craved mastery, he was not even master of himself. He drank constantly in Tallahassee, stole everything he could get his hands on, including some thirty pairs of socks in a few days—Bundy was a foot fetishist, in addition to his more lethal perversions. He spent the evening of January 14, 1978, in a bar next door to the Chi Omega sorority house on the Florida State campus. He was drinking bourbon, which always had an especially poisonous effect on him. After the bar closed at
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2 a.m., Bundy was seen roaming nearby in tan slacks, a dark Navy peacoat, and a stocking cap, accosting women in a slurred and mumbling voice. About 3 a.m., he slipped into the Chi Omega house, carrying an oak club.

Bundy went first to the room of Lisa Levy, a beautiful freshman with a passion for fashion. He throttled her with a pantyhose ligature, raped her, sodomized her with an aerosol can, sank his teeth into her breast and buttock. He stalked to another room and savaged the two young women there with his club, covering the room in blood. He moved on to Margaret Bowman’s room, strangled her with another pair of pantyhose, clubbed her . . . then heard a sound. He bounded down the stairs, through the front door. As he ran, Nita Neary, just home from a date, saw his silhouette—the sharp nose and thin lips.

That same night, several blocks away, Cheryl Thomas was brutally beaten in her bed; the damage to her skull was so great she would never hear again in one ear. She was not raped, but a puddle of semen was found on her sheets. In two terrible hours, two women were dead and three were near death, and the depth of his depravity was now public.

But there was more. For three weeks after the sorority house attack, Bundy wandered drunkenly across the east–west highways of northern Florida, running on stolen credit cards and stolen cars. On February 9, 1978, he steered a white van through the quiet streets of Lake City in north-central Florida. That morning, a blossoming but fey girl of twelve, Kimberly Leach, left one class at Lake City Junior High School to retrieve her denim purse from another. Outside the school, a white van was circling the block. Kimberly collected her purse, then disappeared.

Bundy was captured six days later near Pensacola, driving a stolen Volkswagen bug. He loved VWs, he told police detectives shortly after his arrest, because you could remove the passenger seat. Made it easier to carry “cargo”—by which he meant bodies, sometimes dead, sometimes alive. In those first few days back in captivity, he walked to the edge of confession, asking for a deal that would return him to Washington to serve a life sentence close to home. But there would be no confession, and no life sentence.

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After his capture, one of Ted Bundy’s first phone calls was to Millard Farmer in Atlanta. Bundy did not know much law, but he knew who the good lawyers were. For a man facing three capital murder trials, Millard Farmer was one of the best.

When Farmer took death penalty cases, he had one goal paramount: keeping his client alive. Pressed by guilt over his family’s wealth and power, Farmer hated the system that used its power to kill. He had little doubt that Bundy was guilty of all the crimes he’d been linked to, but he would not give even this crumb to the system he hated.

There was one hitch: Farmer was a Georgia lawyer and Bundy was facing trial in Florida. Farmer would need the judge’s permission to appear in a Florida courtroom, and Judge John Rudd of Tallahassee was not about to grant it. Rudd was aware of Farmer’s genius for turning criminal trials into political statements, his mastery of delay, his monkey-wrench throwing. Farmer, the judge believed, would turn the Bundy trials into a carnival sideshow. As it happened, Farmer was facing a contempt of court citation in Georgia. (It stemmed from the case in which Farmer insisted that his client, a black man, be addressed as “mister,” like everyone else in the court—and when this didn’t occur, began calling the judge by his first name.) On the strength of this violation, Rudd denied Farmer’s petition to represent Bundy. The job fell instead to a string of frustrated and overmatched public defenders and volunteers.

Things were not going according to Bundy’s script, so he seized control by doing whatever he could to undermine his lawyers. They tried to keep him quiet; Bundy insisted on late-night conversations with police. They tried to lower his profile; Bundy demanded press conferences. Bundy threw tantrums, dreamed up bizarre defense strategies, and turned on any lawyer with the audacity to say what they all knew: He was guilty. In both the Chi Omega rampage and the Leach murder, the police had amassed a staggering amount of material—everything from microscopic comparisons of hairs and fibers to sworn statements from scores of witnesses. There was enough work to keep a whole law firm busy for a year or more. Yet Bundy demanded to run
his own defense, suffering the help of his court-appointed counsel only at his own mysterious whim. The old adage—a man who serves as his own lawyer has a fool for a client—was never more true than in the case of Ted Bundy.

Though he was officially barred from the case, Farmer struggled to save Bundy from himself, and from Old Sparky. During the sixteen months it took to bring the first case to trial, Farmer, and his assistant Joe Nursey, kept in touch with Bundy, massaging his ego, calming his nerves, and gently steering him toward his only rational choice—a guilty plea in exchange for his life. Such a result was not out of the question. Although the prosecution was quite confident they had the right man, and though mountains of evidence had been gathered, the evidence was circumstantial. At the Chi Omega house Bundy had left no fingerprints; the semen stains could not be matched definitively to him; the one eyewitness, Nita Neary, had only a faint impression of the man she had seen darting through the door. A doctor was ready to testify that Bundy’s teeth perfectly matched the bite marks found on Lisa Levy, but his expertise—“forensic odontology”—was a largely unproven field. Likewise, in the murder of Kimberly Leach, the prosecution could put Bundy in Lake City on the day of the crime, and had only a hazy eyewitness connecting him to the victim. The strongest physical evidence consisted of hairs and clothing fibers indicating that Bundy and the girl had been together in the stolen van. Fiber evidence is hardly as strong as fingerprints. And there were no fingerprints.

The horrible possibility that Ted Bundy might beat the rap led the prosecution to agree to a deal. Bundy would plead guilty in exchange for three consecutive life sentences; his earliest possible parole date would be when he was 107 years old. The deal came together in the spring of 1979, as the Chi Omega trial approached. Millard Farmer carefully maneuvered Bundy to take it, treating him like a peer. “Ted,” Farmer said gently in his sorrowful drawl, “I don’t like the way the prosecution against you is shaping up. You’re not getting any play. You’re not disturbing their pace.” Farmer never hinted that he believed Bundy was guilty; he knew that would turn Bundy against him, too. Gradually, under Farmer’s patient tutelage, Bundy began to see the plea.
as a sort of victory, and Farmer began to sense that he might be able to save even this monster from death row.

The drama of the plea bargain played out against the larger drama of John Spenkelink’s execution. In fact, Farmer was in Tallahassee to nudge Bundy when he entered Spenkelink’s case. He would wonder, later, if perhaps he had spread himself too thin, trying to pull off two miracles in one week. And he was spread very thin, for at the same time he was trying to sell Bundy, Farmer also had to persuade Bundy’s mother and his girlfriend. Against all odds, these two women staunchly clung to the killer’s innocence. Without their support, Farmer knew he could never convince Bundy. So he flew to Seattle, where the two women lived, and there he repeated his delicate dance. It didn’t matter that Ted was innocent, he softly assured them. The wheels were turning against him, and unless he took the plea bargain, he would surely wind up in the electric chair.

Farmer won them over. Louise Bundy and Carole Boone flew to Tallahassee where, one by one, they met with Ted and begged him to plead guilty. Bundy seemed to agree. Perhaps he thought he could back out of the bargain later, and throw the prosecution for a loop. Perhaps reality fleetingly pierced the cloud of images that constituted his world. He said he would take the deal to save his life. But it did not last. On May 31, 1979, six days after the Spenkelink execution, Bundy went to court to plead guilty. He carried his confession—as well as an angry statement denying his guilt and firing his lawyers. In court that morning, he stood and held a document in each hand, as if weighing the real world against the world of his imagining. He chose his cherished images, blasting his court-appointed lawyers for believing “I’m guilty. . . . Now, Your Honor, if this doesn’t raise itself to the level of ineffectiveness of counsel, I don’t know what does,” he said.

After the hearing, Farmer stopped by the killer’s cell and said, “I’ve only got so much time and I’m going to spend it on people who want to live.”

On July 25, 1979, Ted Bundy was convicted of the murders of Lisa Levy and Margaret Bowman at the Chi Omega sorority house,
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along with the beatings of Karen Chandler, Kathy Kleiner, and Cheryl Thomas. Judge Edward Cowart, a great, jowly, folksy man, imposed two death sentences and bade Bundy farewell. “You’re a bright young man,” he said. “You’d have made a good lawyer, and I’d have loved to have you practice in front of me. But you went the other way, pardner.” Six and a half months later, on February 12, 1980, Judge Wallace Jopling sentenced him to die a third time, for the murder of Kimberly Leach.

Bundy was not a popular man on death row. He made a good impression on some of the black inmates with his skill in the exercise yard—“We were amazed,” one remembered. “Here’s a white guy who can actually play basketball!”—but mostly the other inmates resented his notoriety and, despite their own evil, abhorred his crimes. Doug McCray, one of the death row old-timers, recalled the night the news came over the television that Kimberly Leach’s body had been found. He got on the bars and said to Bob Sullivan, “Sully, man, the individual who would do something like that—he deserves the death penalty.” There was a lot of boasting around the prison, prisoners saying: Let Bundy out with us. We’ll take care of him. From the security of his cell, the most infamous serial killer in America sniffed, “I have nothing for those animals out there.”

Bundy mostly kept to himself. In a way, prison was a relief to him; he had always fared better behind bars than on the streets. The stress of maintaining his images out in the real world weighed crushingly on him; it was so much easier in the unreal world of prison. On death row, Bundy claimed to have shrugged off his past like an overcoat on a suddenly balmy winter afternoon. “It’s just done! It’s back there in the mists,” he told an interviewer. “I say ‘mists’ because I don’t think anyone actually touches the past the way they can touch the present or the future.” For a time, Bundy joined the sect that was given vegetarian meals on death row. He popped vitamins and munched health foods. He built up a considerable collection of socks, and slipped into an occasional reverie about how delightful it would be to wear a brand-new pair every day of the year. He drifted on a cloud of smuggled marijuana and hashish.

All in all, with his dope and his socks and his mysticism, Bundy

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was a mellow prisoner. Now and then a guard would marvel: Bundy, you’re such a nice guy. I can’t figure it out. And Bundy would flash his Cheshire cat smile. He got an incredible amount of mail, hundreds of letters a year—many from young women who said they had fallen in love with him, but also letters from people who hated him, and from people who wanted to write books about him, make movies of his life, save his soul. When he answered a letter, he generally ended his response with the words, “peace, ted,” all lowercase, like some blissed-out sixties poet. Visitors came often, and when they did, Bundy liked to discourse on liberal causes. He claimed to support women’s rights and oppose global warming. And he was always dreaming up money-making schemes. “One time, he asked me for all the information I could come up with on children’s gardening,” said Michael Radelet, the University of Florida sociologist and foe of the death penalty. “He had this idea that you could make a lot of money selling ten- or fifteen-dollar gardening kits for kids. They’d have a little rake and a little shovel and some little gloves and some seeds.” Bundy also enjoyed meeting with investigators chasing serial killers. This gave him a chance to play his favorite role: the master, as he explained what makes a predator tick.

In these ways, Ted Bundy passed his days, and each daily step toward execution was so tiny—microscopic, really—as to be imperceptible to the public eye. As year followed year, and Bundy remained alive and well on death row, he became Exhibit A in the fulminations of politicians, editorial writers, talk show hosts, and ordinary citizens who railed against the torturous appeals of death row inmates. If anyone should die, Ted Bundy should. Even many opponents of the death penalty agreed with that. So why wasn’t he dead?

Contrary to popular belief, the courts moved Bundy as fast as they could. Never—not once—did any court, anywhere, decide a single issue in his favor. Even the prosecutors acknowledged that Bundy’s lawyers never employed delaying tactics. Though people everywhere seethed at the apparent delay in executing the archdemon, Ted Bundy was actually on the fast track.
Bundy’s lawyers lodged their required appeals to the Florida Supreme Court within two months after each of his trials. Then Robert Augustus Harper (the lawyer who had saved Willie Darden when he was scheduled to be killed along with John Spenkelink) filed full briefs within the allotted time. Next, the State of Florida was given time to digest and respond to Harper’s appeals. In spring 1982—two and a half years after the Chi Omega trial—the first of the two cases was put on the docket for oral argument.

Two and a half years may have seemed like a very long time, but in context, it was entirely understandable. The Florida Supreme Court was dealing with roughly one death case per week; nearly half the court’s time and energy was being consumed by this tiny field of battle. Scores of condemned prisoners were ahead of Bundy in line, and each had a complicated appeal based on a large trial record. Each record had to be scrutinized, each appeal contemplated. And when the court finally got to Bundy, the justices were faced with the combined records of two trials comprising some twenty-eight thousand pages (roughly the expanse of the *Encyclopaedia Britannica*). Bundy’s was the largest and most complicated criminal case in the court’s history.

Even if the court just went through the motions, there were a lot of motions to go through. But the state supreme court did more than go through the motions. At least one of Harper’s arguments deeply concerned the justices. Harper challenged the use of hypnosis to “refresh” the memories of witnesses. He presented scientific evidence to suggest that hypnotism is unproven and unreliable. Sometimes, a person will latch onto a belief while under hypnosis and subsequently believe fiercely that it is true—even when it isn’t. Key witnesses at both of Bundy’s trials had undergone hypnosis. Nita Neary caught just a fleeting glimpse of a man’s profile as he rushed from the Chi Omega sorority house. A hypnotist drew out details that helped her identify Bundy on the witness stand. In the Leach murder trial, a witness was hypnotized twice before testifying that he had seen a man who looked very much like Ted Bundy leading Kimberly Leach into a white van.

Based on the Bundy trials, the justices decided to outlaw the use of hypnotically refreshed testimony in Florida courts, but after long contemplation they carved a narrow exception for Bundy himself. In
1984 and 1985, respectively, they rejected the Chi Omega and the Leach murder trial appeals, saying that Bundy’s cases contained “sufficient evidence . . . absent the tainted testimony, upon which the jury could have based its conviction.” Therefore, the erroneous use of hypnosis was, in these cases, “harmless.” Technically, the court was applying an invalid test to deny Bundy’s demand for new trials. The proper test for deciding whether an error is “harmless” is whether the “tainted testimony . . . might have contributed to the conviction.” In the two Bundy cases, the hypnotically refreshed testimony provided the only eyewitness links; surely it “might have contributed” to the convictions. The Florida Supreme Court had bent over backwards to affirm Bundy’s convictions—creating a “Bundy exception” to the law. Each appeal took five years to complete, but in keeping with a larger sense of justice, the court found a way to preserve the death sentences.

The governor’s office scheduled Bundy’s clemency hearing for December 18, 1985. Shortly before the hearing, Bundy fired Bob Harper—the latest in a long string of lawyers dismissed by the killer—triggering speculation that the old manipulator was trying to gum up the works. It didn’t work. Governor Graham proceeded as scheduled. Bundy wrote his own crude petition to the U.S. Supreme Court, asking for a review of the state supreme court’s action in the Chi Omega case. This was filed January 15, 1986. Three weeks later, Graham signed Bundy’s death warrant, scheduling the execution for March 4, 1986, and the result was pandemonium. Because Bundy was operating without a lawyer, his files were moved to the offices of CCR, the state agency charged with representing death row inmates. Just four months old, the agency was swamped with scores of cases, many of them much older than Bundy’s. Into this madhouse came the biggest criminal court record in Florida history—the files filled an entire room. And the execution was a month away. There was no way the small team of CCR lawyers could handle such a case.

They went looking for help. Mike Mello knew some lawyers at the prestigious Washington law firm of Wilmer, Cutler and Pickering. He called one of them, who in turn approached a partner named James
Coleman. The decision to take on a case as massive and notorious as Ted Bundy’s was not easy for the D.C. lawyers, but after “much free-form negotiation and soul searching” (as Mello later put it), Coleman agreed to step in. At first, his service was limited: He would simply try to block this warrant. Eventually, Coleman and his firm wound up taking on the entire case.

Meanwhile, Bundy continued to play lawyer. After his warrant was signed, he fired off a handwritten request to the U.S. Supreme Court asking for a stay of execution while the justices weighed his appeal. This was quickly returned by Justice Lewis Powell, with the strong suggestion that Bundy get himself a real attorney and try again. When James Coleman entered the picture, the petition was renewed, and the high court was faced with at least one strong issue—the loophole created in the state supreme court’s hypnosis ruling—wrapped up in an enormous trial record. The U.S. Supreme Court was in the middle of a busy term and had less than a week to read all the material. Not surprisingly, they granted a stay of execution; no Florida inmate had been executed on his first death warrant.

Coleman now had some breathing room. A specialist in lawsuits over government regulation, he was accustomed to complicated legal wrangling, but he was also accustomed to the fairly leisurely timetable of the civil courts. With an associate, Polly Nelson, Coleman began combing the trial record for procedural flaws and reinvestigating the Chi Omega case from the ground up. But he was barely under way when the U.S. Supreme Court, having studied the record, formally declined to review the Chi Omega decision and lifted its stay of execution. In a scene straight from Hollywood, the news was announced during a station break in an NBC miniseries, “The Deliberate Stranger,” the story of Ted Bundy’s life.

Bob Graham signed a second death warrant, and the execution was set for July 2, 1986. For the next four weeks, James Coleman and Polly Nelson worked feverishly. The appeal they crafted claimed more than a dozen flaws in the Chi Omega trial. These claims were summarily denied in the state courts.

Coleman moved to the federal courts, but his client’s infamy preceded him. According to the law, if any of Coleman’s claims might

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have a legal foundation, the federal court was supposed to stay the execution and hold a full-scale hearing. The only way a judge could make that decision was by studying the trial record. In Bundy’s case, however, the federal district judge made no pretense of studying the record—the entire fifteen-thousand-page file never left the trunk of the prosecutor’s car. So much for soft judges; the “Bundy Express” was rolling. But the federal Circuit Court of Appeals would not tolerate such haste. Reluctantly, they stayed the execution.

This time, though, Coleman knew he had no breathing room. Along with all his other work, he had filed a petition to the U.S. Supreme Court to review the other Bundy case—the murder of Kimberly Leach. Coleman had no illusions that the high court would take the case, and he knew that as soon as the justices formally declined, Bob Graham would sign another death warrant. Coleman had to repeat all the work he had done in the Chi Omega files for the Leach case. He dove into the thirteen-thousand-page record.

On October 14, 1986, the high court, as expected, refused to hear Bundy’s appeal in the Leach case; a week later, Bundy’s third death warrant in nine months was issued. Now the “Express” was running with a full head of steam. Coleman’s pleas for Bundy were turned down by three different courts in a single day. Once again, the rush was slightly more than the Circuit Court of Appeals could countenance. Another stay of execution was ordered.

Never before in the modern age—and never since—had so much death penalty litigation been dispensed with so quickly. The death penalty is a balky and spluttering machine; a single case, relatively simple, can take years to move from one court to the next. Bundy had two hugely complicated cases, but both had been moved from near the beginning of the appeals process almost to the end in less than a year.

Politicians and the general public often complained that Bundy was “manipulating” the system, “endlessly” appealing, “abusing” the courts. In fact, the only delay in Bundy’s case was the delay in the Florida Supreme Court’s decisions. There, a badly overburdened court had stretched itself to its limit in order to preserve the death sentences. After that, the case went sledding on a steep, slick slope. Bundy had
moved so quickly that his case leapfrogged those of forty or fifty inmates who had been on death row longer.

But nothing sold on the campaign trail like promises to speed up the death penalty. In 1986, Bob Graham—having completed the two terms allowed him as governor—was running for the U.S. Senate. His opponent was an incumbent Republican, Paula Hawkins. Ronald Reagan, who had carried Florida by a landslide in the 1984 presidential election, campaigned for Hawkins, trying to work his conservative magic. But Graham could not be pigeonholed as a liberal. More than any other issue, his stance on the death penalty bolstered him against the conservative tide, and he won.

In the race to succeed him as governor, the death penalty drove out all other issues. Tom Fiedler, political editor of *The Miami Herald*, saw it coming early, when he covered a group of candidates addressing a powerful agriculture lobby. The printed agenda dealt with such subjects as land use regulations and water rights, but the applause was strongest when candidates talked tough on capital punishment.

The whole campaign was like that. Barry Kutun, a dark horse, ripped the Florida Supreme Court for being too slow on death cases. “They should be burning the midnight oil,” he declared. Another dark-horse Democrat, Joan Wolin, went him one better. “I’m not only for the death penalty, I’ll pull the switch,” she announced. “I’ll go to Bundy’s and pull the switch.” State Senate President Harry Johnston, a bona fide liberal, appeared on television glaring intently into the lens. “I have always—always—supported the death penalty . . . not just at election time,” he intoned. This was a not-so-veiled reference to the Democratic front-runner, Steve Pajcic, who had voted against the death penalty in the state legislature. Now, running for governor, Pajcic promised that he would sign death warrants in spite of his personal belief that capital punishment was wrong. “The public strongly supports the death penalty law and expects the governor to uphold it,” Pajcic said. He hustled hard to protect himself on the issue, securing endorsements from twenty-eight Florida sheriffs and two major police unions. But as the campaign wore on, Pajcic watched his poll numbers

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sag, and political experts attributed much of his problem to his stand on capital punishment.

“They’re killing us with the death penalty,” Bradford County Sheriff Dolph Reddish announced when Pajcic paid a visit to the courthouse in Starke. The sheriff had some advice for his candidate. “I’d go out there and stand by the electric chair with one hand on it . . . I’d get as close to that sucker as I could.”

Perhaps spurred by Pajcic’s weakness, Attorney General Jim Smith jumped into the race—driving a wedge through the Democratic Party and blunting its chances to hold on to the governor’s office. At first, Smith called the death penalty a “nonissue,” but soon enough he launched a series of attacks on the front-runner. “Stop your whining!” went one radio ad. “Be a man, Steve!” By the time Pajcic won the painfully fought Democratic nomination, he was badly wounded. On the Republican side, Tampa Mayor Bob Martinez won the nomination over another candidate who promised that if he became governor, “Florida’s electric bill will go up.” Martinez was super-tough on the death penalty, and he mopped up Pajcic in the general election.

Martinez was sworn in as Florida’s new governor on January 6, 1987. Less than a month later, he signed his first pair of death warrants. Both ended in routine stays of execution. It was easier to promise speed than to deliver it.

The Circuit Court of Appeals put the Bundy cases on an expedited schedule, with shortened deadlines for briefs and arguments. Hearings in both the Chi Omega and Leach murder cases were set for early 1987. The Chi Omega hearing was particularly intense; the appeals judges could not believe that a prosecutor had left the trial record in his car. Judge Robert Vance, a tough man on the death penalty, was incensed. “I can’t understand your behavior,” Vance lectured the prosecutor. “This case is going to be reversed and sent down . . . because of a stupid error. If you had called it to the attention of the judge at the time, it could have been corrected in four days. It’s wrong. It’s clearly wrong, counsel.”

If not for that error, Bundy might have slipped through to the
chair in 1986. Instead, the courts had to retrace their steps and go through the motions of examining the claims raised by James Coleman. In April 1987, the appeals court sent both cases back to federal district court for proper hearings. The “Bundy Express” was sidetracked. For reasons that never became clear, the district judge in the Chi Omega case did nothing, waiting almost two years to schedule a hearing. But Judge G. Kendall Sharp picked up the slack, moving the Leach murder case to the top of his docket and ordering the combatants into his courtroom six months hence.

Was there any point to all these repetitive reviews by courts state and federal, all this sifting and resifting? Or had the law simply gone haywire? The thugs of death row were guilty of ghastly crimes. They had snuffed out hundreds of victims, shattered thousands of lives. Why not get on with it and put them in the chair? One reason the law forbids the hurry-up approach is that decent society hates to kill an innocent man, and not everyone on death row is guilty.

Not far from Ted Bundy on Florida’s death row lived a man named Earnest Lee Miller and his half-brother, William Riley Jent. They had arrived at Starke in late January 1980, about a month before their more notorious neighbor; compared to Bundy, they were nearly anonymous. For a time, whenever Scharlette Holdman heard people refer to “Jent-and-Miller,” she assumed it was one man with an odd first name. Jentin Miller. Truth was, for brothers they were very distinct: “Wild Bill” Jent was dark-haired and stocky, outgoing, and funny; Earnie Miller was blond, tall, slim, and quiet. On the day they arrived at their death row cells, Jent was the one who made a joke of their situation. “Hey, Earnie!” his voice boomed down the corridor. “This is another fine mess you’ve gotten us into.” According to the judge who sentenced them, Jent and Miller were guilty of “one of the most cold-blooded and heinous murders in the annals of Florida jurisprudence.”

On a sultry Saturday afternoon, July 14, 1979, a rancher was riding his horse through the Richloam Game Preserve in north-central Florida, looking for stray cattle. As he passed through a popular picnic

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ground, he noticed—amid the scrub, garbage, and cypress roots—a corpse, horribly disfigured by fire. It was the body of a young woman, much of her face and torso burned away. The rancher sent a companion to summon the police. He stayed behind to sho the buzzards.

Detective David Fitzgerald of the Pasco County Sheriff’s Office was one of the first to arrive. He was a handsome young man, and moved with the confidence of a small town’s golden boy; nearly everyone in nearby Dade City knew him either as the former baseball and tennis star at the local high school, or as the son of the popular proprietor of the Crest Restaurant across the street from the courthouse. This was the green young detective’s first murder mystery, and he found precious little to go on. A plastic milk jug lay near the body, smelling faintly of gasoline. Two cheap rings were on the victim’s fingers; a roach clip lay in the soot beneath the body. Clinging to the body were a few shreds of unburned clothing; nearby was a pair of sandals. The ground was crisscrossed with tire tracks from a dozen recent picnics. Plaster molds were made of the tracks nearest the crime scene.

Clouds threatened an evening rain, so the crime-scene investigation was rushed. Toward sundown the body was taken to the local morgue, where the following morning Dr. Rehana Nawab performed an autopsy. Nawab, too, was green, and this was her first autopsy of a burn victim. As she went about her work, she found a small skull fracture and a pocket of blood on the victim’s brain. From this, she concluded that the victim had been beaten. She drew blood samples, which showed high concentrations of carbon monoxide. From this she concluded that the woman had still been breathing when she was set ablaze. Fingerprints were taken. The teeth were in bad condition, Nawab observed. There was little else to say. The doctor theorized that the killer or killers had clubbed their victim unconscious, poured gasoline over her from the plastic milk jug, then set off a fireball. Following standard procedure, Nawab preserved certain tissue samples, including the larynx, and classified the remains “Jane Doe.”

Not much to go on. David Fitzgerald had an unidentified corpse, some jewelry, a pair of sandals. No fingerprints on the milk jug. All he knew was how the murder had happened. A beating. Immolation of an unconscious victim. Fitzgerald threw himself into the missing-persons
reports that began to pour in from around the state, looking for a match.

Dade City, about a dozen miles from the crime scene, is the quiet seat of Pasco County, a town of neat lawns and cookie-cutter houses located in cattle and citrus country about an hour north of Tampa. North of town, up Highway 301, this Main Street idyll gives way rapidly to a world of beat-up trailer parks and grim migrant camps. Six miles up the highway is the tiny hamlet of Lacoochee. Before World War II, Lacoochee was a working town, home of a thriving cypress mill. But then all the cypress trees were cut, the mill closed, and Lacoochee was left with nothing but dirt roads, ramshackle houses, rough bars, and poor people. It was just outside Lacoochee that Jane Doe was found.

Jack Armstrong was a sheriff’s deputy who loved working Lacoochee. Despite his all-American name, Armstrong was a bit of a rough character himself, the son of a Boston steamfitter, burly, happy as a clam knocking back a few beers in squalid Lacoochee bars while sopping up the local gossip. And after the body was discovered on the Richloam Game Preserve, gossip was plentiful around town. A good bit of it flowed from Bivian Bohannon, a local busybody. If a crime transpired along that tough stretch of Highway 301—and many did—it was a good bet Bivian Bohannon would talk about it. She was a thresher of gossip, which she dumped, without gleaning, in great bales on the police. A loyal informant, though not always reliable, Bohannon talked eagerly about the grisly crime at the picnic ground.

Around that time, a seventeen-year-old runaway named Carlena Jo Hubbard was staying at Bohannon’s house. As she once testified, she was a tragic child, the daughter of two heroin addicts from Kansas City; she had grown up in foster homes and was an addict herself by the age of thirteen. She favored LSD and angel dust, and these ravaged her unstable mind, generating wild and vivid dreams. Psychiatrists had diagnosed her as a paranoid. Hubbard listened intently to Bohannon’s stream of gossip and speculation, and after several days of it, she had a horrific dream. She awoke screaming: “Don’t burn her! Don’t burn
her!” Bivian Bohannon was convinced by those words that C. J. Hubbard held the key to the fiery murder, and she ordered the girl to call the sheriff’s office.

Hubbard welcomed the chance to help. But try as she might, she could not remember a crime. Maybe, she offered, the victim was a woman she knew only as “Elizabeth,” who liked to hang out at Howard’s Bar. This “Elizabeth” was a friend of a local man named Earnie Miller, Hubbard said, and she added that she recalled overhearing Miller “talking about killing people.” That was how it began.

Jack Armstrong knew all about Earnie Miller—he was a thorn in Armstrong’s side, a giant pain in his butt. Miller lived in a run-down house in Lacoochee surrounded by a tall chain-link fence, and he kept a pair of Doberman pinschers in the yard. Earnie Miller made his living selling dope, and he did not welcome unexpected visitors. For months, Armstrong had been following Miller, staking out the house, trying to nail him on a drug charge. But Miller was always one step ahead. Sometimes, Armstrong got the feeling that Miller was gloating.

And in the tangled little underworld of north Dade City and Lacoochee, some people believed that Armstrong had a more personal grudge against Miller, as well. The deputy often enjoyed a few drinks at Howard’s, and he was known to hit on the barmaid, a slender, long-haired woman named Robbie Larramore. According to Larramore, Armstrong would invite her out to breakfast or to “go for a ride,” and she always declined. Armstrong would ask, “Why not?” Larramore recalled that she answered, “I’m real picky about who I go out with.”

Too picky to date Armstrong, but not too picky to date Earnie Miller—Larramore had lived for a while with Miller in the white house with the chain-link fence. One day, not long before the fiery murder, Jack Armstrong ran into Robbie Larramore at the Lacoochee Shop ’n’ Go. “And he said to me if I didn’t stay away from Earnie Miller, I’d better watch my step,” Larramore recalled. Samantha Carver claimed she had heard a similar threat. Carver, an exotic dancer with a tattoo of a mushroom on her left buttock, had been riding in Miller’s rattletrap green Galaxie 500 along Highway 301 one afternoon when Armstrong pulled them over. As Carver remembered it, Armstrong walked up and leaned toward the driver’s window. “Maybe we can’t get you for the

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drugs you’re selling,” he told Earnie Miller. “But we’re gonna get you for something.”

Thanks to C. J. Hubbard’s dream, Miller’s name surfaced, however tenuously, in connection with the murder of Jane Doe. Armstrong prepared a composite sketch of the dead woman and took it around Lacoochee. He wanted to know if anyone had seen her, in the company of Earnie Miller, on the evening of Friday, July 13, 1979.

It was a stroke of luck, really, that Armstrong knew the exact date of the crime. Dr. Nawab’s autopsy had not been able to pinpoint the time of death—she guessed that the body had been dead roughly twenty-four hours before she first saw it, but she said possibly several days had elapsed. Armstrong had done some investigating on his own. On Friday, July 20, 1979, six days after the discovery of the crime, he had taken a drive out to the crime scene and come across a family enjoying a cookout: Kenneth and Addis Taylor, with their grandsons Randy and Pat. The Taylors told Armstrong they had been in the same spot, cooking hot dogs, the previous Friday afternoon. They’d spent a good three hours, Ken and Addis enjoying the sunshine, the boys running and playing. They hadn’t seen a corpse. Armstrong also learned that Freddie Hayes and Joe Nichol had spent the late afternoon that same day fishing in the nearby Withlacoochee River. They had parked their white Ford pickup a few feet from the spot where the body had been found. They hadn’t seen anything unusual. Six people, tramping around the crime scene, and no hint of a crime. “Therefore,” Armstrong wrote in his report, “writer believes that body would not have been deposited at that location until 6 P.M.” or later. That’s how the detective knew to focus his inquiries on the night of Friday the thirteenth.

Carrying his composite drawing and a picture of the dead woman’s jewelry, Armstrong trooped from bar to bar. “I got a lot of responses,” he later testified. “Most of them were not too good.” But at El Caboose, he found an answer he liked, from bartender Alicia Valdez. She was eager to please: Valdez was an immigrant from Mexico with a criminal past; if she failed to make a favorable impression on the authorities, she could be deported at the drop of a hat. Obligingly, she identified the woman in the drawing. On the night of July 13, that
woman had been in the bar, Valdez said. She was with Earnie Miller. A whole bunch of people were drinking together, and they all left in Miller’s car. Valdez did not remember seeing Bill Jent.

Miller was not an ideal murder suspect. He was a longhaired doper, a no-account punk, but there was little in his background to suggest he was especially violent. Born in Dayton, Ohio, in 1956, Miller was five years younger than his half-brother Bill. According to an aunt, neither Miller’s mother nor his father wanted the boy; after his dad left, his mother moved from apartment to apartment, preferring places that didn’t allow children. Miller grew up hard. At fifteen he drifted to Lacoochee to pick oranges, then tried a stint in the Marines. He went AWOL and drifted back to Florida. Miller was known to get drunk and hit his wife, a dark-haired Mexican named Maria; but then, Maria was known to get drunk and hit Earnie. They had two children and lived apart.

Bill Jent looked more like the murdering type. Jent had been to prison—ten months for breaking and entering. He, too, had washed out of the Marines; after that, he became a tattooed member of the Renegades, a motorcycle gang. On July 8, a few days before the murder at the game preserve, Bill Jent had roared into Lacoochee on his Harley, driving right up to Miller’s front door. He was on vacation. Miller was waiting with booze, pot, and a couple of women. “Hey,” he said, and he pointed to Samantha Carver. “I got something for you.” Miller’s date for the week was a strangely charming junkie named Glina Frye.

They had sex and got blasted for a couple of days. On Thursday night, July 12, Bill and Earnie, Sam and Glina rounded up some friends for a party at a burned-out railroad trestle over the Withlacoochee River. They drank Canadian Mist whiskey, swigged beer, smoked pot, and snorted angel dust. A rope swing dangled from a tree, and they took turns leaping from the riverbank, clutching the rope, then dropping into the dark water. C. J. Hubbard was there, as were George Mortola, Salvadore Velazquez, Ricky Camacho, and Patricia Tircaine, who was so drunk she threw up repeatedly. Twice during the party, a sheriff’s deputy cruised by to take a look. He saw nothing unusual. When he rolled up a third time, after 1 A.M., everyone was gone. Miller
drove Tircaine home, and when he got back to his house he found everyone else passed out.

The following night, Friday the thirteenth, Bill and Earnie and Sam and Glina drove into Tampa to meet one of Jent’s fellow Renegades at the airport. They made quite an impression in the lounge where they waited—raucous, raunchy, and loud.

When deputies David Fitzgerald and Jack Armstrong learned that Earnie Miller had been hosting his Renegade half brother on the night of the crime, the pieces began to fall into place. Everyone knows that motorcycle gangsters are capable of mistreating women, raping and even murdering them. The deputies had an ex-con biker, Wild Bill Jent, visiting a known criminal, shiftless Earnie Miller, who in turn was seen at El Caboose in the company of an unidentified young woman. The following afternoon this woman was found dead. It didn’t take Sherlock Holmes to add two and two.

The detectives started looking for the members of the swimming party. At El Caboose, Armstrong found Salvatore Velazquez. Though he spoke little English, Velazquez acknowledged having been there, but said he had been too busy playing on the rope swing to notice much of anything. Patricia Tircaine was also at the bar. She readily admitted attending the party, but explained that the whole night was hazy. She had been so drunk. Armstrong did not believe her. He took Tircaine down to the station.

Years later, Tircaine would say in a sworn statement that she was threatened with five years in jail if she didn’t give the detectives what they wanted. “They told me I was with some people partying at the trestle and this girl got killed. And they said Earnie and Bill had killed this girl,” Tircaine declared. “They kept telling me, ‘Well, this is the way it happened.’ And I, you know, agreed with them.”

However it transpired, after several hours of questioning, Tircaine confirmed the detectives’ theory. She told them she was swimming when she heard muffled screams. Curious, she walked toward the noise. She saw Miller talking to Glina Frye. “I got her,” Miller had said. Then Tircaine saw a dead, nude body. And Miller threatened her: If you tell
Anyone, he had said, the motorcycle gang will come after you. A strange, sketchy story. Tiricaine did not say she had seen the crime; she gave no hint of a motive; she said nothing about how the body had gotten from the trestle to the game preserve.

But for Armstrong and Fitzgerald, Tiricaine’s tale solved the puzzle. They began trying to find Glina Frye, George Mortola, and Ricky Camacho. Intriguingly, all three had skipped town the day after the murder was discovered. Miller and Jent were still in Lacoochee, but that meant nothing to the detectives. After all, Earnie Miller had always been smug. In fact, on July 25, Miller brought a friend to the police station to look at the composite drawing of the victim. He claimed he was trying to aid the investigation. Detectives arrested him on the spot, and an hour or so later they picked up Jent. The half brothers were charged with the murder of Jane Doe.

The other party-goers were tracked to Reedsville, North Carolina, where they were arrested as accessories. Glina Frye, George Mortola, and Ricky Camacho all insisted that there had been no murder at the railroad trestle and—though David Fitzgerald threatened them with prison—for nine days, they stood firm. On the tenth day, Frye started to talk.

In a sworn statement several years later, Frye said someone had sketched three electric chairs on a sheet of paper, then labeled them: “Bill,” “Earnie,” and, on the last, “Glina.” However it transpired, Frye offered a story that fit nicely with the details emerging from Tiricaine’s ongoing sessions with police. By now, Tiricaine was saying that she had seen Bill Jent leaning over the young woman, beating her with a stick. Glina Frye’s account matched neatly, down to the stick in Jent’s right hand. As the interrogations continued, Tiricaine added that she had also seen Miller strike the victim. Frye’s account grew to match. (Frye later swore that she had changed her story because the detectives demanded that she incriminate Miller. “They said I had it all mixed up, that I was trying to protect Earnie.”)

Precisely how many times the stories changed is impossible to calculate, because contrary to his ordinary practice, Armstrong made no tapes of the interrogations. Despite the alterations, though, the details from the two women never entirely meshed. The witnesses could
not decide whether the victim was nude or clothed, standing or prostrate. They weren’t sure how she had gotten to the swimming party, and disagreed about what had happened on the way to the game preserve where she was dumped. Perhaps that was to be expected, given the booze and the drugs.

One fact they eventually agreed upon was that the body had been transported in the trunk of Miller’s car. So the detectives impounded the car, popped the trunk, and immediately saw that the space had not been cleaned in many months—if ever. This was good news. A badly beaten body had been stuffed in there, possibly after being raped. She should have left traces: blood, vaginal fluid, stray strands of hair. Miller’s trunk could seal the case.

But they found nothing. Nor was that their only disappointment. In the course of grilling Glina Frye, the detectives discovered that she had been in Tampa with Miller and Jent on Friday night, July 13. They had registered at a motel, so there would be a paper trail. And they had made nuisances of themselves at the airport bar; someone would probably remember them. This was a problem: Armstrong had the statements of six people who had been at the crime scene that Friday afternoon and had seen nothing amiss. If those witnesses were right, then the body must have been dumped and burned later that evening, when the suspects were more than fifty miles away.

Regarding the car trunk, the detectives theorized that a blanket must have sopped up the evidence. It was a stretch to think that a couple of stoned thugs would have been so tidy, but it was possible. The alibi was more troubling. There was no solution but to move the date of the murder from Friday, July 13, to Thursday, July 12. And the existence of the six crime-scene witnesses had to be buried. Armstrong’s report was not among the files that were given to the defense. When defense attorneys asked him, under oath, to recount each step of his investigation, Armstrong neglected to mention anything about the six witnesses.

With the killers in jail, David Fitzgerald apparently saw little need to keep plowing through the mountain of missing-persons reports. So when a man named T. B. Bradshaw turned up at the station one day, convinced that the dead woman was his daughter Linda Gale, Fitzger-
ald listened skeptically and sent the man on his way. If he had a dollar for every parent who wanted to claim the victim, he’d be a rich man.

One report did intrigue Fitzgerald, though. A woman told him that her daughter, Tammy, had run off with a motorcycle gang, supposedly in the company of a man called “Wild Bill.” That was Jent’s nickname. Fitzgerald asked Glina Frye about it. Frye was shaping up as the prosecution’s star witness, a great talker, wonderfully cooperative when the police needed new details; she was helpful as usual. Yes, Frye told Fitzgerald, the victim’s name was Tammy, though Frye was unsure of the girl’s last name. Thus, when indictments were handed up charging Miller and Jent with first-degree murder, the victim was identified as “Tammy LNU,” for Last Name Unknown. C. J. Hubbard’s story about a girl named “Elizabeth”—the story that had originally linked the crime to Earnie Miller—was forgotten. (Police also quickly abandoned the “Tammy” theory. Only the name survived.)

Hubbard, meanwhile, was in protective custody, safe from the predatory motorcycle gang, trying desperately to be of assistance. She felt sure that she knew something about the crime, but she just couldn’t remember. She met frequently with David Fitzgerald, who walked her again and again through the details reported by Tiricaine and Frye. These sessions continued for almost a month. Then Hubbard had another of her dreams. “I started dreaming where I could see what was going on,” she later explained. She was at the party. She was making out with Ricky Camacho. She was swimming. From the water, she glanced down the darkened riverbank, and there were Earnie Miller and Bill Jent beating a woman with a stick. Things went hazy, but now everyone was crammed into Miller’s car, riding through a forest. The car came to a stop. They all piled out. The body was on the ground, and flames were leaping. “The dream,” Hubbard said, “came to life.”

The detectives wrote up her statement, down to the last detail—all except for the fact that this was a dream. And suddenly there were three “eyewitnesses” to the ghastly murder of Tammy LNU.

But they had not a shred of physical evidence. The detectives had no fingerprints, no bloody clothes, no murder weapon; they didn’t know where the gasoline had come from; they couldn’t tie the milk jug to either defendant; the tire tracks near the body didn’t match those of
Miller’s car. Months passed. Jane Doe, the mysterious Tammy, was buried. Miller’s trial, set for mid-November, approached. Still no evidence.

Then something marvelous happened. Fitzgerald produced a single strand of black hair, which he said he had found three days after the body was discovered, during a careful scouring of the crime scene. The hair had somehow clung to a cypress knee through a downpour, and miraculously Fitzgerald had noticed it amongst the scrub and litter at the site. At the state crime lab, an expert determined that the hair was very similar to Jent’s hair. This was not conclusive, but it was the first, and only, physical link.

Why had this hair been produced so late in the game? The defense believed the detective was cheating. Bill Jent was a shaggy man, with shoulder-length hair and a bushy beard. Fitzgerald could easily have strolled into the prisoner’s cell, plucked a hair from the pillow, and claimed that he had found it at the site. Normally, this question would be easily settled, because when evidence is discovered it is carefully entered into police custody, it is recorded, and a receipt is written. The receipt would prove that the hair had been found before Jent was arrested. Except Fitzgerald had never taken these steps. There was no receipt. Only the detective’s word.

On the day Earnie Miller’s trial began, November 12, 1979, rumors ran rampant in peaceful Dade City that hundreds of motorcycle gangsters were camped outside town, waiting to ride in, guns blazing, to free their friends. Security around the courthouse was at an all-time high. “We all believed that Jent and Miller were part of an enormous evil gang, because that’s what the police were telling us,” Judy Hinson later recalled. Hinson covered the trial for the local weekly, which ran pictures of the sullen, ponytailed Miller and his bearded biker brother. “In retrospect, I guess we went overboard. I’ve never seen a biker on the streets of Dade City.” In truth, there was no encampment of bikers, and nobody came to the rescue of Miller or Jent.

Miller’s trial unfolded simply. Dr. Nawab took the stand to explain her theory that Tammy LNU was beaten unconscious and died in
the fire. Patricia Tiricaine, C. J. Hubbard, and Glina Frye testified to a beating and burning that fit the doctor’s conclusions. But Frye gave her testimony a new twist. For the first time, she said that during a stop at Miller’s house on the way to the game preserve, the half brothers had pulled Tammy’s unconscious body from the trunk of Miller’s car, stripped off her clothes, and raped her. Apparently unconcerned about the frequent police surveillance of the Miller place, the other men from the party joined in. Then the body was returned to the trunk, and everyone got back in the car for the ride to the dump site.

This was devastating for the defense, not least because the added felony of rape made the death penalty more likely, and Miller’s attorney was aghast. Why, in her five previous sworn statements, had Frye neglected to mention this shocking scene? “I skipped over the rape part,” Frye answered. “I just added a little bit more truth each time I told it.”

Miller’s lawyer, Larry Hersch, didn’t realize just how many different versions of the crime had been recounted by the three eyewitnesses. Many accounts, with wildly conflicting details, lay undisclosed in police files and were never mentioned by detectives on the witness stand. Cross-examining the eyewitnesses, he could only hammer on the discrepancies in their formal sworn statements. All three women had given at least three different versions of the crime. They disagreed on who rode with whom to the party. They disagreed on who stood where. They could not remember whether they spent three minutes or ninety minutes at Miller’s house. They were vague on the details of the beating, claiming only to have “glanced” at the murder in their midst. They were unsure who poured the gas, who struck the match. Hubbard said they partied by the light of a bonfire; Frye said they partied by candlelight. “Was [Hubbard] so drunk she thought that candle was a bonfire?” Hersch asked in his closing argument. “Or was Glina so high that she thought that bonfire was a candle?”

Discrepancies aside, an overwhelming fact remained: Three people said they witnessed a murder. That was enough. Earnie Miller was found guilty. The jury recommended a life sentence.

A month later, Bill Jent went on trial. The evidence was essentially the same, except for the mysterious hair and the fact that, once again, Glina Frye “added a little bit more.” This time, along with the
story of the gang rape, Frye described a hideous resurrection. As the victim was doused with gasoline, she awoke, and struggled to rise. Jent threw her back to the ground, and someone lit a match. This heinous new detail tipped the balance, and Jent’s jury recommended the death penalty.

As they awaited sentencing by Judge Wayne Cobb, Earnie Miller and Bill Jent were kept at the Pasco County jail. During that time they were joined in jail by a sex offender named Elmer Carroll, another troubled denizen of Highway 301. He was in the cell next door to Miller, and listened for several days as Miller moaned that he had been railroaded for a crime he didn’t commit. “He kept going on about how he wasn’t guilty, he didn’t do it,” Carroll later recalled. “Finally, I said, ‘I know. . . . I saw it happen.’”

In late June and early July of 1979, Elmer Carroll and Tina Parsons were living in an ancient Airstream trailer on the northern outskirts of Dade City. Eight feet away, in an identical trailer, a man named Charles Robert Dodd Jr. lived with his girlfriend, Linda Gale Bradshaw.

Bobby Dodd was twenty-three, a habitual felon from the dirt-poor hill country of North Georgia. Kind of a cute fellow, with dark, straight hair and piercing eyes, he romanced the ladies as a guitar player in a honky-tonk band; his signature tune was the theme from TV’s *Batman*. Dodd made a little money working in the carpet mills of Dalton, Georgia, and a little more selling dope, and a little more—according to several ex-girlfriends—pimping prostitutes. He was a robber (though not always successful; he had scars on his back where a shopkeeper had blasted him with a shotgun). He kited checks. He had an explosive temper. Once, Dodd ran up on a friend who was working under a car, kicked the man in the groin, hauled him to his feet, and battered him with a wrench. He liked to talk about his skills in the martial arts, bragging how easy it was to kill somebody.

Gale Bradshaw was twenty, a school dropout at twelve, wife at fourteen, divorcée at fourteen and a half. A plain young woman, a little plumpish, with soft eyes, she had a sweet small smile, tight-lipped be-
cause she was ashamed of her rotted teeth. She lived across the border from Dalton in Cleveland, Tennessee, and one night, when she was sixteen, Bradshaw went to the Starlight saloon for a little drinking and dancing. There, she fell in love with the slight, cute guitar player who wailed on “Batman.” It was a tempestuous romance because Dodd had so many women in his life. His wife, for example, and anyone else he could sweet-talk, and at least one girl whom he simply overpowered. In spite of it all, Gale Bradshaw was in love.

In the summer of 1979 they were both in trouble. Dodd was wanted for the rape of a thirteen-year-old girl. They packed up their few belongings and headed south on Interstate 75, which took them down through the Georgia hills, through Atlanta, through the swampy borderlands into Florida, past the billboards advertising cheap tickets to Disney World. North of Tampa, they turned east toward Dade City, where Gale Bradshaw had kin. They wound up in a green-painted Airstream in a trailer park off Highway 301. Naturally, they struck up a friendship with their next-door neighbors; they had a lot in common, after all—age, class, problems with the law. Bobby Dodd and Elmer Carroll passed the hot afternoons drinking beer and smoking pot and cigarettes. Gale Bradshaw and Tina Parsons sipped tea made from hallucinogenic mushrooms. Dodd showed off his karate skills and played mumblety-peg with his switchblade. As the blazing day faded into humid night, Bobby Dodd sometimes took up his guitar and sang Gale Bradshaw’s favorite tune, “Stairway to Heaven.” And if he was angry at her (as he was, more and more often), he added a line of his own composing at the end: “And she’s buy-uy-ying the stair-air-way to Heav-ennn (I’m gonna kill youuuu).”

Dodd was so often angry at Bradshaw because she was so often angry at him. Their life together on the run from the law had not brought them closer; Dodd was no more faithful in Dade City than he had been before. Some people remember him pursuing Glina Frye. Samantha Carver, Frye’s roommate, recalled Dodd hanging around their trailer all doe-eyed and panting, trying to get Glina to go to bed with him. Carver said he brought Frye gifts of cheap jewelry, claiming to have stolen them from Gale. This Dogpatch Clyde was cheating on

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his Bonnie—and in the time-honored way of lovers on the lam, Gale Bradshaw apparently figured she might inspire fidelity by threatening to turn her lover in.

Dodd, according to the neighbors, figured differently. “He told me that Gale knew some things on him,” Elmer Carroll said, “and every time he turned around she was saying that she was going to have him put in jail if he didn’t straighten up.” Tina Parsons recalled that Dodd “said he was going to kill her.”

Sometime early in July, Gale Bradshaw got fed up and moved out of the trailer. She went to stay with a sister and telephoned her father in tears, begging him to come take her home. T. B. Bradshaw made the long drive down I-75, loaded his daughter’s belongings into his car, and was ready to set off on the return trip when Gale asked if they could stop by the trailer to let Dodd know she was leaving. They stopped, and Dodd talked her into staying. Irritated, T.B. helped his daughter unload the car, then drove away. That was the last time he would ever see her. It was July 10, 1979.

When Elmer Carroll talked to Larry Hersch, defense attorney for Earnie Miller, he told this story: On July 12 or 13—“I don’t keep up with dates”—“we were pretty high. And [Bobby Dodd] asked me if I knew any places that people camped out, and I said yes.” Dodd, Carroll, and Gale Bradshaw climbed into Bradshaw’s 1967 Buick, a blue jalopy with a leaky radiator. The car was always overheating; Gale kept a plastic milk jug in the back seat to replenish the water supply. They drove out Highway 301, through Lacoochee, across the Withlacoochee River, turned right on Clay Sink Road into the Richloam Game Preserve. “We got out of the car and smoked about ten joints. . . . And [Dodd] told me to get some gas.” Carroll said he thought they might use it to start a campfire. He took the milk jug from the back seat and siphoned some gasoline from the tank of the Buick.

According to Carroll, Dodd began badgering Bradshaw for sex, and she demurred, saying, “You know, Elmer is here.” Dodd persisted; Bradshaw resisted. Dodd said: “You’ve been talking about, you know, having me locked up. I don’t like that.” He pushed her to the ground,
snapped out his switchblade, and said, “I’m gonna train you.” And Bradshaw gasped, “Yes, Bobby, anything you say.” Then he strangled her. He pounded her head on the ground as he choked her. “The bitch is still breathing,” he said. Dodd took the milk jug, poured the gasoline over the still form, flicked his butane lighter, and said, “Burn in hell!”

Carroll said that later that night, he and Dodd sat drinking on the parking lot at the Lacoochee Shop ‘n’ Go. Dodd nudged the open car door. The door rocked gently, moving as if under an unseen power, and Dodd gestured toward it. “The bitch is haunting me already,” he said.

Elmer Carroll’s story appeared to have some holes in it—certainly one big hole. What was Carroll’s own role in this gruesome crime? He was likely something more than a passive, frightened onlooker. Carroll’s own legal problems stemmed from his sex drive, and Dodd liked his girlfriends to earn a little cash by selling sex. It is possible Dodd’s temper was triggered by Bradshaw’s refusal to have sex with Carroll, and that Carroll had altered the scene slightly to diminish his own role. Possibly, Carroll had an even more active role in the crime. His girlfriend, Tina Parsons, once said that Carroll admitted to her that he grabbed Bradshaw by the neck.

But in numerous respects, Carroll’s story was more credible than the ones told by the three eyewitnesses at the trials of Miller and Jent. There was, first, the matter of personal interest. The Miller-Jent witnesses all knew that they could be charged as accessories to murder if they did not testify. Deputy David Fitzgerald acknowledged that he threatened the witnesses with prison; it was part of his “interview technique,” he said. Elmer Carroll, on the other hand, was making what lawyers call “an admission against interest.” His story didn’t help him; it could, potentially, hurt him. He was walking into an accessory rap, not away from one.

Carroll also provided a specific identity for the victim, not some vague “Tammy,” last name and origins unknown. He provided a concrete motive for the crime—the most familiar of all murder motives, a lover’s spat—in contrast to the seemingly unprovoked outburst of Miller and Jent. He explained the means; that is, why a milk jug was handy for pouring the gasoline. His account meshed with the behavior of the
various suspects after the murder. Miller stuck around town, driving the old Ford with the dirty trunk; he and Jent visited Tampa but returned to Lacoochee. Bobby Dodd, by contrast, hightailed it out of Pasco County, and when he turned up again around Dalton, he gave conflicting explanations of Bradshaw’s disappearance. He told T. B. Bradshaw he had taken Gale to Tampa; he told Gale’s brother Tommy that he left her by the side of the road; to another Bradshaw relative he said he was “too messed up” to remember what happened. In a letter to Gale’s sister, he claimed that she left him.

But Armstrong and Fitzgerald nevertheless thought Carroll was lying because he said the victim was strangled, and the autopsy said she was beaten. Further, they believed the dead woman was Tammy LNU, not Gale Bradshaw. To be certain, they showed Bradshaw’s picture to Glina Frye. Is this the victim? they asked. Frye said no. The detectives moved Carroll out of the Dade City jail to a jail in nearby Brooksville, where they interrogated him over the course of three and a half days.

Years later, Carroll would give one description of the questioning and the detectives quite another. They all agreed that Carroll was hooked up to a polygraph machine; the detectives said he failed this lie-detector test. (There was no way of confirming this, because the graphs were destroyed.) Carroll said he got a dose of Fitzgerald’s “interview technique”—which is to say, he was threatened with prison. “They said, ‘We’re not even going to look for Bobby Dodd. We got you,’” Carroll recalled. Carroll said he directed the cops to the crime scene; the cops said he had missed by a mile. According to Carroll, when they reached the scene Jack Armstrong drew his gun, pointed it, and announced, “I’m an expert marksman. I could shoot you and say you were trying to escape.” Armstrong denied this. However it transpired, Carroll reluctantly recanted his story, saying Earnie Miller had offered him a stash of dope if he would make it all up.

On January 30, 1980, Bill Jent was sentenced to death. Judge Cobb, saying that the sentences should be equal, overruled Miller’s jury and dispatched him to death row, too. As the half brothers headed off to Starke, prosecutor Robert Cole dispatched a letter to Pasco County
Sheriff John Short, commending the good work of David Fitzgerald and Jack Armstrong. “As you know, Carroll’s testimony was such that there was a good possibility that Jent and Miller would get a new trial,” the prosecutor wrote. “The work of these officers in breaking Carroll saved our office and yours from enormous expense and aggravation.”

Strangely, considering their good work, Armstrong and Fitzgerald never advanced at the sheriff’s office. Just five months after the sentencing, Fitzgerald was busted back to patrol for reasons that are not clear. He quit the force and opened a restaurant. The following year, Jack Armstrong was also back on patrol—he had asked to be reassigned, citing family problems. On the day they sent two murderers to death row, however, the deputies were jubilant. They took Glina Frye, their star witness, out for a few drinks to celebrate. In one of the many conflicting sworn statements Frye gave over the years that followed, she recalled a snippet of their conversation: “I told them I thought it stunk that two guys could go to prison for a murder they didn’t do.”

After Bobby Dodd left Dade City and resurfaced in Georgia, he moved into a trailer on Jupiter Circle in Dalton, where his next-door neighbors were the Mocahbees: father Albert, mother Lucille, and daughter Ida Mae, a slender girl of seventeen with stringy blond hair. Ida Mae was thrilled to see Bobby again. Like Gale Bradshaw, she had fallen for him as he twanged his guitar one night at the Starlight saloon. For Ida Mae, it was a goofy childhood crush. She wrote “Ida loves Bobby” on the flyleaf of her Sunday-school Bible.

On November 9, 1979—three days before Earnie Miller’s trial was to begin—Lucille and Ida Mae Mocahbee watched Dallas from 10 to 11 p.m. Then Lucille went to bed, and Ida Mae quietly stole $259 from her mother’s purse and took some tools from the family toolbox. A neighbor said she rode away from the house with Dodd, who was wearing a cast on his hand. Twenty days later, a local undertaker was out hunting ducks when he came across Ida Mae Mocahbee’s decomposing corpse. Her body had been burned. A Miller beer can was beside the body, smelling faintly of gasoline. Her skull had been smashed—“blunt-force trauma,” the autopsy concluded, the sort of

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injury a human hand might make if it was encased in a plaster cast. The crime scene was near a lover’s lane, the very place Bobby Dodd had raped a girl half a year earlier.

When Pasco County authorities were informed of this strange coincidence—one man, two girlfriends, both dead in precisely the same way—they theorized that Bill Jent’s Renegade cronies had paid a visit to Georgia to frame Dodd. It was an intriguing theory, though far-fetched. The bikers would have had to find Dodd, follow him, figure out whom he was dating. Then they would have had to entice the girl to rob her own mother and come away with them. And there was a larger flaw in the theory: If Jent and Miller had wanted to frame Bobby Dodd, surely they would have mentioned his name before sending their friends to murder an innocent girl. They would have told the police, or told their lawyers, Hey, you guys should be looking at Bobby Dodd.

But Ida Mae Mocahbee was killed before Elmer Carroll ever entered the picture. At the time, Bobby Dodd hadn’t entered the picture of the Jent–Miller case. This greatly complicated the conspiracy theory: First, Jent and Miller killed Tammy LNU for no apparent reason. Then they hatched a fiendishly complex plan to put the blame on Bobby Dodd—but failed to mention him as an alternative suspect. Next, they dispatched Jent’s biker friends some five hundred miles to stalk and murder Ida Mae Mocahbee, but still they said nothing about Dodd. Then, fortuitously, Dodd’s old neighbor, Elmer Carroll, showed up in the next cell. Cleverly, they bribed Carroll to implicate himself as an accessory to murder . . . and only then sprang the case against Dodd. It was a plot worthy of Agatha Christie, engineered by two dopers with double-digit IQs.

Still, this was the scenario police and prosecutors believed—or said they believed. In fact, the Florida detectives never tried very hard to follow up on their theory. Nor did the Georgia police put much effort into solving the Mocahbee murder. When Dodd’s parole officer, Morris McDonald, once asked why the investigation into Ida Mae’s death had been so lackadaisical, he was told that Georgia authorities didn’t want to interfere with another state’s death row justice.
Bill Jent seemed to make the transition to death row fairly easily—as easily as anyone can. He had done time before, and besides, he was such an easygoing guy, life just washed over him. He whiled away the hours watching cartoons on TV. Earnie Miller was in prison for the first time, and he worried endlessly about his sanity. He rationed his TV time, afraid the tube would ruin his mind. He slept fitfully, always with a towel over his eyes, because sometimes inmates, walking down the corridor, would fling bleach into a guy’s face just for the hell of it. What sleep Miller managed was haunted by nightmares of the electric chair.

They deserved their mind-numbing captivity and their tortured sleep if indeed they had raped and beaten and burned Tammy LNU. The case for their guilt rested on three shaky legs. First leg: The crime had occurred on July 12 and not on July 13, the night for which they had an alibi. Jack Armstrong’s report of six people who had not seen a corpse at the crime scene on the afternoon of July 13 was buried in undisclosed police files. Second leg: The eyewitness testimony of three women. The report indicating that C. J. Hubbard’s knowledge of the crime had come from a dream was buried in those same files, along with many conflicting versions of the crime described by the three women. Third leg: The unidentified victim. As long as she was Jane Doe, or Tammy LNU, Elmer Carroll’s story about Bobby Dodd was a mere sideline, and so was the death of Ida Mae Mocahbee. The case against Dodd depended on the fact that the dead woman found at the game preserve was indeed Linda Gale Bradshaw. And for years after the trials, the Pasco authorities insisted that no fingerprints of the victim had been recovered.

The death sentences were sent to the Florida Supreme Court for automatic review, where they were affirmed in 1982. In June 1983, Bob Graham signed death warrants for the half brothers. The case moved into the next stages of appeals.

Miller and Jent were represented by Howardene Garrett and Eleanor Jackson Piel, and no clients have ever had a more dedicated and delightful team of lawyers. Garrett, who represented Earnie Miller, was
an assistant in the Pasco County public defender’s office, a young woman of grit and wit and an unassuming good nature. This was her first death penalty appeal, but there was expertise in her household; Garrett’s husband, Austin Maslanek, was one of Scharlette Holdman’s stalwarts. Piel, a tough but elegant woman of regal bearing from the Upper West Side of Manhattan, was a graduate of the law school at Berkeley, an old-school liberal who used her wealth to support dogged fights on behalf of the downtrodden. One day, while riding the subway to work, Piel had read a story in The New York Times about the shortage of lawyers willing to defend death row inmates. She was scandalized—to her, the death penalty was outright barbarism—and as always her commitment followed her heart. She telephoned a lawyer in North Carolina, who brushed her off; undeterred, she contacted Holdman, who never declined an offer of help. “For me, it was like she was calling to offer a fifty-thousand-dollar check,” Holdman recalled. “I looked on my list and found a case for her. It was Bill Jent.”

Even for skilled lawyers, death penalty appeals are a world unto themselves. Howardene Garrett could look across the dinner table if she needed advice, but Eleanor Jackson Piel lacked such handy resources. Holdman arranged for Millard Farmer to take her under his wing, well aware that Farmer could be a prickly teacher. One day, Piel called Farmer, enthusiastic about a strategy she had devised for Jent’s defense. Farmer sighed in his world-weary way. “Eleanor,” he said mournfully. “Why don’t you just go out right now and buy a shovel?”

What do you mean? Piel asked.

“You obviously want to put your client in his grave,” Farmer said.

Some lawyers might have given up right then, but Eleanor Jackson Piel never gave up. When the death warrants were signed and it was time to argue for a stay of execution before the Florida Supreme Court, she was there, alongside Howardene Garrett, in a display of female power that set Holdman’s heart aflutter. “Howardene and Eleanor wore white linen, because they are both such ladies and can wear white linen,” Holdman recalled wistfully. “It said that here were the forces of good!”

But the women in white were denied, and so they rushed to the federal district court. With sixteen hours left before the scheduled exe-
cution, U.S. District Judge George Carr decided there were questions that needed answering in the case of Bill Jent and Earnie Miller. In their death-watch cells, Jent and Miller had been measured for their funeral suits and had ordered their last meals. When the news came of the stay, Miller heaved a sigh of relief. Jent was watching cartoons and seemed unsurprised.

The following year, Judge Carr held a hearing on the appeals and denied all claims. Garrett and Piel challenged the decision in the Eleventh Circuit Court of Appeals. While this appeal was pending, the Jent-Miller team was making some discoveries. Roy Mathews had begun digging into the case. He was an interesting character, the sort of man the mystery writer Elmore Leonard might have invented if Leonard had gone to Woodstock: a successful yacht broker who had tired of the selling game and become a private eye. Loose, laid-back, and groovy, living in a bungalow on a bluff overlooking the Gulf of Mexico, Mathews did his sleuthing for the Volunteer Lawyers Resource Center, the death penalty project sponsored by the Florida Bar. That’s where he picked up the Jent-Miller case.

He had begun by tracking down the purported eyewitnesses. When Mathews found Elmer Carroll at a medium-security prison in Central Florida, he discovered that Carroll had returned to his original story: Bobby Dodd killed Gale Bradshaw, and Carroll saw him do it. Carroll told Mathews he had recanted only because he was threatened with death in the electric chair. Mathews located Patricia Tiricaine, who also recanted her testimony. “They took me down to the police station. And they said I was with some people partying at the trestle and this girl got killed,” Tiricaine explained in a sworn statement after Mathews had found her. “And they said Earnie and Bill had killed this girl.” Tiricaine told Mathews she was retching drunk the whole night; she had no memory whatsoever. She had invented her story rather than face five years in prison. “They kept telling me, ‘Well, this is the way it happened.’ And I, you know, agreed with them.”

Glina Frye was a tougher nut to crack. Mathews found her working at a fast-food joint in Dade City; he approached her several times, and each time she rebuffed him. But something about Mathews made people want to talk. Especially women. One day, he waited outside the
Among the Lowest of the Dead: The Culture of Capital Punishment by David Von Drehle

restaurant until Frye got off work, and this time, Frye broke down. She said the detectives had told her that Bill Jent accused her of killing Tammy LNU. She said the detectives had claimed that scrapings taken from the victim’s fingernails were matched to Jent’s skin. (Jent never made any statement implicating Frye, nor were the scrapings matched to him.) The detectives, Frye said, had given her a choice: She could testify, or face murder charges herself. “I sent two guys to the electric chair for something they didn’t do,” Frye said later in a television interview. “I know they didn’t do it. . . . [Fitzgerald] plainly told me that he would prosecute me for murder and . . . go for the death penalty.”

One shaky leg of the case was crumbling. Eleanor Piel, meanwhile, had managed to interest a reporter from The Washington Post in the mystery. The reporter was Athelia Knight, and she dug extensively, roaming across four states, interviewing dozens of people, plowing through reams of old files. When she published her findings, in August 1985, Knight acknowledged that she was unable to “prove Jent and Miller’s innocence” beyond any doubt. (It is almost impossible to prove a negative, that something did not happen.) But she did succeed in knocking another leg out from under the case. For years, Florida authorities had insisted that there were no fingerprints of Tammy LNU. Knight, digging through old records, had discovered that prints were taken at the autopsy. She also learned that agent Steve Cole of the Tennessee Bureau of Investigation had, as part of his investigation into the whereabouts of Linda Gale Bradshaw, recovered fingerprints from Bradshaw’s Bible and photo album. Cole matched the prints from the photo album with the prints of the Pasco County murder victim. “Tammy” was, in fact, Gale Bradshaw.

Amazingly, however, the authorities in Pasco County continued to resist the identification. All it proved, they said, was that Tammy LNU, dead in Florida, had handled Bradshaw’s photo album in Tennessee. This was too much for the long-suffering Bradshaw family to take. For six years, T. B. Bradshaw and his children had been certain that the body in the game preserve was Gale’s—the shape of that horribly burned face was the shape of Gale’s face; the distinctive flat thumbs were her thumbs; the recovered jewelry looked like the pieces she had
purchased from the Avon lady. And there was the fact that Bobby Dodd
could never explain what had become of Gale. For six years, they had
waited to bring Gale home from her anonymous grave in Florida, to
give her a proper burial under a stone with her name on it. For six
years, the Bradshaws had listened with chagrin as politicians had talked
piously about the victims of crime, their suffering. But now the State of
Florida seemed so determined to preserve two death sentences that
they could not see the torment of the Bradshaws, would not grant
them the only gift they desired: the gift of closure, of resolution.

Gale’s sister, Suzie Vaughn, went on a letter-writing campaign.
She fired off letters to governors, congressmen, senators—anyone who
might have the power to help—and at last she caught the attention of
two U.S. senators, Sam Nunn of Georgia and Lawton Chiles of Flor-
ida. The senators turned up the heat, and finally Tallahassee officials
sent an investigator to Tennessee to settle the matter once and for all.

Years earlier, Gale Bradshaw had worked at a gas station, where
each employee was fingerprinted before starting to work. The Florida
investigator went to the warehouse where the company’s records were
kept. In a dusty carton he found Bradshaw’s application, along with a
nice set of prints. The prints matched: The woman found murdered
outside Lacoochee that July day in 1979 was Linda Gale Bradshaw. Just
as Elmer Carroll said she was.

Carroll was right about something else, too. As the defense team
went through the case, checking and rechecking each detail, they asked
an expert to review the autopsy findings of Dr. Rehana Nawab, the
inexperienced pathologist examining her first burn victim. The defense
expert was Dr. Ronald Wright, chief medical examiner for Florida’s
Broward County, a veteran of more than seven thousand autopsies,
including many burn cases. When Wright considered the skull fracture
and the puddle of blood under Gale Bradshaw’s skin, he recognized
both as fairly common results of burning. He saw no reason to con-
clude they had been caused by blows to the head. The trial testimony
of Glina Frye and Patricia Tiricaine had described a savage beating with
a stick; Wright doubted that such a beating had occurred.

Next, Wright took the section of the victim’s throat that had been
preserved by Dr. Nawab—a standard procedure in cases of burning.
Unlike Nawab, Wright dissected the tissue. On the larynx, he discovered familiar signs of strangulation. In his experienced view, Gale Bradshaw had been strangled to death. Just as Elmer Carroll said she was.

Not only had the witnesses against Jent and Miller been wrong about the victim’s identity; apparently they were also wrong about the way she was killed. Now they were recanting their testimony. One shaky leg remained to support the case: the date of the murder. Intrigued by the crumbling evidence against the half brothers, the Tampa Tribune filed suit to force police and prosecutors to open their records of the investigation. In 1986, the Florida Supreme Court ordered it done.

For the first time, defense attorneys learned just how many conflicting versions of the crime had been offered by the three purported eyewitnesses. They were able to watch, through the chronological reports of the detectives, as the details shifted and coalesced. To their amazement, they found a brief mention that Carlena Jo Hubbard’s account was “possibly a dream.” Even more critical was Jack Armstrong’s report on his visit to the crime scene, in which he named the six witnesses who had seen nothing unusual the afternoon of July 13, 1979. “From where they parked and where they were fishing it would have been an easy view of the body had the body been there,” Armstrong had written, putting the likely time of the murder later that evening.

Jent and Miller had been in Tampa that evening. After the report was discovered, seven years after the fact, Armstrong said he had been mistaken in saying “it would have been an easy view”; maybe, he offered, the view wasn’t so easy. Asked why he had never mentioned this evidence, he said, “I didn’t think it was important.”

Faced with the new evidence, the Circuit Court of Appeals sent the case back to U.S. District Judge Carr, who had denied the appeals of Earnie Miller and Bill Jent in 1984. Carr convened a hearing in November 1987, more than four years after Jent and Miller had their close brush with Old Sparky.

Once virtually anonymous, the half brothers had become two of the best-known prisoners on death row. The case for their innocence
had been laid out on the front pages of newspapers across Florida, and in Georgia and Ohio. The ABC magazine program 20/20 had profiled the case, complete with Glina Frye’s on-camera admission that she had invented her damning testimony. But the State of Florida was not giving up. On the eve of Carr’s hearing, prosecutors prevailed on Frye to reverse herself for the third time. When she had been arrested, she denied seeing a murder. Then she said she did see a murder. Then she said she didn’t. Now she said she did. “I’m through running,” she told the prosecutors—a strange statement from a woman who had been living in Dade City for years.

The long-awaited hearing never got past the opening statements. Sandy Weinberg, an intense young corporate litigator from a posh Tampa law firm, had joined the defense, and like a hungry dog he tore into the state’s suppression of exculpatory evidence. Imagine, Weinberg told Judge Carr, what the defense could have done with the knowledge that C. J. Hubbard—the first witness to tie Earnie Miller to the murder—had testified based on a dream. “The dream would’ve become one of the major themes of the trial,” he declared. As for the six witnesses at the crime site, they might have given the defendants an airtight alibi. Going to trial without that knowledge “was like the Bucs playing the Bears without linebackers,” Weinberg said. (Judge Carr lived in Tampa; it was a good bet that he rooted for the Tampa Bay Buccaneers.)

The judge was clear on the law. According to the U.S. Supreme Court’s holding in Brady v. Maryland, defendants have a right to know anything police have discovered that might help them. “There’s no dispute as to the facts or the law,” Carr said at the end of the initial presentations. The judge adjourned for the day, spent the evening in reflection, and the following morning—November 4, 1987—he vacated both death sentences. His summary judgment was blistering: “The Court finds the failure of the State to produce the material . . . deeply troubling: by withholding such favorable evidence, the State demonstrated a callous and deliberate disregard for the fundamental principles of truth and fairness that underlie our criminal justice system. . . . The physical evidence linking Miller and Jent to the crime was negligible.” Carr continued, quoting from the Supreme Court’s
Brady decision: “The Court would remind the State that ‘Society wins not only when the guilty are convicted but when criminal trials are fair.’” He ordered the State of Florida to retry the prisoners within ninety days or turn them loose.

If Florida freed Jent and Miller, it would not be the first time the state had released men because of their apparent innocence. In 1975, Governor Reubin Askew pardoned two men, Freddie Pitts and Wilbert Lee, after Miami Herald reporter Gene Miller assembled an overwhelming case for their innocence—including a confession from the actual murderer. Pitts and Lee had spent nearly nine years on death row. In 1978, a divinity student named Delbert Tibbs was freed after nearly two years on the row for a rape-murder he had not committed; the trial prosecutor later said of the Tibbs case that “this was a tainted investigation and the people involved knew it.” In 1987, Joseph Green Brown went free after thirteen years on death row. The gun he supposedly had used to kill a store clerk hadn’t fired the fatal shots, and the only witness against Brown said he had lied because of a grudge. Prosecutors insisted Brown was guilty anyway, but they declined to press new charges.

Innocent people do wind up on death row. Between 1970 and 1993, forty-eight people were released from America’s death houses with strong showings of innocence, according to a congressional study. Another analysis documented more than four hundred cases in this century, involving prisoners who were convicted and faced the death penalty, in which the case for innocence appeared significantly stronger than the case for guilt. Twenty-three of those men were executed.

The State of Florida was not going to let Bill Jent and Earnie Miller walk free, however. Not without a fight. Sending an innocent man to death row is a terrible thing, and understandably, police officers and prosecutors and judges don’t like to believe that they might have been party to such a grave injustice. They have to be deeply committed to their case to demand a man’s death. When their commitment is then ratified by various state and federal courts—as they were in the early decisions against Jent and Miller—they frequently dig in their heels. For the police and prosecutors to reverse field now, for them to free Jent
and Miller and go after Bobby Dodd, would be admitting that their haste had put two innocent men within sixteen hours of Old Sparky. They could not admit that in public; it is likely they could not admit it even to themselves.

They went to work shoring up the original theory. Already, they had Glina Frye back in the fold, claiming once more that she had witnessed the murder. They returned to Patricia Tiricaine—a woman who, in the opinion of the defense attorneys, could be convinced to say almost anything. The defense team worried that Tiricaine, lacking an independent memory of the night in question, might decide to go along with Frye once more. The prosecutors also began hunting for jailhouse snitches who might recall incriminating statements from the half-brothers. (It is an elemental truth of the criminal courts that prison snitches can be found to say almost anything. An inmate in Georgia, for example, claimed Bobby Dodd had confessed both the Bradshaw and Mocahbee murders to him.)

All this activity worried the defense team, and their worries multiplied when—as Judge Carr’s ninety-day limit approached—a rumor circulated that the prosecution might bring Bobby Dodd to Florida to testify that he had been at the swimming party with Gale Bradshaw. Dodd would say, according to the rumor, that he pimped his girlfriend to Jent and Miller in exchange for money or drugs, and when Gale refused to prostitute herself, Jent and Miller killed her. Dodd would get a small sentence to run concurrently with a sentence he was serving for drug dealing in Georgia. Jent and Miller would go back to death row. Whether this rumor was true is unclear. The scenario had some awfully big holes in it; no witness had ever placed either Dodd or Bradshaw at the party. But the original trials of Jent and Miller were also filled with holes, and they had ended in death sentences.

A debate erupted among the Jent-Miller defenders. Sandy Weinberg, who had argued before Judge Carr, was itching for a fight, as was Eleanor Jackson Piel. But Piel was not licensed to practice in Florida state courts, and Weinberg had little experience in first-degree murder trials. To bolster the team, Scharlette Holdman had recruited her wisecracking pal Pat Doherty, a veteran of many capital trials and appeals, and Doherty had far less confidence that the courts could be
relied on to see things their way. “It is a terrible thing to be convicted of a crime you didn’t commit,” Doherty once mused. “But it’s worse to have it happen twice. In a courtroom, anything can happen.” For this reason, Doherty was leery of a trial, though he considered it inevitable. The publicity was intense, and the elected prosecutor for Pasco County was giving interviews in which he promised to return the half brothers to death row.

Doherty was steeling himself for the new indictment when he ran into an assistant prosecutor named Bernie McCabe at the courthouse. “Listen,” McCabe said, “does this thing have to go to trial?”

“What do you mean?” Doherty asked cagily.

“Walking out,” McCabe answered. Doherty was shocked by this cryptic offer of a deal. Bill Jent and Earnie Miller could be “walking out,” free men for the first time in more than eight years.

“You do that,” Doherty told McCabe, “and we can talk.”

The deal was this: If Jent and Miller would plead guilty to second-degree murder, they would receive sentences equal to the time they had already served. Doherty called Scharlette Holdman and outlined the offer. Both of them remembered John Spenkelink, who turned down a plea bargain and paid with his life. Death row was full of guys who didn’t take the deal. “It’s a fuckin’ no-brainer,” said Holdman.

But the others on the defense team were not so sure. Weinberg wanted to go to trial. “Sandy thinks all his clients are innocent, and now he had clients who actually were. It just added fuel to his fire,” Doherty said. Piel was indignant at the thought of the State of Florida getting away with such an outrage. But the lawyers agreed that the decision could be made only by the defendants—their lives were in the balance. Doherty traveled to Starke and laid out the proposal.

The prisoners agonized. Goddamn—they didn’t do it! Didn’t that matter? And what about all the people who believed in them, who had worked so hard on their behalf? What about Gale Bradshaw’s family? Their tireless efforts to identify the body had been the key to this whole sordid affair. The Bradshaws deserved justice.

Doherty listened patiently as the half brothers aguished. Then he reminded them that the State of Florida had put them on death row once. There were no guarantees it wouldn’t happen again. Did they
understand what was being offered—freedom? “When’s the last time you guys got laid?” he asked.

And Jent said: “When can we get out?”

News of the plea bargain horrified the small band of activists who were fighting so hard against the death penalty. The possibility of innocent men being executed was one of their strongest arguments. Here they had a chance to prove in court that it could happen and the chance was being thrown away. Forevermore, the authorities would be able to point to the guilty pleas as proof that no injustice had been done. “How the hell can they plead guilty if they’re innocent?” Michael Radelet demanded in a heated phone call to Scharlette Holdman. “You know, from the legal standpoint. What’s the explanation?”

“From a legal standpoint,” Holdman answered, “if you’d been sticking your dick in a hole in the mattress for eight long years, you’d do the same damn thing.”

On January 16, 1988, the deal went down. It was a cold day, the wind was biting, and a train whistle moaned as the fireplug Jent and the gangly Miller stepped from a prison van outside the Pasco County Courthouse. They were wearing tattered prison blues and plastic sandals and stainless steel handcuffs. Inside, they changed into fresh clothes that Howardene Garrett and Eleanor Jackson Piel had bought for them: Levi’s, plaid shirts, and crew-neck sweaters (off white for Bill, electric blue for Earnie). When the two men marched into the courtroom, a relative caught sight of them and cooed, “Oh, they look so good.” Miller’s new sweater was a rare point of color in the drab white room, where even the American flag was dull with grime. Sandy Weinberg and his associate, Alan Wagner, wore lawyerly gray; Piel, the white linen crusader of earlier years, wore black.

The brief proceeding was laced with sham. Prosecutors rushed around in the minutes before the hearing looking for a notary public to seal the agreement; they had arrived unprepared. Incredibly, the official papers still identified the victim as “Tammy.” Judge Maynard Swanson called the half brothers to the bench. He asked their ages. Jent was thirty-six, Miller thirty-one. They had gone to death row kids and came back middle-aged. Swanson asked about their schooling. Jent had had nine years; Miller ten. Can you read and write? Yes. Are you in
prison? Yes. In the mental wing? No. Any psychiatric problems? No. Under the influence of drugs? No. Any complaints about your lawyers? No. The answers were so soft they were inaudible to the audience of lawyers, reporters, and family members. “Are you pleading guilty at this time because you are guilty and for no other reason?” asked the judge.

“Yes,” they answered.

*The Miami Herald* began its story in the next day’s paper: “William Riley Jent and Earnest Lee Miller have argued for years that a pack of lies put them on death row. Friday, a lie set them free.” In Cleveland, Tennessee, Linda Gale Bradshaw’s sister burst into tears when she heard the news. “I was in total shock,” she said. “All these years of fighting down the drain. Now they’ll never go after Bobby Dodd.”

She was right. Her fighting did go down the drain. Dodd—the violent boyfriend two victims shared—has never been prosecuted for the murder of Linda Gale Bradshaw or Ida Mae Mocahbee. But the family had one consolation. Gale Bradshaw came home, to rest eternally under a handsome gravestone. Not Jane Doe in the Florida sand, but herself, in her native loam. Small justice, but the only justice to be had.

Eleanor Jackson Piel persisted with the case. On behalf of Jent and Miller, she sued Pasco County for violations of their civil rights. Despite the guilty pleas, the county decided it did not want to defend its actions in court, and paid the half brothers sixty-five thousand dollars.

It was one more cost of the death penalty business, and in those terms, sixty-five thousand dollars was like a single snowflake falling on the Alaskan tundra. Many citizens held the mistaken belief that executing prisoners saved money, compared to the cost of housing them until their natural deaths. The direct costs of an execution were tiny. In Florida, prison officials budgeted $150 for the funeral suit from Jim Tatum’s Fashion Showroom in Jacksonville (slogan: “We fit them all, big and tall”), $150 for the executioner’s fee, and $20 for the last meal. The big-ticket item was the undertaker: $525, coffin included.

But the incoherent nature of modern death penalty law meant
that an ever-increasing number of cases was wrapped in an ever-complicated web of appeals. And this inescapable wrangling cost many millions of dollars. Capital trials were more expensive than other murder trials because of the higher stakes involved, and because of the extra evidence gathered to determine the sentence. The mandatory review of death sentences by state supreme courts added a step unknown in nondeath cases—at a cost of at least $70,000 per case. Further state and federal appeals cost at least $275,000 more. (That was the bargain-basement price; Ted Bundy’s volunteer law firm estimated it had spent $1.4 million in the first two years the firm handled his appeals.) In 1985, James Rinaman, the former Florida Bar president, had swallowed hard when Scharlette Holdman asked him for $250,000. Three years later, he estimated that it would cost $12 million a year to hire enough prosecutors and defense attorneys to keep Florida’s death penalty moving. “It boggles the mind,” he said.

In 1988, a study by *The Miami Herald*, relying on the most conservative estimates available, calculated that Florida had spent at least $57 million on a death penalty system that had executed eighteen men—an average cost of $3.2 million per execution. (This did not include the millions shelled out by volunteer defense attorneys.) The average cost of keeping a man in prison until his natural death was one sixth that amount. The same year, the *Sacramento Bee* estimated that California was spending $90 million a year maintaining the death penalty. A 1993 study by *The Dallas Morning News* found that Texas—despite having the most streamlined death penalty in the country—spent three times as much for each execution as it would cost to jail a man for the rest of his natural life.

The most sophisticated examination of the cost of the modern death penalty was done by a team of scholars at Duke University. Their finding: In North Carolina, murder cases that end in execution cost an average of $2 million more than murder cases that end in life sentences. Though the figures are slightly different in each study, the conclusion is always the same. The death penalty is an expensive proposition.
But the cost of the modern death penalty is not measured only, or even primarily, in dollars. There is the cost in human lives. Not the lives of murderers, who tragically are a dime a dozen in America, but rather the lives of the families and friends of murder victims. For most of them, capital punishment has turned out to be a cruel kind of hoax, exacting a heavy emotional price.

Elisa Vera Nelson was a ten-year-old sweetheart of Palm Harbor, Florida, a bighearted girl brimming with confidence, warm as the morning sun. Smart as a whip, she loved the local library, not just for the books but also for the people she met there. Ten is a glorious age for a girl, especially for a girl as pretty as Elisa Nelson, who had long hair with streaks of gold, a button nose, and her mother’s big, bright eyes. At ten, the world belongs to a smart and pretty girl; she understands it, senses its possibilities, wraps it around her finger; the cloud of adolescence is still below her horizon.

Elisa was the light of Dave and Wendy Nelson’s lives, whirling through her dance classes, tumbling across gymnastic mats, proud of her dark green Girl Scout sash. Dave and Wendy had been high school sweethearts in Michigan; they married and Dave worked as a shop manager while Wendy gave birth to two kids, first Jeff—a little athlete, made his dad proud—then Elisa two years later. When the kids were four and two, the Nelsons visited West Florida and were captivated by the place and its potential. “Entranced,” Wendy later said. It was 1972, and a boom was on. They packed everything they owned into a U-Haul truck and moved to Palm Harbor, outside Tampa.

The Nelsons were people who took command of their own lives, charted their own course, gambled, as long as the bet was on themselves. Dave opened his own construction business to capitalize on the boom, and in the beginning it was a little scary. Dave Nelson worked long days building driveways and parking lots, and when he got home, he worked long nights keeping his machines in working order. Wendy pitched in as a secretary, as a cashier at the Publix grocery store, even worked at a pizza parlor. And when it was necessary, she climbed into the cab of Dave’s dump truck and wrestled the rig through the sandy soil. She wasn’t a great truck driver, but she worked for free. The

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Nelsons took their fate into their own strong hands and began to bend it to their wills.

Then one awful day, Larry Mann snatched their fate away. It was November 4, 1980. That morning, Wendy drove Elisa to the orthodontist to be fitted for braces on her gap-toothed smile. She unloaded her daughter's pink bicycle at the curb and gave her a note for the teacher to explain her tardiness. When Elisa was through with her fitting, she began pedaling toward school. She never arrived.

About 1 P.M., Larry Mann—a burly, bearded ex-con—slashed both his arms from the wrists up toward the elbows. And as the news swept Palm Harbor that Elisa Nelson was missing, Mann’s wife was seized by a sense of dread. Just before her husband attempted suicide and was rushed to the hospital, she had seen him carefully washing dirt from the tires of his 1957 pickup truck.

A search party found Elisa Nelson the next morning, her body crouched in an orange grove. She was clothed; her throat had been cut deeply. Near the body was a fencepost with a bloodied block of concrete on one end. This had been used to crush the child’s skull. That night, a friend of Mann’s wife called a local television station and revealed Mrs. Mann’s suspicions. In the days that followed, police found the pink bicycle; it bore Mann’s fingerprints. They found Wendy’s note to the teacher in Mann’s truck, which also contained strands of Elisa’s lovely hair. The tires on the truck matched tracks at the murder scene.

Elisa Nelson’s funeral at the Lutheran Church of the Palms was attended by some three hundred people, many of them children who, in the weeks to come, would require counseling to deal with grief and fear. “Almost as if out of nowhere, an act took place that has changed all our lives,” Reverend Tim Nehls said from the pulpit. “I believe there can be no greater pain than this. None of our lives will ever be the same.”

“It was a real foggy time for us,” Wendy Nelson said many years later. Word of a suspect spread quickly though little Palm Harbor, followed by rumors that the suspect was being treated at the local
hospital. As it happened, Dave Nelson had a construction job at the hospital, and when he set out one day for work, Wendy was gripped by the thought that he was going off to hunt the killer. She pictured her husband as a jailed vigilante, and prayed quietly: “God! We don’t need that.” But Dave Nelson controlled himself.

Instead, he battled, as Wendy did, the self-doubt that consumed them. Could they have done more to protect their child? What kind of parents had they been? “I was her mother,” Wendy told herself. “It was my responsibility to get her to twenty-one alive.” They felt, or imagined, the eyes of neighbors boring into them, neighbors who wanted to believe that somehow the Nelsons had brought tragedy on themselves. But how could they have kept Elisa cooped up? “She was lively and vivacious; she was a gad-about-town; she knew people we’d never met. If we’d confined her to the yard, it would be death to her,” Wendy mused. “We restricted her route, we gave her a curfew—but this was ten in the morning; she was riding on a main street.”

In losing their daughter, the Nelsons lost control of their lives; for the first time they felt helpless as they entered the maw of justice. Larry Mann stood trial but they could not even watch it; because both of them were called as witnesses, they were not allowed in the courtroom except to testify. They had to rely on Wendy’s sister to take notes and repeat the testimony, and as they listened to her reports, they became convinced the entire proceeding was stacked in favor of the defendant. The jury heard everything about Larry Mann’s troubled childhood and little about the girl he had killed. The jury saw pictures of the mangled body, but they didn’t see the girl it had belonged to, for even Elisa’s school picture was barred from evidence. “Lisa was a beautiful girl, with long blond hair she cared for herself,” Wendy said later. “Not vain—but I know she wouldn’t have wanted people to see her the way they did. She wasn’t just a manila file folder. She was a little girl.”

A compassionate prosecutor had taken pity on them. A week before the trial, he led Dave and Wendy to the courtroom, sat them down like two schoolchildren, and warned them about what was coming: Testimony would describe their daughter’s agony, her brave attempt to flee even as the blood surged from her, the crushing death blow. Though the prosecutor meant well, his words robbed them of the
consoling images they had conjured for themselves. “We had told ourselves that she probably was just hit over the head. Our hope was that it was very antiseptic,” Wendy remembered. Everything was out of their hands.

Mann’s defense attorney was Pat Doherty; Wendy and Dave Nelson had read in the papers that Doherty, an ardent runner, lived near the crime scene and had jogged past it a million times. What kind of person would take such an awful case, so close to home? How could he separate himself? Nothing made sense anymore, nothing: After Mann was found guilty, Doherty and his cocounsel admitted that their client had confessed to them. Yet they had defended this guilty man. Who had defended Elisa when she had faced death in that orange grove?

At the sentencing hearing, which the Nelsons were allowed to see, prosecutors documented that Larry Mann was a repeat sex offender. In 1973, he had broken into a house where a young woman was baby-sitting a toddler and, as the child screamed, forced the baby-sitter to perform oral sex. Even earlier, as a juvenile, Mann had been charged with abducting a seven-year-old girl from a church parking lot and sexually assaulting her. (Key documents from that case were missing.) The defense attorneys called to the stand a psychiatrist who testified that Larry Mann was a pedophile who loathed himself for his sick condition. The doctor theorized that Mann turned his loathing on anyone who learned of his perversion—including a victim like Elisa Nelson. The murder and the suicide attempt were mirror images of the same self-hatred, the doctor said. It was all gobbledygook to the Nelsons.

And though they had braced themselves for the prosecutor’s summation, still it was hell. “Over half the blood in that girl’s body pumped from her neck,” the man told the jury. “There were blots of blood ten, or twelve, up to eighteen feet away. . . . Let me suggest that it indicates that at some point Elisa Vera Nelson was on the ground, that her hair was pulled back and her throat slashed, and that she tried to crawl away. . . . Let me also suggest that at some point this man began to tie her up, and I think, given the testimony you have heard in this case and the way this man is with children, that his inten—
tions were to sexually molest her. But she was able to resist. He aban-
donied his efforts, and when she tried to get away, he cut her throat.”

Against that, Pat Doherty was able to say only that “there isn’t one among us . . . who couldn’t gladly forfeit this man’s life if we could bring back this child.” But that was not the point, not entirely. Elisa Nelson’s death called out for a reckoning—not to undo the death, but to balance it. A world in which happy, pretty children die ghastly, violent deaths is a world out of whack, and the idea of blood atone-
ment is an ancient and visceral way of restoring it to order. “Whoso
sheddeth man’s blood, by man shall his blood be shed.” Basic stuff, the
Book of Genesis, from a world that made sense, the world Dave and
Wendy Nelson understood. By a 7-to-5 vote, the jury recommended
death for Larry Mann, and Judge Philip Federico agreed.

The Nelsons had believed in the death penalty even before they
lost their daughter. Wendy’s mother had circulated petitions demand-
ing the restoration of capital punishment after it was outlawed in Mich-
igan. “We always had a strong sense of justice,” Wendy recalled.
“Certain forms of behavior deserved certain forms of punishment.”
Simple as that.

In May 1979, when Elisa was a sprightly nine-year-old, Wendy
watched the news coverage of John Spenkelink’s execution, and she
was appalled by the sight of hundreds of people weeping and shouting
in protest—hippies holding candles, wearing flowers in their hair—and
just one or two citizens outside the prison supporting the governor’s
brave decision. Dave Nelson watched, too, and Wendy’s sister Wanda,
and they agreed this was a terrible display. It sent entirely the wrong
message, so lopsided, so out of tune with the grass roots. They made a
promise among themselves that the next time, they would go to the
prison and make a stand for all the decent people who supported the
death penalty.

By the time she could keep that promise, Wendy Nelson was no
longer an ordinary citizen of the grass roots. Again and again, she made
the trip to Starke, arriving at the pasture near the prison long before
dawn—often to find that another execution had been blocked by the
courts—but whenever she was interviewed by reporters as she stood vigil, she was always identified as Wendy—Nelson—whose—daughter—was—murdered—by—a—man—on-death-row. For some people, this constant public embrace of a private devastation would be unbearable. For Wendy Nelson, it was empowering. She seized her horror and bent it under her will. And she did more than stand vigil; she organized a support group for crime victims. She wanted to fight as hard for victims as Scharlette Holdman fought for killers. She called her group the League of Victims and Empathizers: LOVE.

It began very small, entirely within the circle disfigured by Elisa Nelson’s murder. When, early in 1982, Governor Graham signed two death warrants, Wendy summoned the membership to Starke in support of the executions. Both death warrants were stayed at the last minute, but it was a beginning. Wendy and her five friends were featured in the St. Petersburg Times: GROUP LOBBIES FOR EXECUTIONS OUT OF CONCERN FOR VICTIMS, said the headline. In the accompanying picture, the six citizens stood behind five hand-lettered signs.

WE’RE FOR THE VICTIM, said one. And another, almost identical: WE CARE FOR THE VICTIM. Reverend Tim Nehls, the man who had eulogized Elisa Nelson, held a placard declaring WE SUPPORT GOV. GRAHAM. Wanda Vekasi, Wendy’s sister, carried a sign that said PRAY YOU’RE NEVER THE VICTIM OF A VIOLENT CRIME. Wendy’s own sign spoke volumes, tore your heart out: DO YOU KNOW THE ANGUISH?

No one could know the anguish, though, no one but Wendy’s fellow survivors. Through LOVE, she spent hours talking with other crime victims, and gradually she learned that her experience with the courts—grim as it was—had been better than most. Many families got the cold shoulder from the justice system, as if their grief was an impediment to the machinery of the courts. Wendy Nelson began showing up at trials, a voice of experience for devastated families. She could take a victim’s mother aside and say, “This is the medical examiner’s testimony, you don’t want to hear this.” She could sit with a family in court, and when they wondered angrily why they weren’t allowed to hear the huddled conferences at the judge’s bench, she could explain it to them.

It was therapy, and she was the first to admit it. “There was a
sense of extending a hand to people, and when they appreciate it you know you’re doing something nice and you feel a little better,” she explained. If there was a kernel of good to be mined from her tragedy, Wendy was going to find it. “I wanted my daughter’s name to stand for something positive.” She was trying to gain control again.

She came to the conclusion that the survivors of crime were unknown, unheard, and forgotten by the system. As her group grew and meshed with other victims’ groups, Nelson poured her energy into a constitutional amendment to guarantee certain rights. “Informed, heard, and present”—these three words summed up her mission: Victims must know what’s going on in the inscrutable world of the courts, they must have a chance to say what crime has cost them, and they must be allowed to watch justice being done for them.

In Tallahassee, crime victims were often mentioned in the speeches of blustering politicians, but they had little force in the back rooms where deals were cut. There was no PAC for victims; they staged no glitzy campaign fundraisers. Wendy Nelson had to find her support among ordinary people, gathering signatures to force the amendment to a public referendum. Though she hated public speaking, she made herself do it, pleading her case in tremulous voice to any audience that would listen. Meeting by meeting, town by town, she helped collect hundreds of thousands of signatures, but not enough to get the matter on the ballot.

A state senator from Miami, Dexter Lehtinen, took up the cause, encouraged by his legislative assistant, whose sorority sisters had been murdered by Ted Bundy. Lehtinen went to the legislature, brandishing the petitions, and warned his colleagues that they could no longer stand in the way of the amendment. Cowed, the lawmakers voted to put the question on the ballot, where it passed in a landslide. A state office of victims services was created, and Wendy Nelson was appointed to the governor’s coordinating committee, which met quarterly and suggested changes in the legal system to better serve victims.

She published a LOVE newsletter, offering advice, tracking legislation, directing shattered survivors to counseling. In 1990, she waged a losing campaign to vote Chief Justice Leander Shaw off the Florida Supreme Court—Shaw was, in her view, too soft on criminals. In all
these ways, she took her tragedy and tried to redeem it, turning her suffering into power, and the Florida courts were better for her work. She was brave and she was strong, but in the case that mattered the most to her, Wendy Nelson remained as powerless as the day her daughter had died.

Murder had always been her greatest worry as a parent—though not with Jeff. Jeff was a strapping kid, a talented soccer player, he could run like the wind. With Elisa, Wendy Nelson had worried more about murder than about sudden illness or freak accident. “The things that made her most appealing—her outer beauty, her inner beauty, her vivaciousness—were also the things that made her most vulnerable,” Nelson mused. Elisa’s grandmother shared the same concerns. After the murder, Wendy was going through her daughter’s things and found a letter from Grandma. It mentioned that a little girl on the safety patrol had been abducted in Michigan. “Be careful!” Grandma wrote. It tore Wendy up. Of all the angers in the world, none burns more fiercely than the rage at a person who has found your most vulnerable spot and wounded you there. Wendy was so angry at Larry Mann that she hardly recognized herself. For a short time after her daughter’s murder, she attended counseling with a crime survivor’s group, but she had to quit when the therapist assigned her to make a list of the things she would like to do to the killer. “I couldn’t do it,” she said. “I was afraid of my rage.”

The death penalty was her solace, because it channeled her fury. One day, she would get Mann out of her life forever, and it would be done in a lawful way. In her work with crime victims, she had met many people whose victimizers had received lesser sentences, and she saw what an ordeal it was to go year after year to parole hearings to plead with the State to keep a scourge behind bars. She would not have to endure that. The day would come when it would all be over. Year followed year in Wendy’s life, however, and that day did not come.

On September 2, 1982, almost two years after Elisa Nelson’s murder, the Florida Supreme Court vacated Larry Mann’s death sentence because of missing documents related to his earlier crimes. The earlier
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crimes had been used as aggravating factors in support of the death penalty, so they had to be supported with proof. Returned to the trial court, Mann was quickly resentence, and on May 24, 1984, the state supreme court affirmed the new death sentence. Governor Graham’s staff added Mann’s name to the long list of condemned prisoners awaiting clemency hearings.

The hearing was held November 20, 1985, five years after the murder. Attorney Frank Louderback, representing Mann, told the governor and cabinet that prison had changed his client for the good. Mann was off drugs, into the Bible, turning his life around. The lawyer read from a letter Mann had sent to the Nelsons, in which the killer called his remorse “the cross on which I’m crucified daily.” Mann had written of his wish that he could restore peace to his victim’s family. But the peace Dave and Wendy Nelson imagined was a peace that would come only after Mann’s death. “There’s really no such thing as life in prison,” Wendy told a reporter. Unless Larry Mann was executed, the possibility of his release would always be “hanging over our heads.” Bob Graham signed Mann’s death warrant six weeks later.

By then, Wendy Nelson had had enough experience with the system to know that Mann was not likely to be executed on this first warrant. It was only a small blow when the warrant was stayed by a federal district judge days before the scheduled execution, and the judge moved quickly to hold a hearing on Mann’s case, after which he promptly denied the appeal. But when Mann moved to the Eleventh Circuit Court of Appeals, the three-judge panel assigned to the case was troubled by a flaw in the trial record—small, but with constitutional implications involving the role of the jury in recommending death sentences. In Florida (and in other states where the death penalty was modeled on Florida’s course-charting law), the jury’s recommendation was “advisory.” However, this advice carried “great weight”; in all but a few cases, the state supreme court had struck down death sentences where the judge had overruled the jury’s recommendation.

By the time Larry Mann reached the federal appeals court, confusion over the jury’s role had come to focus on the mind-set of the jurors themselves. Did they fully appreciate the importance of their recommendation? Or did they believe they were mostly window dress-
ing, and that the real life-and-death decisions rested with the judge and the higher courts? In other words, did these twelve citizens—so intimately involved in deciding whether a killer should live or die—feel the proper weight on their shoulders?

It was a staggeringly subjective question, but the U.S. Supreme Court had raised it to lofty significance not long before Mann’s case reached the Circuit Court of Appeals. In 1985, in a case called *Caldwell v. Mississippi*, the high court ruled that a death row inmate’s constitutional rights were violated when his prosecutor and judge assured his jury that their recommended sentence would be reweighed on appeal. This promise that appellate judges would be a backstop for the jury’s decision created a great risk that the jury would underestimate its own responsibility, the Court declared. Similar comments had been uttered during Larry Mann’s trial and sentencing, admonishments to the jurors that their role was “purely advisory,” and so forth. And so, on May 14, 1987—six and a half years after Elisa Nelson was murdered—the three judges of the Circuit Court of Appeals vacated Mann’s death sentence and ordered another sentencing hearing.

The news devastated Dave and Wendy Nelson, and the fact that they heard about it from reporters rather than from the State only made it worse. For all their work to ensure decent treatment of victims, they were still the forgotten parties, watching their lives as if through a mirrored glass. The Nelsons could see the system as it probed and kneaded the bruises on their souls, but the system seemed blind to the Nelsons’ existence. Their hopes rose when the prosecution persuaded the court as a whole to reconsider the panel’s decision, only to be dashed again in 1988, when the panel’s opinion was affirmed. They shifted their hopes to the U.S. Supreme Court, which they knew was increasingly hostile to death row appeals.

Of all the survivors of murder victims in Florida—and there are thousands upon thousands—none were stronger, more capable, more energetic than the Nelsons. Their fight for victims’ rights had helped to change the nature of Florida’s courts. But even the Nelsons weren’t strong enough to cut through the confusion of the death penalty. Which is why, when the man from the attorney general’s office called with news from Washington in 1989, he began by saying, “Wendy, you

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better sit down.” Despite its pro–death penalty majority, the high court had declined to take the case.

Eight years had passed since Mann’s death sentence had been imposed; almost nine since the death of their daughter. Through all those years, Dave and Wendy had waited for the system to deliver on the justice they had been promised. Now, they were back to square one. “I had been expecting the Supreme Court to take our case, rule in our favor, Governor Martinez would sign the death warrant, and the show would be on the road,” Wendy said later. “Thank God for my family. I was at my wit’s end. I couldn’t have survived without them.”

Dave Nelson was her rock through the ordeal that followed. He attended the meetings with prosecutors (including one where he had to sit across the table from the man who had killed his daughter). He strengthened Wendy through the two long weeks it took to empanel a new jury and hear once more the grisly story of their child’s last moments. All those years spent trying to regain the reins of their lives, and now the Nelsons were reminded that their goal was out of their hands. As the hearing went on, the stress began to clutch at Dave’s body, his chest grew tight, then came the shooting pains. There was no reason for such a healthy man in his prime to feel on the verge of a heart attack; no reason except that he was being crushed in the sputtering death penalty machine. The new jury, fully apprised of its considerable power in sentencing, recommended death even more strongly than the original jurors. The first vote was 7 to 5; this time, it was 9 to 3. Once again, the judge dispatched Mann to death row.

On a warm spring morning, not long after the new sentencing, Wendy Nelson sat at the kitchen table in her immaculate house in Palm Harbor, her hands wrapped around a cup of coffee. On a nearby wall was a picture of Elisa, a happy child frozen in time. Wendy’s light-colored hair was swept back, framing her broad, scarcely lined face. There were traces of her daughter in her eyes, nose, and mouth. “If somebody had asked me years ago what I would do if all this happened, I wouldn’t have thought I’d still be alive. I am amazed,” she said, “to be functioning at whatever level.

“We were aware of all the delays. But I have to say I’m surprised we’re this far back—ten years later and we’re still at the first step. If
things go well for us, it could be another three or four years . . .
” She paused, and the silence in the house was enormous. “The bottom
line,” she began again: “If they’re dead, they can’t commit more
criimes. I want a finality, I’m tired of hearings and court proceedings. I
want him out of my life, and I really see only one way to do that.”
The coffee was going cold, and she had work to do. The latest
LOVE newsletter needed finishing, and she was putting the finishing
touches on a conference for crime victims. “Everyone dies, I know
that, even children,” she said. “But when you know what her last hour
was like, it’s hard to think about her without thinking about that. It’s
almost as if I’m denied my memory of her. The violence is always
there.” She gestured toward her daughter’s smiling picture. “Birthdays
are the worst,” she said. “Her sixteenth was really rough. We’re coming
up on twenty-one. And sometimes I try to imagine what she would be
like . . . but I only ever knew the child.”
At this writing, Larry Mann’s death sentence has been reaffirmed
by the Florida Supreme Court and he has initiated what might be his
last round of appeals. “You know the process,” an aide to Florida
governor Lawton Chiles said. “It will be at least a couple of years.” At
the Nelson house, they’re coming up on Elisa’s twenty-fifth birthday.

The Nelsons’ experience was typical of the ordeal friends and
families of murder victims have endured under the modern death pen-
ality. The rough numbers have gone like this: Twenty killers are dis-
patched to death row, twenty sets of survivors watch and wait as the
legal system gropes along the slippery slope of the law. Eventually, one
family gets the satisfaction of the promise fulfilled. Which family? It is a
lottery. A child killer like Larry Mann remains alive after fourteen years
on the row; John Spenkelink, the second-degree murderer, is dead;
Anthony Antone, the brain-damaged middleman, is dead; James Ad-
ams, who convinced a veteran cop he was innocent, is dead.
After Craig Barnard’s victory in Hitchcock v. Dugger, Florida offi-
cials never regained the pace of executions managed from late 1983 to
early 1985, but even if they had, they would have delivered only a
fraction of the executions promised by trial judges. As it was, only one
man was executed in 1987—Beauford White, who had never killed anyone (he had stood lookout while six people were slain during a drug robbery in Miami; the actual killer, Marvin Francois, had been executed in 1986). White’s jury had unanimously recommended life. Two were executed in 1988: Willie Jasper Darden, whose tangled passage through the courts had resulted in a record six stays of execution, and Jeffrey Daugherty, who—despite having murdered four women—had come within a single vote of a stay from the U.S. Supreme Court. In Florida and elsewhere around the country, judges and prosecutors began quietly lowering their sights, giving up on swift and sure justice, and learning to live with the wheezing system. “We’ll just keep plodding along,” said Carolyn Snurkowski of the state attorney general’s office, while Parker Lee McDonald, a veteran justice of the state supreme court, said: “If I could figure out a way to make this better or easier or quicker, I would. But I can’t. The old cases never really go away, and the new ones just keep coming.” For supporters of the death penalty, there was just one bright spot by the end of 1988. Ted Bundy appeared to be nearing the end.

When Bob Graham signed three death warrants for Bundy in 1986—a single-year record that still stands in Florida—the shaken killer agreed to permit his lawyers to make a defense he had sworn he would never allow: that he was mentally ill, and that his illness should have rendered him incompetent to stand trial. This was a bitter pill for Bundy; in his world of images and appearances, he had stubbornly clung to his public persona of rationality, promise, and competence. Years earlier, before the Chi Omega murder trial, his lawyers had questioned his sanity and Bundy had taken the incredible step of demanding another lawyer to thwart them. But the death warrants had apparently cut through Bundy’s vanity enough that he had agreed when his appellate attorneys suggested he cooperate with Dorothy Othnow Lewis, the Yale psychiatrist who often consulted on Craig Barnard’s cases.

In her meetings with the killer, in her examination of Bundy’s school records, and in interviews with his relatives, Lewis had discovered that the warm, peaceful boyhood Bundy remembered in his grandfather’s home was just a figment. According to Bundy’s aunts and uncles, grandpa Sam Cowell was “an extremely violent and frightening
individual,” Lewis reported, a man of awesome rages, so loathed and feared that his own brothers refused to invite him to the family Christmas party. They even wanted to kill him, Sam’s sister Ginny had told the doctor. “I always thought he was crazy,” Ginny said. Sam Cowell was a landscape gardener who screamed at workmen if they dug up a single wrong shrub, an oppressive father who pushed his daughter Julia down the stairs when she slept one morning to the unconscionable hour of nine o’clock. He kicked dogs and swung cats by the tail. In his greenhouse—the fragrant, humid hideaway Ted Bundy vaguely recalled as his favorite spot—Sam Cowell kept a cache of pornography, which Ted and an older cousin pored over when Ted was just three or four.

Lewis had also discovered that Sam’s wife, Eleanor, was mentally ill for many years, agoraphobic—she feared leaving the house for any reason—and given to uncontrollable shrieking harangues. Eleanor Cowell was repeatedly hospitalized, and during at least one confinement she was treated with electric shocks. Though Lewis found no suggestion that young Ted Bundy was physically abused, the doctor theorized that spending his formative years in such an unstable home had surely traumatized the child. Lewis found evidence of such trauma from an early age: Bundy’s Aunt Julia described a strange game that Ted played on her as a toddler. On “several occasions,” Lewis recounted, the three-year-old boy collected butcher knives from the kitchen, stole into Julia’s room as she slept, pulled back the covers, and put the knives in her bed. And then he stood there and watched her with “a glint in his eye.”

Here, perhaps, were the roots of Bundy’s evil: the identification of women with charged images on pornographic pages, the stealthy introduction of implements of violence into the bed of a sleeping form . . . and rich soil for speculation about flawed genes. But even if Dr. Lewis had drawn such a cause-and-effect conclusion (and she did not go that far), it would not have cut to the legal issue at hand. All that mattered was Bundy’s competence at the time of trial. On this score, Lewis had delved into the roller coaster of Bundy’s life from his late teens to his early twenties.

She found that, contrary to the popular image of the killer, Bundy had not been a young man of consistent achievement and rising prom-
ise. His fortunes had vaulted and plunged like an Alpine range. For a
time he would pull A’s and B’s. Then, suddenly, he would become
listless and drained, hardly able even to haul himself to class. He would
drop out of school. Then another burst would come, a new school, a
new major, a new political campaign. He had attended the 1968 Re-
publican National Convention as a volunteer for Nelson Rockefeller.
And then another trough, as he washed out of law school. Dr. Lewis
diagnosed “bipolar mood disorder,” known to most laypersons as
manic depression, and in her interviews with Ted Bundy she traced
these wild swings right up through his final capture and his two murder
trials.

Lewis concluded that Bundy had been in a manic phase through a
key period before the trials. This mania had been characterized by
“inflated self-esteem and grandiosity . . . decreased need for sleep
. . . attention drawn to unimportant, irrelevant external stimuli . . .
excessive involvement in activities that have a high potential for painful
consequences. And certainly his behaviors during his trials would con-
stitute that,” Lewis reported. “I don’t even think Mr. Bundy was com-
petent to accept or reject a plea,” she concluded. “I think that he was
high as a kite, he was grandiose, his judgment was impaired.”

This had been the core of Bundy’s last appeal. Death penalty cases
often wait a year, two years, even more for a full-scale hearing in federal
court, but Ted Bundy’s case did not linger. After the Circuit Court of
Appeals ordered a hearing, in spring 1987, U.S. District Court Judge
G. Kendall Sharp moved swiftly to dispose of the matter, and scheduled
presentations six months later. As he entered the courthouse in Or-
lando to begin the proceeding, Judge Sharp was asked by a reporter if
he thought the hearing was a waste of time. “Absolutely,” he replied.

One observer, author Ann Rule, described Sharp’s handling of
the hearing as “swift, impatient and firm.” The judge listened as attor-
ney James Coleman questioned witnesses about Bundy’s behavior be-
fore and during his trials. Various lawyers and investigators who had
worked on Bundy’s trial defense testified that the killer flew into ti-
rades, popped pills, and became fixated on the idea of marrying his
girlfriend, Carole Boone, during a bizarre proceeding in open court. The judge heard the testimony of Dorothy Lewis, and also an earlier diagnosis by another psychiatrist, Dr. Emmanuel Tanay, who also believed Bundy was probably incompetent.

Against this evidence, the prosecution presented two psychiatrists who had briefly examined Bundy at the time of his trials and considered him fully competent. Their credentials did not quite match Dorothy Lewis’s résumé—one, Dr. Umesh Mahtre, had failed the exam for a certificate in forensic psychiatry three times. More important than their testimony, though, was Bundy’s own behavior before, during, and after his trials: He had plotted strategy, argued motions, questioned witnesses, analyzed verdicts. Just because these actions were grandiose, or hurt his cause, did not mean he had been incompetent. The standard of competence was straightforward: “Ability to consult with his lawyer with a reasonable degree of rational understanding,” and “a rational as well as factual understanding of the proceedings against him.” Ted Bundy’s self-defeating actions in court stemmed from his own sense of images and appearances. “I screwed my life over, but I’ve always wanted to be an attorney,” he once explained. “I want to show that a guy with a year and a half of law school can stand up there and let the air out of [the prosecutor’s] tires. That I can . . . run these people ragged. That I’m not a fiend, necessarily.”

Judge Sharp needed only a few weeks to dismiss the appeal, calling Ted Bundy “probably the most competent serial killer in the country . . . a diabolical genius.”

With the required hearing completed, the case returned to the Circuit Court of Appeals, where Bundy’s lawyers challenged Judge Sharp’s decision. In ordinary capital cases, this step can take upwards of a year; in Bundy’s case, briefings were expedited and an opinion was published within seven months. Earlier, when the circuit court had ordered Sharp to hold the hearing, the circuit court judges had mentioned “strong indicia” that Bundy had been incompetent to stand trial. Now, a three-judge panel declared that “what had appeared as ‘strong indicia’ prior to the hearing are happenings that are consistent with a determination that Bundy was competent.” Sharp’s decision was affirmed.
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To be on the safe side, the circuit court panel went one by one through the fifteen issues raised by James Coleman, dismissing each challenge in great detail, closing the door on possible misunderstandings. In light of the hurry-up schedule, the panel’s opinion was remarkable—sixty pages long, thirty-eight footnotes, with copious citations from the trial record. Every i was crossed, every i dotted, every loophole sealed.

The panel agreed with Bundy on only one point: Judge Sharp had insisted that the appeal was an “abuse” of the federal process, a charge the judge amplified a few months later in testimony to a congressional subcommittee. “If every death row inmate ‘milked the system’ as Bundy has done, then it would shut down the . . . courthouse,” Sharp declared. But the higher judges, even as they dismissed Bundy’s entire appeal, rejected Sharp’s rhetoric. “This case does not represent an abusive situation,” they wrote, and in a footnote they added: “We likewise find no basis to dismiss the petition as a ‘delayed’ petition. Similarly, the . . . argument that Bundy’s petition presents frivolous claims . . . is without merit.”

Carolyn Snurkowski, the chief prosecutor, echoed this judgment. “So far,” she said, “we have not had a problem with delaying tactics.” Bundy was back on the express track.

His lawyers requested a rehearing before the entire appeals court, which was promptly denied. Then they were given the standard ninety days to file a petition asking the U.S. Supreme Court to review the decision. Deadline day was November 15, 1988, a balmy afternoon in Washington, one of those glorious late-autumn days in the capital when the sweltering summer and drizzling winter seem equally avoidable errors. With twelve minutes to go, Polly Nelson—James Coleman’s associate—rushed into the Supreme Court clerk’s office, brushing stray strands of hair from her eyes, and filed Ted Bundy’s appeal.

“You made it!” said the clerk.

“The word processor broke,” Nelson explained.

The petition she presented proposed three questions for the Supreme Court’s consideration. Had Bundy been given an adequate competency hearing before going to trial? Had the Circuit Court of
Among the Lowest of the Dead: The Culture of Capital Punishment by David Von Drehle

Appeals erred in approving the use of hypnotically refreshed testimony? Should a hearing have been held on Bundy’s claim of ineffective trial counsel? The State of Florida responded thirty days later.

Now the massive record of the Bundy case, and the closely argued appeals, went to nine desks of nine law clerks in the chambers of the nine justices. These were some of the most promising products of the nation’s best law schools, green but terribly bright. Their views tended to mirror, roughly, the views of the justices they worked for. In Thurgood Marshall’s chambers, for example, the walls were decorated with political cartoons lambasting the death penalty; Marshall’s clerks paid extraordinary attention to the progress of capital cases through the federal courts. Marshall opposed all executions, and he would oppose even this one. Among the clerks serving the conservative justices, the attitude was more thick-skinned; they often sent jokes through the Court’s electronic mail about frying criminals, and when they studied death penalty pleadings it was generally with an eye toward narrowing access to the federal courts. Antonin Scalia’s clerks, for example, adopted their justice’s philosophy of seeking places to draw “bright lines” in the law, ways to add definition to the incoherent field of capital procedure. Scalia hammered home this philosophy in his famously affable way, often over dinner at his house, after which he liked to serenade his clerks at the piano as they poured liqueurs from a well-stocked cart.

Even in the conservative chambers, though, there was widespread unease over many death penalty cases, especially over the poor quality of many trial lawyers. The bright young clerks read through trial transcripts and were repeatedly amazed by the errors of commission and omission, stupid things said, smart things left unsaid—simple stuff they had learned in the first year of law school. Thus, even the clerks who made jokes about frying on the e-mail tried to give each death case a serious look, even Ted Bundy’s. And when they did, they were impressed by the quality of the work done by James Coleman and Polly Nelson, especially on the question of pretrial hypnosis. The U.S. Supreme Court had never considered, head-on, whether a defendant could be lawfully convicted through the use of hypnotically refreshed testimony. This might be an opportunity to draw a bright line.
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Under a different set of circumstances, some of the conservative clerks might have urged their justices to take up the hypnosis issue. Maybe if the killer was obscure, instead of being the most notorious murderer in America. If the petitioner had killed one person, maybe—but not dozens. When the justices took up the appeal at their weekly conference on January 13, 1989, they voted not to hear Bundy’s appeal, and their decision was announced four days later. Within minutes of the announcement, Governor Bob Martinez signed Bundy’s death warrant. Warrants lasting thirty days had become standard in Florida, but this one provided only a week.

Through his murder trials, Bundy’s strongest supporter was a woman from Seattle, Carole Boone, who became his wife in a brief exchange during his sentencing for the killing of Kimberly Leach. When Bundy was sent to death row, Boone moved to Gainesville to be near the prison, and she visited him faithfully. It was a custom in those days, according to several prisoners, for inmates to put five bucks into a kitty before weekend visits. After they all put in their money, they drew lots. The money went to the visiting room guards, who would look the other way as the winning inmate joined his girlfriend in the bathroom. Carole Boone told friends that this was how she became pregnant by Ted Bundy. She bore him a daughter.

But over time they drifted apart. Bundy’s decision to cooperate with the appeals challenging his own competency was a blow to Boone. She had always clung to the far-fetched belief that her “bunny” was innocent. In 1987, when her mother was injured in a car crash, Boone moved back home, taking Bundy’s daughter with her.

Bundy had plenty of other visitors. Ann Rule, author of a book about Bundy’s crimes, received scores of letters from young women pledging their love to the killer—especially after Bundy was portrayed on television by the hunky heartthrob Mark Harmon. “You’re not in love with Ted,” Rule counseled them gently. “You’re in love with a movie star.” Nevertheless, some of the women made their way to Starke. And mail poured into Bundy’s cell by the boxload, not just from
mixed-up women, but also from crime buffs and reporters and crusaders and thrill-seekers.

Among the people who befriended Bundy in his last years were a prosperous lawyer from Florida’s Gulf Coast and an evangelist-turned-prosecutor from the opposite shore. John Tanner was the evangelist; in 1988, he was elected chief prosecutor for the region around Daytona Beach. He met regularly with Bundy as part of a prison ministry. They were an unlikely match, the archcriminal and the crime fighter, but they were united by Tanner’s passionate opposition to pornography. Tanner devoutly believed that pornography corrupted youths and planted the seeds of violence, and he found in Bundy his greatest confirmation. Bundy always said that smut had been his downfall, and though many people found this oversimple, to Tanner it rang true. During his meetings with the killer at Starke, Tanner tried to lead Bundy to the Lord.

The lawyer was Diana Weiner, an attractive woman with long dark hair; more than one person commented that she looked like many of Bundy’s victims might have looked had they lived to maturity. Weiner was ardently opposed to the death penalty, and she offered her support and assistance to several death row inmates, making the long drive to Starke in her black Mercedes. But her bond with Bundy was particularly intense, so strong that the friends of Carole Boone “never had the heart to tell her” about her husband’s new friend. Weiner, in a conversation with death penalty opponent Mike Radelet, described her relationship with the serial killer as “spiritual.”

As it became increasingly clear that Bundy’s incompetence claim was not going to save him, Bundy and Weiner began to discuss the danger he was facing. By late 1988, the word among death penalty experts was that Bundy would probably be dead by springtime. He had to find a way to buy some time. But time was precious, and to buy time he had to offer something valuable in return. What did Ted Bundy—alone in a tiny cell with his pile of sweatsocks—have that people wanted? Only one thing: knowledge. Scattered from coast to coast were the families of dozens of missing young women. Only Ted Bundy knew exactly what had happened to their loved ones. Some of the remains had been recovered; only Bundy knew where the others were.
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Locked in his mind were the answers that could put scores, maybe hundreds, of minds at peace. When a daughter or a sister or a niece disappears in the full bloom of youth and never surfaces, the mystery is an endless agony—attenuating over time perhaps, but never gone. And no matter how many years pass, the survivors never completely lose hope that their loved ones will reappear some fine day with a harrowing story of abduction or amnesia or a hidden stress that made them run away. Knowing that a loved one was murdered might seem like the worst thing in the world, but knowing nothing can be even worse. And even the survivors of victims whose bodies were found could benefit from Bundy’s knowledge: He could confirm that he was the guilty one, that the real killer was not still loose, killing others.

Bundy had knowledge and he wanted time. Together with Weiner, he hatched a strategy: When the next death warrant was signed, Bundy would offer to make a clean breast, to start at the beginning and account for every victim. He would promise to pore over maps to pinpoint the location of each body. By telephone, he would direct search parties down the dirt roads and up the rocky hillsides of his deadly odyssey. He would offer, from the mind of America’s most notorious serial killer, a windfall of material for investigators and psychiatrists. He would pledge to resolve the mysteries haunting all those grieving people. This would, of course, take time.

It’s hard to keep a secret around a prison, and soon Bundy’s plan became fairly common knowledge in the anti-death penalty circle. People called it “Ted’s bones-for-time scheme.” Word of the strategy quickly reached Bundy’s official lawyer, James Coleman, who immediately recognized how damaging it could be to Bundy’s faint remaining hopes in court. Any judge would see that Bundy had had nearly a decade on death row to give answers, if his desire to help was genuine. Watching him bargain over the bodies of his victims would surely horrify even the most open-minded jurist. Coleman contacted his client and begged him not to do it.

But when Martinez signed the death warrant, Diana Weiner put the plan into motion, over Coleman’s objections. She telephoned Andrea Hillyer, the governor’s chief death penalty aide. Bundy, Weiner hinted, was ready to “debrief” investigators from the state of Washin-
ton; he had important "information"—but he needed more time. John Tanner, Bundy’s "spiritual adviser," made the same pitch in a call to the Florida Department of Law Enforcement. Again, the offer was vague: Bundy had information on cases in Washington and perhaps elsewhere.

How long does he need? Tanner was asked.

"Ted would probably like two or three years," Tanner answered, laughing.

Martinez replied quickly, via the press. "We have sent word back to each of those individuals that the rendezvous with the electric chair will be next Tuesday morning at seven," he told reporters. The governor's contempt for Bundy was evident on his dour face. "For him to be negotiating with his life over the bodies of others is despicable," he said. Clearly, Bundy needed more leverage.

He invited two investigators to meet with him at the prison on Friday morning, January 20. Bob Keppel was a Seattle detective who had tracked Bundy through his lethal ramblings in the Pacific Northwest. Bill Hagmeier was an FBI expert on serial killers. Both had spent many hours talking with Bundy in the past, and Bundy enjoyed their company. More important, they represented two kinds of influence that might be turned to his aid—the local lawman, representing the interests of traumatized families, and the G-man, standing for the national interest in better understanding the mind of the roaming sex killer. Bundy prepared scrupulously for his meeting with Keppel and Hagmeier, scripting his presentation on four pages of a legal pad. He numbered the points of his agenda by topic and subtopic, like a student preparing for a final exam.

Point one: The negotiations must proceed in secret though the weekend. "Anyone who leaks ruins for everyone else," Bundy wrote. Point two: They had to understand the pressure he was under, "where my head is at . . . how it is for me on death watch." Point three: He must butter them up. Why was he dealing with Bob Keppel and Bill Hagmeier? Because he knew them, they knew him, and he respected their abilities. Point four returned to Bundy’s dire situation—how hard it was to "focus on the past" under the "pressure of execution four days away." He was "forced to focus on other things," like letters to family

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and meetings with friends. And he was getting “conflicting advice . . . close friends [and] family [were] strongly against this.” He was “exhausted . . . no time.”

Point five was the offer. “What I want to do,” Bundy scrawled: “Tell the whole truth . . . nothing more or less . . . need time and less pressure filled atmosphere to do it.” He would “give the complete picture of how I came to do what I did . . . how it was done . . . plus specific facts of cases.” Point six: What did the detectives think about all this?

Apparently Bundy expected Keppel and Hagmeier to ask why he needed a reprieve to come clean. If they worked straight through, they would have close to a hundred hours to collect the confessions. In preparation for this question, Bundy jotted point seven, which he titled: “What makes it next to impossible under the circumstances.” Here again, he emphasized the lack of time. Given the “passage of 10–20 years,” he would need the leisure to wrack his brain. Investigators would need still more time for “verification & body location.” A partial accounting would not be satisfactory. “Must be the whole story . . . something is not better than nothing.” A partial accounting would only “hurt people closest to me . . . with[ou]t giving them my understanding of what really happened.”

He moved to point eight: “What needs to be done.” That was simple enough. The investigators had to convince the governor that Bundy was serious and “we all need time & more relaxed atmosphere to do it.” Point nine was the clincher: “Will you take reasonable steps to give us time?” At this stage of the meeting he would ask Keppel and Hagmeier to “communicate” with Martinez and “persuade” him.

Once again, as he planned the crucial meeting, Bundy anticipated doubts from his visitors. He labeled point ten on his legal pad and scribbled: “Am I serious?” “That is [the] question,” he wrote, and underlined it for emphasis. Bundy knew that people would think he was manipulating them again, so he outlined an argument in favor of his sincerity. He had never offered to confess and then reneged (except for his abortive guilty plea). He wasn’t asking for executive clemency; “just time.” The State would hold all the cards: “If I don’t immediately begin to cooperate that’s it, sign warrant,” he wrote.
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And he would “give a good faith demonstration.” That was point eleven. The following day, Saturday, Bundy would show his good intentions by making a “disclosure” of “one case of buried remains.” This was a “significant step,” because he had “never done this before.” That disclosure would be followed, under Bundy’s plan, by a meeting on Sunday, attended by the detectives, a representative of the governor, and perhaps a survivor of one of his victims, or a person from a victims’ advocacy group. Together they would arrange for his reprieve.

Incredibly, Bundy thought he might get the parents of Kimberly Leach to “speak out” in support of his scheme. (He felt this was “not manipulative.”) At the Sunday meeting envisioned by Bundy, the various parties would prepare a “summary of allegations” that Bundy had the knowledge to clear up, and on Monday these would be presented to Bob Martinez. Surely then the governor would see the importance of more time. Only after Martinez had been convinced would they “go public.”

The proposal was as audacious as it was impossible. Did Ted Bundy really believe that survivors of his victims would join with him to win more time, or that the governor of Florida would strike a deal with one of the most hated men on the planet? Apparently he did. He jotted point twelve on his legal pad. He would ask Keppel and Hagmeier: “Do either of you think a halfway decent job could be done in two days under [the] circumstances?” And if they answered yes, he would remind them how complicated it is to verify confessions and locate long-dead bodies. He added point thirteen: “We may not be able to put [this] together but it is worth a try. What do you think?”

Point fourteen of Bundy’s outline was a rhetorical question. What, exactly, was he promising; what was the payoff? First prize was hilarious: “My promise and commitment [sic].” A promise from Ted Bundy was like a child’s chalked sidewalk drawing in a sudden summer rainstorm. It was, though, all he had. He promised to “work gradually from beginning to end” of his carnage, with the FBI present to “coordinate access” and control “release of information.” He would take lie detector tests and submit to psychiatric study “for the understanding of why.” That was the deal. Bundy added a final, fifteenth, point. He wanted John Tanner with him “if I go ahead with giving details,” to
provide “moral support.” Having clung all his life to an image of normalcy, the reality “will be hard for me to reveal,” Bundy wrote.

He was going ahead with his bones-for-time scheme, and this realization was a car door on the finger for his legal team. As decent citizens, Bundy’s lawyers could only welcome the idea that the killer might bring some closure to the suffering he had caused. As lawyers, they knew that the plan was a disaster. On Saturday, January 21—after Bundy’s meeting with the detectives—Mike Radelet called Mike Mello, saying Bundy wanted his advice. By then, Mello had left the daily grind of battling the death penalty to teach law at a tiny college in Vermont; having driven himself to the brink of nervous exhaustion at CCR, he was recovering amid snow-blanketed hillsides and fresh-faced young people in flannel shirts. Mello’s advice to Bundy was blunt and simple: “Shut up, shut the fuck up, shut the fuck up right now.”

Mello felt strongly that Bundy’s slim chance of survival lay not with the governor but with the courts. While the prisoner had been meeting with the detectives, Mello had been on the phone with James Coleman, searching for a way out of the legal dead end. And as they talked, they had discovered that Bundy might have an untested appeal still available—the same appeal that had recently won Larry Mann a new sentencing hearing for the murder of Elisa Nelson. Had Bundy’s jurors understood how important their recommendation would be in deciding the ultimate sentence? For all the hundreds of hours various Bundy lawyers had spent digging through the record, they had never raised this issue. Now Mello suggested they try it. The issue had won stays of execution for a number of Florida prisoners in recent months, and the central question was pending before the U.S. Supreme Court.

Coleman and Polly Nelson began ripping through the massive transcript of the Kimberly Leach murder trial in search of evidence that Bundy’s jurors might have misunderstood their role. The lawyers found plenty. For example, one potential juror had been asked during jury selection: “Do you understand that the judge . . . in this case, as the trial judge, would have the ultimate responsibility for determining which punishment to impose?”

And the prospective juror had answered: “Yes, I do.”
“In other words, the jury would render an advisory opinion only,” the prosecutor had continued. “Just that, an opinion.”

The truth was that Florida juries rendered more than an opinion: If they suggested death, the sentence was almost always death; when they recommended life, a judge was required to present extraordinary reasons for overruling that advice. This became the basis of Ted Bundy’s last appeal.

Three days before the scheduled execution, Bundy met again with Bill Hagmeier to discuss the murders he had committed in Colorado. Desperate to prove that his confessions were real, Bundy wanted a phone link to the search parties that were trying to confirm his information. At the same time, however, he resisted saying too much. Bundy was trying to string the investigators along, tempt them, turn them into levers for his cause. It became a delicate dance: He walked up to the edge of full confession, then demanded more time. Always that theme: More time. He was getting ragged. “Must get it together today!!” he wrote on his legal pad, and he underlined this heavily.

Sunday brought more confessions. By the end of the day, Bundy had discussed about ten cases. Most were well known to investigators in Washington state; they had long before found the bodies. But Bundy supplied some details, especially about the baffling abduction of Georg-ann Hawkins in 1974. Hawkins had vanished from an alley behind a row of fraternity and sorority houses, a scant few feet from her own door. She had been out of view of witnesses for only a few moments. Bundy explained how he had approached on crutches, asked winningly for help, and—when he had lured her away from the houses—bashed her skull with a piece of metal. Bundy hinted darkly at his bizarre behavior with the bodies, his sexual compulsions that had continued even after his victims were dead.

He also discussed some murders in Utah, where most of his victims had never been found; Bundy pored over detailed maps covering much of the state, trying to recall where he had left the bodies. But always he pushed for the deal. Bundy wanted Bill Hagmeier of the FBI to contact the family of a Utah victim, Debra Kent, to enlist their
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support in his campaign for more time. The clock was running—Bundy wanted to know what Bob Keppel was doing to get more time. And what about Mike Fisher, the investigator Bundy knew best from Colorado? Bundy considered a personal letter to Governor Martinez, making the case for a sixty-day reprieve. Was sixty days too long to wait for his corpse?

As his next-to-last day drained away, Bundy was melting under the pressure. He needed a deal, but no one seemed to be lobbying on his behalf. Detectives began arriving in Starke from all over the country, each hoping to close a few mysteries—“too many cops,” Bundy wrote on his legal pad—but this rush of interest was having no effect on the governor. “Must focus on Martinez now and families,” he scribbled in a note to himself, and the families he targeted were the Leaches and the Kents. “Contact Kents . . . will find Debbie . . . need help to do so . . . and need time,” he wrote. By day’s end, he was down to pleading for a month’s delay, to “talk & find bodies without pressure and distractions of [the death] warrant.”

His plans went nowhere. The governor remained unmoved. In fact, aides to Bob Martinez were completing arrangements to have a film crew record the historic press conference where the governor would announce Bundy’s execution. Footage from the event might make nice advertisements for a reelection campaign.

Ted Bundy’s last trip through the courts was swift. On Friday, January 20, 1989, his appeal was denied by the Florida Supreme Court. The next morning, his lawyers were back before federal district court judge G. Kendall Sharp, who held a forty-minute hearing before dismissing their complaint about the jury’s understanding of its role in sentencing. The next step up the ladder was the Eleventh Circuit Court of Appeals, which gave the lawyers a scant two hours to file a brief by fax machine. A three-judge panel—including the legendary liberal Judge Frank Johnson—held a telephone conference and unanimously denied the appeal later the same night. James Coleman and Polly Nelson spent Sunday rehashing the trial record, trying to buttress their final
petition to the U.S. Supreme Court. That appeal was lodged Monday afternoon, just eighteen hours before the scheduled end.

Throughout the weekend, the pasture across from the prison was gradually transformed into a media center worthy of a small war. Dozens of mobile television studios parked on the soft grass and raised their satellite dishes like sunflowers to the sky. They had come from every major city in Florida and from points scattered to both coasts, from Washington State, from California, from New York and Colorado. Reporters arrived from the nation’s great newspapers—The New York Times, The Washington Post, the Los Angeles Times—and from magazines like Time, Newsweek, People, and Vanity Fair. Network superstars scrambled for the story; Ted Koppel told Bundy’s representatives that he would charter a plane at a moment’s notice if the killer would appear on Nightline. Journalists came from publications in London, Paris, and Amsterdam. The local telephone company installed dozens of phone jacks on the wall of a weathered lean-to. A portable podium was placed on a relatively flat piece of turf for occasional briefings by the prison spokesman, and so many television and radio microphones were taped to it that the podium listed precariously. In America that week, there were three great media events: the inauguration of George Bush as president, the Super Bowl, and the execution of Theodore Robert Bundy.

Reporters tripped over one another trying to get their hands on the key detectives, Bill Hagmeier and Bob Keppel, and they slipped notes under Diana Weiner’s motel room door. They huddled around Bundy biographers who had come to see the end of the story: Richard Larsen, author of The Deliberate Stranger, and Hugh Aynesworth, coauthor of The Only Living Witness. They shared the latest rumors—that Bundy’s confessions numbered one hundred, or that Bundy was planning to feign insanity at the last minute. Hard facts were tough to come by. Only later did the truth of the confessions—that they were mostly unsatisfying—emerge. “I think he and his attorney-girlfriend, or whatever, virtually held us hostage for three days orchestrating what to say,” Bob Keppel explained. “Bundy never sang like a bird.” Bundy seemed to deny as many crimes as he admitted, and some of the denials made Keppel think he was holding out. They weren’t “Bundy-type denials.”
The prisoner’s ragged emotions made the extraction of information even harder. “Scared and stressed-out, shaken and in tears,” Keppel described him.

And the insanity ploy turned out to be nothing but fevered speculation, fueled by the arrival in Starke of Dorothy Otnow Lewis. She had come for a final interview with Bundy, and to help calm his nerves, but the governor took her presence very seriously. He assembled a team of three psychiatrists, as required by Florida law, and kept them on call near Starke. If Lewis pronounced Bundy crazy, the state shrinks were ready to conduct their own evaluations at a moment’s notice.

As the hours evaporated, Bundy scheduled, then canceled, meetings with investigators from Colorado, Utah, and Idaho. (The fact that he had killed two women in Idaho was one of the few revelations that came from the bones-for-time scheme.) “We have three victims out there who have never been found,” said Dennis Couch of the Colorado attorney general’s office, after his meeting with the killer was canceled. “The hopes of the families were high. Now I imagine they’re very disappointed. But that’s Ted Bundy.” Bundy also scheduled and canceled a press conference, choosing instead to grant just one interview. He had the world’s media at his beck and call, but Bundy chose a California evangelist as his mouthpiece. This was James Dobson, head of Focus on the Family and host of a syndicated radio show. Dobson was one of America’s leading crusaders against pornography. On Monday afternoon, from two-thirty to three-thirty, the prisoner taped the interview, looking haggard and drained as he described his juvenile obsession with smut, his search for harder and more violent images, and the awful translation from words and pictures to sexual savagery.

An old joke could be applied to most everything Ted Bundy ever said: How could you tell when he was lying? His lips moved. Nevertheless, there were reasons to think he was sincere when he said pornography was somehow integral to his “problem,” as he often called it. Not as a cause but as an accelerant, gasoline on an ember. Every time Bundy had come close to a confession—and he had come close at least three times over the years—he had talked about smut and booze and their effects on him. But there was also something self-serving about his decision to talk with James Dobson. Among the anti–death penalty
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crowd, the interview was seen as “a fight for dignity.” Said one Bundy intimate: “He truly saw the man who did all those killings as another person, not the ‘real’ Ted Bundy. The real Ted Bundy was, in his mind, a liberal, an environmentalist, a guy who cared about women and women’s rights. The killer was someone else.” Bundy wanted to display the self-image he preferred—thinker, victim, helper—and there was no more welcoming ear for this than Dobson, who greeted what Bundy had to say as confirmation of his own beliefs.

That night, January 23, 1989, Bundy dined on burritos with rice and salad, and met for the last time with his supporters. He was a slender, slight man, his skin pasty from years behind bars, his hair graying at the temples—but an evil power still seemed to surround him. The dark roads snaking away from the prison seemed more menacing, the streets of Starke more frightening, because he was near, and the low fog clinging to the wet ground that night only deepened the sense of evil. He was a haunting force. Myra MacPherson, a tough veteran of years of reporting, slid a dresser in front of her motel room door before falling into a fitful sleep. It was crazy, she knew. But Bundy had that power. It drove deep rifts into the normally chummy comrades who fought together against the death penalty. Many of them were furious over the stagey confessions; one activist had snapped at Bundy: “Spare us the show—names, dates, and places!” Mike Radelet’s name had been published as a confidant of the killer, so he had been besieged with telephone calls from “all over the country, from everyone with a missing daughter who ever got within a hundred miles of Bundy’s itinerary. I was so angry with him for raising all those hopes.” Some of the activists complained to Diana Weiner, who answered curtly, “Whatever Ted wants.”

There was also a spat over funeral arrangements. Radelet suggested to Weiner, who was handling things, that she deal with a nearby undertaker who prepared the bodies of most executed inmates. The man was opposed to capital punishment, and he dealt respectfully with the bodies. “Besides,” Radelet joked, “we get a bulk discount.” Instead, Weiner chose what Radelet called “the most right-wing funeral home in Gainesville,” and Radelet later blamed this choice for the

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appearance of a photo of Bundy’s corpse in the pages of *The Weekly World News*, an especially outrageous supermarket tabloid.

Yet another fight erupted after Dorothy Lewis, the psychiatrist, spent part of Monday talking with Bundy about his “problem” and trying to calm him down. Several activists later said Bundy had asked them to send Lewis’s notes of that session to Carole Boone. The killer hoped they would help his wife understand him. Lewis refused to part with the notes, saying that she had not been present when Bundy made the request.

Word came from the U.S. Supreme Court at 10:30 p.m. The last-minute brainstorm of Coleman and Mello—the question of the jury’s understanding of its role in sentencing—turned out to be surprisingly effective. Bundy won four votes for a stay of execution. One more, and he would have lived.

When a man goes to prison, a lot of paperwork is prepared, many blanks are filled: height, weight, eye color, age. There is a blank marked Religion. When that question was asked of Ted Bundy, he had answered “Methodist,” the church of his childhood. Florida State Prison had two Methodist ministers on call that night. Of the two, Bundy chose Reverend Fred Lawrence to pastor him through his last night on Earth.

A round-faced, pudgy, and unassuming man, Lawrence was surprised to be chosen by the nation’s most infamous killer; though he was a frequent visitor to death row inmates, he and Bundy had never met. And he felt a strange touch of pride. “I don’t know if one should be honored if Ted Bundy says your name,” Lawrence said later. “But I guess I was.” When he got the call, the reverend made a quick scan of his bookshelf and pulled down a small black volume, *The Minister’s Service Book*, published by the Advent Christian Church. It contained orders of communion, weddings, funerals, and so forth, along with some inspirational poetry. He also grabbed his military Communion kit, issued by the Florida National Guard. Lawrence reached the prison by 1 a.m., when Bundy finished his last meetings with his lawyers, with John Tanner and his wife, and with Jamie Boone, Carole’s grown son.
by another man. When Lawrence arrived, he talked briefly with the anti-death penalty crusaders Mike Radelet, Susan Cary, and Margaret Vandiver. They told him Bundy had been going through “a very public phase,” and ventured that he would be emotionally drained by the time he returned to his cell. “They predicted it completely,” Lawrence recalled.

Flanked by guards, Bundy and Lawrence left the visiting room and walked down the prison’s long central corridor. A man on death watch was moving, so the rest of the inmates were locked in their cells. An eerie quiet filled the place, a weird vacancy, as the footfalls of the small patrol sounded dully on the buffed tile floor. The corridor seemed almost endless, but at last they came to the end, and turned from the wide central hallway into a narrower one that felt almost claustrophobic by comparison. On Q-wing, they descended a small stairway to the two cells facing the door to the execution chamber. Fred Lawrence settled onto a metal folding chair outside Bundy’s cell. Two guards sat nearby. Bundy had no chair, so he took the pillow from his bunk for a cushion on the floor.

Ted Bundy knew he was about to die. Though his offer of confessions in exchange for more time had some supporters in unexpected places—like the Florida attorney general’s office, where a number of prosecutors considered it a good deal—the governor was not buying. The courts were now closed. This was the end. Fred Lawrence wanted only to give the man a few hours of peace, which he considered his duty as a man of God. He spoke gently by way of beginning: “Ted, tell me something about your life in the church growing up.”

Bundy closed his eyes and drew a deep breath; Lawrence soon realized the doomed man formed each answer in his head, shaped it from beginning to end, before he spoke the first word. When he spoke, it was in a low, sapped voice, and his memories were of Sunday services and potluck suppers and meetings of the Methodist Youth Fellowship. From Lawrence’s beginning, Bundy took control of the conversation, presenting one last time the face of composure and keen intelligence. “It was as if he and I were two complete strangers who had bumped into each other and settled into a talk,” Lawrence remembered. “He

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had complete control—I could recognize, could feel, this aura of greatness around him. Diabolical greatness, like Hitler, I imagine.”

They talked for more than an hour, but nothing Bundy said satisfied the unspoken curiosity in the pastor’s mind: What could make a man like this? “I don’t think even he knew why he was who he was. I don’t think he knew how many he killed or why he killed them. That was my impression, my strong impression.”

A guard approached the cell and asked if Bundy needed anything. The prisoner shook his head and mumbled, “No.” He was tired and withdrawn. About 3 A.M., he mustered the strength to place two telephone calls to the people who had supported him the longest. The first was to his mother. Her son’s confessions had been a terrible shock to Louise Bundy. “Like a blow right between the eyes,” as she put it. But now she showed only her customary composure. Over the phone line, she told Ted how much she loved him, and he answered that he knew how much he had hurt her. The confessions, he explained, had been his attempt to “make it right—to tell the truth.”

During the ten-minute conversation, Bundy became a aware that someone was listening in on an extension. His anger flared: “Is somebody on this phone?!” he demanded. A guard’s voice answered, “Yes, Ted. You know I’m on the phone.” His temper passed as quickly as it rose.

He asked that his second call be placed to Carole Boone, and waited tensely as the number was dialed. A couple of minutes passed. Something was wrong. At last, the guard said, “That other call you wanted to make is not going to go through,” and Bundy knew immediately what had happened—Boone had refused to speak to him. “His reaction was none at all,” Fred Lawrence remembered. Bundy simply asked to speak to his mother again. During this call, Louise said, “You’ll always be my precious son.”

Lawrence opened his little black book to a favorite poem, “Some Easter Morn,” and began to read:

_We all must spend one lonely night_  
_In dark Gethsemane,_
AMONG THE LOWEST OF THE DEAD

While others sleep, like Jesus weep
   In bitter agony!
We, too, must beg that God will let
   The bitter cup pass by,
And then—"Thy will, not mine, be done,"
   Like Jesus, we must cry.

We all must tread the lonely road
   That leads to Calvary,
The thorns must wear, the cross must bear
   In shame and misery;
And when, through gloom and darkened sky
   God's face we cannot see,
We, too, must cry like Jesus, "Why
   Hast Thou forsaken me?"

But oh, some glorious Easter morn,
   Perhaps not far away,
We'll see Thee come to roll the stone
   Of sin and death away;
And then, by garden and by cross
   Made pure and white and sweet,
We'll cast our lilies and our crowns
   Down at Thy dear feet.

A beautiful thought for a wretched sinner—the thought that, on some glorious morn, the stone of sin would be lifted from his soul. "Do you really believe God forgives?" Bundy asked.

"Yes, I do," Lawrence answered. "Because I have been forgiven."

Bundy nodded. "Do you mind if I listen awhile on the bed? I can listen better." And as Lawrence continued reading, the killer drifted off to sleep.

Seventy-five minutes later he awoke. It was almost time for Lawrence to leave. The pastor took his military Communion kit and blessed the wafers and wine. After the sacrament, they bowed their heads in silent prayer. "I don't know what Ted Bundy did, but I confessed my sins," Lawrence remembered.

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Having witnessed the execution of Carl Shriner, Lawrence was able to describe for Bundy what would happen in the chamber: He would be strapped in, then offered a chance to speak, then the leather hood would fall over his face and the headpiece would be attached. He would hear the dull noise of the circuits being opened, and a second later the current would hit him. He should not fear pain.

Bundy listened with his elbows resting on his knees. Then he reached his hands through the bars, and Lawrence took them in his own. “And he squeezed for ten entire minutes,” the minister recounted. “He never said a word. He held my hands tighter than anyone had ever held my hands. The last four minutes, he raised his head and gazed into my eyes—still not speaking—just gazed intently. I didn’t see fear, or uncertainty. He just seemed to want to hang on a little longer before he disappeared. It was like holding on to a dead man.”

In the predawn hours outside the prison, a macabre carnival assembled in the pasture. Hundreds of cars bumped and lurched into a makeshift parking lot, which was muddy from a weekend of rain. The cars disgorged people from across the state—police officers carrying sparklers, fraternity boys swigging from hip flasks, parents with their babies. They carried homemade signs, almost all of them in dubious taste. CHI O, CHI O, IT’S OFF TO HELL WE GO, said one, making a pun at the expense of the murdered and beaten women of the Chi Omega house. Another listed the ingredients for “Bundy BBQ”; another announced that SPARKS ARE GOING TO FLY! BUNDY: CATCH THE CURRENT, someone had written, playing off a Coca-Cola slogan, and someone else tooted a sign saying, SOMETHING SPECIAL FROM FPL—a reference to Florida Power and Light. TEDDY IS DEADY. HAVE A SEAT, TED. A man carried a sign calling for PUBLIC EXECUTION NOW: I LIKE TO WATCH.

Other celebrants went to even more trouble. The members of the Zeta Tau fraternity from the nearby University of Florida wore professionally printed T-shirts, featuring a recipe for “Fried Bundy” on the back. They accessorized their outfits with frying pans, which they waved lustily. An entrepreneur had commissioned tiny electric-chair lapel pins, which sold quickly at five dollars apiece. There was a man in
a rubber Ronald Reagan mask and a “Burn Bundy” T-shirt, carrying a child’s stuffed bunny dangling from a noose. Two women strolled the pasture wearing homemade versions of Old Sparky’s headpiece, which they had fashioned from Christmas gift boxes and lead stripped from a stained-glass window. An hour before the execution, a fourteen-car caravan pulled up, led by a flatbed truck bearing an illuminated sign: **BUNDY, BURN IN HELL.** In the bed of another truck was a life-size effigy: A handcrafted mannequin seated on a wired kitchen chair, a crown of sparklers on its head.

Diesel generators, powering the many television trucks, RVs and space heaters, rumbled a constant bass beneath the chatter and the shouting. The ground was crisscrossed with heavy electrical cables. The air was thick with exhaust, and through this foul cloud roving cameras shot brief patches of blinding light and hazy glare. The cameras, it was clear, were the reason so many people had spent so much energy on their signs and costumes—they wanted to be on television. The Zeta Tau brothers whooped and waved their frying pans whenever a cameraman ambled close. “The only one I’m talking to is Ted Koppel!” someone shouted above the noise. The crowd pressed hard against a temporary fence that had been erected to keep the party out of the road, shouting on cue and mugging for photographers. “We got cameras everywhere!” a reveler said excitedly. “We better watch for ourselves on TV!” With the choking fumes and the blinding light and the noisy, drunken throng, the scene had a surreal quality, flickering and sulphurous. The light seemed like fire, dancing through the crowd, and the fumes smelled like brimstone, and the noise could be mistaken for a wailing and gnashing of teeth. A Starke restaurateur did a brisk business selling coffee and doughnuts.

Wendy Nelson was there—Wendy, mother of Elisa, the victim of Larry Mann, who had won a new sentence on the same issue Bundy was denied. She stood apart from the crowd, but she understood the celebration. “They’re certainly entitled,” she said. “We’re gonna once and for all get Ted Bundy out of the lives of his victims. I’m sure they’ve been through hell.” The voice of experience.

Dawn was a faint hint of orange rind at the horizon, and as the minutes drew by, the rind shaded to rose and the sky turned deep blue.
The morning stars, long since obliterated by the television lights, evaporated in the rising sunlight like droplets on a griddle. A handful of death penalty opponents fell to silent prayer. Across the road, on the prison ground, the gulls flew up to meet the morning.

Witnesses to an execution are required to leave behind all pens, reporter’s notebooks, tape recorders, cameras, and any extraneous items that might disturb a very sensitive metal detector. Beyond the scanner, they are patted down from head to toe. After the search, the citizen witnesses go to a small room where a modest breakfast buffet is waiting, while the media witnesses go to a stuffy room for a briefing.

The reporters are each issued two pencils and a legal pad, which they use to take down a stream of mostly useless information. This is primarily a way of killing time. The briefer informs them that they are at Florida State Prison. The prison is a quarter mile long. It is the only maximum-security prison in the state for men. There are X number of prisoners on death row (the day Bundy died, the number was 294). On it goes: The average cell is six by nine feet. The average death-watch cell is twelve by seven feet. The electric chair is made of oak. It was built in 1923 by inmates. The same chair has been used for all of the state’s executions since 1923, excluding one performed under federal jurisdiction by hanging.

The briefing is interrupted when the little room goes dark—the whole prison goes dark, the fans stop whirring, the clocks stop humming, everything falls silent. The stillness lasts about twenty seconds, then the lights return—the prison has switched over to its own diesel generator to power the electric chair. Now the briefing moves toward the point: The spokesman notes that during the time he has been talking, the prisoner has been prepared. His head and lower right leg have been shaved, he has been dressed in dark blue trousers and a light dress shirt. He will enter the execution chamber at 7 A.M. in his stocking feet. A prison lieutenant will be on the phone to the governor. The director of maintenance, the prison medical officer and his assistant, and the executioner will also be waiting. (The briefer does not, of course, identify the executioner.)
The prison superintendent will lead the way; the prisoner will be flanked by an assistant superintendent and the prison’s security chief. The spokesman asks the reporters to remain seated and quiet through-out “the procedure.” The doomed man’s last visitors are announced, the details of his final Communion—if he has taken one—and the menu of the last meal. The spokesman describes how much the prisoner has eaten.

Then the witnesses are taken to the chamber. Dead quiet reigns over the prison, not a soul in sight as they pass through the spine of the building and emerge in the rear yard. There, they are loaded into a prison van and driven past the tiny death row exercise yards with their high fences, volleyball courts, and rusting barbells.

Inside the little chamber, the citizen witnesses fill the first two rows of small wooden chairs. There are four rows of seats with six chairs in each row; the first row is so close to the glass, and the glass so close to Old Sparky, that witnesses sometimes feel like they are sitting in the prisoner’s lap. There are twenty-four seats in all, but for Ted Bundy’s execution, many more people jammed into the tiny spaces behind the chairs and along the walls. This was an Event; people pulled rank to be there.

The witnesses might expect a clock on the wall, ticking toward the fatal moment, but there is no clock. The white walls are bare except for two plastic speakers from Radio Shack, which are connected to the microphone in the death chamber.

Everything but the chair is hospital white. Behind the chair is a metal tool box, and on the box, neatly arrayed, are some straps, the headpiece, a white terry-cloth towel, and a pair of long leather gloves. The witnesses stare silently at the door behind the chair. The only sound is the *skritch-skritch* of a dozen reporters’ pencils.

Time hangs suspended. Then the door opens and time begins to hurtle. The rhythm of “the procedure” is like a truck coming along a flat, straight highway. The truck is a distant dot, gradually looming and taking shape, moving, it seems, very slowly . . . but then at last it roars past, suddenly swift and furious. On that particular morning, warden Tom Barton was first through the door, a tall man with a craggy face and cropped iron hair. (His predecessor, Richard Dugger,
had been promoted to preside over all Florida’s prisons; he stood near a
wall of the witness room, having come from Tallahassee to see the
event.) Just behind the warden was Ted Bundy, drawn and wan, with
his bald, goooey head and his stocking feet.

Prison officials on either arm of the prisoner steered him swiftly
to his seat. Three sets of hands cinched the straps tight around him,
doubling the strap ends back on themselves for a neat, almost stylish,
effect. Barton stooped to lace the crude electrode on Bundy’s leg, then
resumed his full height and pulled roughly on each of the straps, check-
ing the tension.

As they worked, Bundy scanned the faces through the picture
window, pausing to make eye contact with Fred Lawrence, with James
Coleman, and with Jerry Blair, the elected prosecutor who had di-
rected his trial for the murder of Kimberly Leach. Lawrence tried to
hold Bundy’s gaze with the same intensity he had earlier applied to the
doomed man’s hands—but Bundy now seemed far off, already gone. His
scan of the faces had the vacant quality of a drugstore surveillance
camera.

Most execution witnesses have never met the man they are watch-
ing die, and for them these few moments when the prisoner studies the
room are often the hardest. They feel a pang of voyeur’s guilt. Strangers
in the audience often secretly hope the prisoner’s gaze will not settle on
them; they dread being caught watching the utter humiliation of an-
other human. They dread questions in the prisoner’s eyes: Who are
you, and why have you come? The nakedness and shame of a man in
the electric chair is far more profound than mere nakedness of the
flesh—his sins, his brokenness, his fear, his helplessness, all these are laid
bare before the watching eyes of strangers. And the strangers are re-
lied if they are not caught staring, relieved when the fleeting mo-
ments of the prisoner’s survey are brought to an end by the warden’s
demand: “Do you have any last statement?”

Often, the man has labored over a written text. Ted Bundy had
not. For the first time in anyone’s memory, this loquacious, expansive
man had almost nothing to say. He looked at Coleman sitting next to
Lawrence and murmured, “Jim and Fred, I’d like you to give my love
to my family and friends.” Then Bundy lowered his eyes and closed
them as the last thick strap—wide in the middle, like a python with a rabbit half digested—was tightened around his jaw. The electrician, wearing the long leather gloves, fastened the headpiece, and attached the cable with a few firm twists, as if he were hooking up a VCR. The leather hood fell.

It all happened in a matter of minutes. Now the prisoner was immobilized but for the rising and falling of his last breaths. Tom Barton took the telephone from his assistant. There were no stays, of course. The warden nodded slightly to the executioner, who was invisible to the audience behind a thick wall. Two dull thunks sounded—the sound Fred Lawrence had advised Bundy to ignore. Then two loud snaps. Bundy’s body stiffened.

The violence of “the procedure” is softened by the heavy straps and strong buckles, which prevent the body from moving much. Everything visible would indicate a sudden and violent shortening of every muscle in the body: Back pulled tight, head wrenched back, fingers clutching inward or splaying out. An enormous cramp. The current runs in a cycle, from very high voltage to more moderate voltage, and as the dosage abates, the body sags ever so slightly. Then—with a distinct click!—the cycle returns to the maximum current, and the body in the chair jumps again, like a man dozing on the sofa awakened by the doorbell.

This new surge of power flows only a few seconds before the mechanism reaches its failing point. That’s the point at which the wet sponges covering the electrodes begin to boil. Steam rises, first in wisps, and then in small clouds. As the sponges boil dry, the flesh under the electrodes starts to burn, and smoke mixes with the steam.

The electric chair kills by a combination of massive shock and gradual cooking. At the flip of the executioner’s switch, two thousand volts at fourteen amperes blaze almost at the speed of light across the short distance from the control panel to the headpiece. Some of the juice is deflected at the skull—human flesh is a poor conductor—but most of the jolt rips a ragged path of least resistance from the brain to the receptive electrode on the prisoner’s leg. The cells of the brain,
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built for the tiny bursts of electricity that convey information through the body, are knocked senseless by this lightning bolt. At the same time, the prisoner’s nerves light up with news of this fiendishly painful event, and the news surges toward the brain at about three hundred meters per second. By the time the pain arrives, though, the brain is already wiped out; the body screams into a dead receiver. Thus, doctors generally agree that the electric chair is painless.

But simply jolting the brain senseless is not necessarily enough to guarantee death, so the flow of juice is maintained. What happens over the next minute or two is that the prisoner is heated like the coils of an electric stove. Again, the targeted organ is the brain. Designed to operate at around 98 degrees Fahrenheit, the typical brain shuts down for good at about 110 degrees. The wild card in the process is the heart, a cursedly stubborn organ, which tends to keep beating even after the brain is gone.

Some prisoners require more than one cycle to stop the heart, but Ted Bundy required only one. When the power was cut, his corpse sagged against the straps. A prison doctor checked his wrist and throat for a pulse, then unbuttoned his shirt—one button, very delicately—and placed a stethoscope on his chest. Then the doctor raised the hood, just a bit, and shined a penlight into the vacant eyes. At 7:16 A.M., on Tuesday, January 24, 1989, Theodore Robert Bundy—the face of America’s death row—was dead.

“Please exit to the rear,” a prison official said, and the witnesses stepped into the morning light. Some were first-time witnesses, and for many of them, the ritual had not been entirely what they had expected. It had been quieter, less violent, antiseptic—more like a magic trick, in a way, than a homicide. Magicians carefully bind their subjects, cover their faces, leave only the extremities showing—and then they do all sorts of violent things: Saw the subject in half, run her through with swords. And then—presto!—the subject is returned unharmed. The key is hiding the face. The soul of a person, the spirit, is in the eyes, as poets have remarked. When the face is covered, the person vanishes.

For witnesses to an electrocution, the event has all the trappings of

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a magic act. The subject is bound and gagged and strapped into place. Then a mask falls over the eyes. And everything thereafter has the quality of a stunt, culminating in that mystical, improbable cloud of steam. The whole dreadful thing has a quality of illusion. But the man who sat on the chair has not slipped through a trapdoor; the violence is not done to a dummy. A man is dead.

Following the custom in Florida, when the witnesses emerged from the death chamber a wire service reporter among them waved his yellow legal pad over his head. This was the signal to the people in the pasture that the deed was done.

Cheers erupted in the field. A group of off-duty cops waved sparklers and burst into song, “On Top of Old Sparky,” the lyrics of the old campfire tune reworked for the occasion. “He bludgeoned the pooooor girrrrls, all over the heaaaaaad. Now we’re all ec-staaaaa-tic, Ted Bundy is deaaaaaad!”

“Whoooooo!” shrieked another cluster of revelers as they set off fireworks. From a group of fraternity boys came another song: “Na-na-na-na, Na-na-na-na, Hey-hey-hey! Good-bye!” People smiled and hugged and slapped each other on the back. Television reporters stood before their cameras to deliver the news to waiting viewers. Euphoria was general all over Florida. A Tampa-area disc jockey popped open a can of Jolt cola and put “Electric Avenue” on the turntable. In Tallahassee, a radio host cued a tape of bacon sizzling.

Most of the crowd in the pasture lingered a half hour, until a white hearse rolled through the prison gates and headed up the road toward Starke. As it passed, another cheer went up; one man rushed onto the blacktop to pat the hearse on the fender.

Then the people trudged to their cars, and soon there was a traffic jam there in the middle of nowhere, which had become, for that day, the center of the universe by the power of one terrible man. Horns honked, the exhaust cloud thickened, and one by one the happy citi-zens went home to put away their skillets, stow their death helmets, unwire their kitchen chairs. Ken Robinson of the Florida Highway Patrol, the man who had discovered Kimberly Leach’s body more than a decade earlier, stood in the pasture as the cars streamed away and said,
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“Justice has finally been done. Although it’s a slow process, the process apparently is working.”

As a symbol, the execution of Ted Bundy was the modern death penalty’s greatest success, the highly visible execution of a plainly deserving criminal. Never before had the elements come together so perfectly. Only two previous executions in the modern era had been so publicized. One was Gary Gilmore’s, the first under the new laws, and in that case, the symbol was flawed by the fact that Gilmore demanded his death—the criminal seemed to be driving the process. The other was John Spenkelink’s, and in that case, too, the symbol was imperfect, because so many people familiar with the case weren’t sure Spenkelink deserved to die. His death had a random and flukey quality, as if no one had been in control of the process. But it was often said that if anyone deserved to die it was Ted Bundy—and though it took nearly nine years of ferocious effort and a little rule bending, the justice system at last sent him to his death.

Bundy was such a powerful symbol that he lived beyond his physical death as a postmodern, suburban Lucifer. He became the quintessential killer in dozens of books, magazine articles, and newspaper stories. Supermarket tabloids resurrected him periodically. For example, one published a “seance-interview” with Bundy a year and a half after his death, in which the killer “told” a psychic that he had felt himself “sinking below the chair, through the prison floor and into the ground. I traveled through the rocks into the fiery lava at the center of the earth. Then I ended up in this icy wasteland full of demons and lost souls.” He was immortalized in wax museums, and at least one pulp novel was based on the premise that he had faked his execution and escaped to kill again. On the high brow end, Bundy inspired a ballet in Seattle, and became the centerpiece of any number of scholarly papers, including a cover article in Anthropology Today in which his execution was compared to Aztec rituals.

But the highway patrolman’s claim after the execution—that Bundy proved the death penalty “works”—was more complicated. At a cost of nine years and an estimated five million dollars plus, the death
penalty machinery had succeeded in culling and killing one arch-criminal. But a broader question lingered after his death: Was the system delivering on its promises? By mid-1989 there were more than three hundred condemned inmates in Florida alone, more than two thousand nationwide; only a small fraction of that number had been executed. Bundy notwithstanding, most executed prisoners were impossible to distinguish from the condemned inmates who survived.

And the state and federal courts continued to reverse themselves, circling back on their own decisions. Three days after the Bundy execution, another Florida inmate received a stay of execution based on the jury’s misunderstanding of its power in sentencing, the same issue that had just been denied to Bundy. Craig Barnard, during the last eighteen months of Bundy’s life, had undertaken a scholarly assessment of the state of death penalty law in a single court. On top of his death penalty cases and consultations and duties at the public defender’s office, Barnard had collected and analyzed every Florida Supreme Court capital case over a nine-month period from late 1987 to the autumn of 1988. As the Bundy execution approached, he was putting the finishing touches on a law review article summarizing his findings: In eighty-one cases, the only constants had been confusion and contradiction.

Barnard looked at the way the court had treated one of the simplest aggravating factors—“previous conviction for a capital or violent felony”—and noted that the court had not been able to decide on the meaning of “previous.” In 1979, 1980, and a third time in 1984, the Florida high court had ruled that “contemporaneous... acts of violence on one victim” could count as “previous” convictions, meaning that in the rape and murder of a single victim, the rape could count as “previous.” But in 1987, the court had reversed itself and announced that when two crimes arise from “a single criminal episode,” one could not be considered “previous” to the other.

He looked at “great risk of death to many persons”—another aggravating circumstance. In 1980, the court had declared that a fire set to cover up a murder constituted “great risk” to “many persons” because the fire might have spread to neighboring homes. In 1987, the court had reconsidered the same case, and ordered a new sentencing hearing.
An aggravating circumstance added to the law in 1979 had said murders were more deserving of the death penalty if they were “cold, calculated, and premeditated . . . without any pretense of moral or legal justification.” In the cases he had examined, Barnard had found the court to be flummoxed by its meaning. The justices had decided the factor applied to James Card, who robbed a store, abducted the clerk, drove eight miles to a secluded spot, and cut her throat. Robert Preston’s case seemed almost identical: He also robbed a store, abducted the clerk, drove her to a remote spot, and cut her throat. In that case, however, the same court concluded that “cold, calculated” did not apply. The justices accepted the “cold, calculated” factor in the case of a man who shot his victim nine times, because they felt he could have reconsidered while reloading. But they rejected the factor in a case where the killer stabbed a robbery victim one hundred and ten times. (Eventually, the Florida Supreme Court threw up its hands and struck “cold, calculated” from the books, saying it was too vague to be lawful.)

The chaos was rampant as ever, Barnard concluded. The justices were still working with patches and baling wire. And the Florida Supreme Court was not alone in its confusion. All over the country, courts were consumed by legal gymnastics, and no state was managing to execute more than a handful of the people it sentenced to die. Even the U.S. Supreme Court could not settle questions; various justices gave speeches about the need for certainty, but the Court’s own decisions remained inconsistent.

In 1987, the high court ruled that a victim’s good character, and the suffering of the survivors, were not relevant at sentencing hearings. Capital punishment rested on questions about killers, not victims. A year later, the Court reversed itself. Justice Antonin Scalia, who had written the unanimous opinion in *Hitchcock v. Dugger* assuring the right to have favorable evidence heard, later backflipped and announced that the right to favorable evidence was groundless. Fourteen years and more than twenty executions after it had approved Florida’s law with its aggravating factor for “especially heinous, atrocious or cruel” murders, the high court rejected that factor as unconstitutionally vague.

Though he limited his study to nine months in a single court,
Craig Barnard managed to suggest the vastness of the failure. He concluded with a plain statement of what he had learned over many years: “The purpose of capital sentencing is to select the few who must die from the many who will not. Even during this short survey period, criteria for that selection process changed, expanding and narrowing case by case; life-and-death distinctions were made on the basis of lines that were sometimes blurry and many times mobile. We, as a society, have asked our courts to put rationality into what is a subjective process involving some of the most highly charged cases and issues of our time. We should not be surprised if it is not always achieved.”

Barnard finished writing in time for the 1989 hiring season at the nation’s law schools. God, how he loved it—picking plums from the ranks of fresh young lawyers, boring into them with his probing eyes, seeking a glimmer of the future. Administrative work could be a terrible drag; the budgets, the worksheets, the office squabbles. But this was wonderful. Despite a ferocious cold, he went to a job fair in New York.

His plane touched down back in West Palm Beach the evening of February 26. Exhausted, Barnard drove home from the airport in his sporty little Dodge. He loved cars and coveted the newest features; this one had a computerized voice that said things like “Oil is low,” or “The door is ajar.” He liked talking back to the car. The fence outside his condominium was a jumbled heap, just as he had left it. But on his desk at work was a rough draft of the annual budget, and he expected a ruling any day that might put the next prisoner into the chair. Who had time to fix a fence?

He went inside, where he picked up the phone and dialed his father. Ronald Barnard was surprised to hear his son complaining of a cold. Craig was not a complainer. He listened as Craig said that he couldn’t sleep, he had no appetite. “I thought I was gonna die on that plane,” Craig said.

“Take a day off,” his father counseled. “Stay home, eat some chicken soup.”

Of course, Ronald Barnard knew that his son never took days off. They talked some more about this and that. A woman in the office
owned a beagle that had just whelped a litter of puppies. Craig had
loved dogs as a boy, but in recent years he had lacked the time and the
energy to take on a companion. Now he was thinking about adopting
one of those puppies. His father was pleased to hear it. He wanted
Craig to settle down.

Later, Craig Barnard phoned his friend Susan Cary and his boss
Dick Jorandby, and in both conversations he mentioned his cold and
his exhaustion. Then he tried to get some sleep. As always, he was up
before dawn, and when he rose he shut off the burglar alarm, collected
the Palm Beach Post from the porch, stripped, and climbed into the
shower.

By 9 A.M., everyone sensed something strange at the West Palm
Beach public defender’s office. Craig Barnard’s office was empty, and
there was no trace of his pipe smoke in the hallways. He was never that
late. “Where’s Craig?” people asked. Maybe his flight was canceled.

In Tallahassee, Scharlette Holdman was wondering the same
thing. Where’s Craig? She greeted every morning with a phone call to
her counselor and friend, but when she called his house that morning,
the phone just rang and rang. She called Barnard’s office, and got no
answer there, either. Her next call was to Susan Cary. As they talked, it
dawned on them that Craig had once said cold medicine, combined
with his epilepsy treatment, made him sick. Then came a more chilling
thought. Could he have skipped the treatment in favor of a good
night’s sleep?

Holdman dialed Dick Jorandby, who immediately dispatched an
investigator to Barnard’s house. The alarm was off, the paper was in-
side. The investigator heard the shower running. Craig Stewart Bar-
nard, thirty-nine, was dead in the tub, having drowned after an
epileptic seizure. The calm eye of the capital punishment storm, the
rock and rabbi, Florida’s dean of death penalty law, was gone.

Dick Jorandby left Craig’s office just as it was, a shuttered shrine
above the sparkling blue of the Intercoastal Waterway. Barnard’s estate
collected $30,000 worth of forsaken vacation and unused sick days.
Posthumous honors continued throughout the year: The old grand jury

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room of the Palm Beach courthouse was named in his honor, and the local Inns of Court chapter—a prestigious organization made up of judges and lawyers—became the Craig S. Barnard chapter. The annual award for distinguished service by Florida public defenders became the Craig Barnard Award. And so forth.

There might never be another figure like him—but he had developed so many other lawyers, each ready to fill a piece of the void; he had spread the knowledge, so another was not needed. Death penalty defense in Florida was no longer a matter of Scharlette Holdman’s charisma and Craig Barnard’s brains. It had been institutionalized. Building on techniques perfected by Barnard, the CCR office in Tallahassee was becoming a counterbalance to the bureaucratic weight and resources of the attorney general’s office. Death penalty defense had, over the years, become as permanent as the prosecution. The lawyers weren’t going away and neither were the flip-flops and confusion at the heart of death penalty law, so the fight would continue, case by case, issue by issue—forever, as nearly as anyone could see. The fight survived the loss of Barnard. And it survived the loss of Holdman.

Everyone had predicted it. Scharlette Holdman loathed working at CCR in the bureaucracy that had replaced her little office in the FOG Building. Coarse, flamboyant, and ferocious, Holdman hated bureaucracies when they tried to kill people, and now she hated the bureaucracy meant to save them. Bureaucracies were the bland face of authority; authority was Holdman’s cursed enemy. From the beginning, she had battled with the agency’s director, Larry Spalding, and eventually the battles had threatened to tear the office apart. Spalding was gas and Holdman was fire. Together, they made a conflagration. Holdman judged lawyers by their intensity, their audacity on the attack. Spalding was a pale figure by that standard. He followed the rules, and Holdman hated rules; he stuck by the budget, and Holdman hated budgets; he lacked charisma, and Holdman lived by charisma. Scharlette Holdman made no secret of her belief that someone else should be running the agency, especially when she had been drinking; at those times, she entertained anyone within earshot with her colorfully low estimate of Spalding’s abilities. Some of the lawyers in the office sided with Spalding, and others (including the chief litigator,
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Mark Olive) sided with Holdman. In one fiery encounter, Holdman got so angry she picked up a typewriter and threw it against a door.

Such a war of wills might be of small significance at a quiet bureau or commission, but CCR already had all the pressure it could stand from outside. Bob Martinez had adopted an approach to death warrants that perplexed even his predecessor, the vigorous warrant signer Bob Graham. Martinez churned out death orders at twice the pace set by Graham; at one point, nine warrants were active at one time, raising complaints not only from the defense lawyers but also from the pro-death penalty courts. The Martinez strategy seemed to be to squeeze the system until it cracked, hoping that some bad guys would fall through. Under such pressure, CCR could not afford internal rifts. In March 1988, Larry Spalding fired Scharlette Holdman. The last straw was, apparently, Spalding’s discovery that Holdman had spent agency funds to pay travel expenses for volunteer lawyers and even funeral expenses for families of inmates. “This,” Holdman later told investigators, “is my not-very-clever attempt to accomplish that which was prohibited.” Several of the CCR lawyers left with her, including Mark Olive, the best of the bunch. Her departure soured some of the leading lights of the Florida legal community on Spalding, among them Talbot “Sandy” D’Alemberte, who would soon become the president of the American Bar Association.

In a single year, Florida’s death penalty defense community had lost its twin headlights, Scharlette Holdman and Craig Barnard, but still capital punishment remained a quagmire.

Ten years almost to the day after John Spenkelink was executed, Aubrey Dennis Adams Jr. went to the chair for the murder of an eight-year-old girl, his first violent offense. Psychiatrists testified that Adams was brain-damaged, that he went into trances, that sexual frustration or humiliation could cause him to snap. The problem was somehow rooted in his childhood, the doctors believed: Adams was a fat boy, and his uncle often taunted him for having a very small penis. When he was eleven or twelve, his parents had taken him to a doctor who began a series of hormone injections. The hormone treatments fueled excruciating headaches that would last for days.

Adams married the first woman with whom he slept, and soon
she was taunting him for his inadequacy and openly pursuing other men. When she left him, he murdered a child. None of this excused him. But while Adams died in Old Sparky, men like Gerald Stano survived. Stano confessed to killing more than two dozen women. As of this writing, Gerald Stano is still alive. Thomas Knight, who murdered a prison guard while awaiting execution for two other murders, is still alive—twenty years after his first death sentence. Jesus Scull, who robbed and murdered two victims and burned their house around them, is alive. Howard Douglas, who forced his wife to have sex with her boyfriend as he watched, then smashed the man’s head in, is alive. Robert Buford, who raped and beat a seven-year-old girl to death, is alive. Eddie Lee Freeman, who strangled a former nun and dumped her in a river to drown, is alive. Jesse Hall, who raped and murdered Susan Routt and killed her boyfriend on Dunedin Beach, is alive. Derreck Manning, who shot two deputies to death as they tried to arrest him for rape, is alive. James Rose, who raped and murdered an eight-year-old girl in Fort Lauderdale, is alive. Jimmy Lee Smith, who abducted a woman and her daughter and slaughtered them both, is alive. Robert Preston, who robbed a store and mutilated the clerk, is alive.

And so on, and on, and on. Twenty men have been sentenced to die under Florida’s modern death penalty laws for every one who has been executed. Nothing but chance has separated those who live from those who die.

Barnard was gone, Holdman was gone. By 1989, Ray Marky had suffered a heart attack and left the attorney general’s office. He took a less stressful job at the local prosecutor’s office, where he watched dispirited as the modern death penalty—the law he had helped write and had struggled to enforce—reached its soggy maturity. One day a potential death penalty case came across his new desk, and instead of pushing as he had in the old days, he advised the victim’s mother to accept a life sentence for her son’s killer. “Ma’am, bury your son and get on with your life, or over the next dozen years, this defendant will destroy you, as well as your son,” Marky told her. Why put the woman through all the waiting, the hearings and the stays, when the odds were heavy that the death sentence would never be carried out? “I never would have said that fifteen years ago,” Marky reflected. “But now I
will, because I’m not going to put someone through the nightmare. If we had deliberately set out to create a chaotic system, we couldn’t have come up with anything worse. It’s a merry-go-round, it’s ridiculous; it’s so clogged up only an arbitrary few ever get it.”

Marky had given the prime of his life to making the death penalty work. After all those years, the system was no closer to working than the day he started. “I don’t get any damn pleasure out of the death penalty and I never have,” he said. “And frankly, if they abolished it tomorrow, I’d go get drunk in celebration.”

Bob Martinez signed more than 130 death warrants during his four-year term, resulting in only nine executions. In one, a schizophrenic named James Hamblen had pleaded to be killed; he said electrocution would be “spiffy.” Another went very badly. On May 4, 1990, Jesse Tafero was strapped into Old Sparky fourteen years after he had murdered two police officers. In all previous procedures, the prison staff had packed a sea sponge into the headpiece, but over time the sponge had rotted. The electrician had gone to the supermarket and bought a new, synthetic sponge. When the switch was thrown, the sponge caught fire. Flames leapt from Tafero’s head. At the end of the first jolt, he was still breathing; his head nodded after the second dose; only after the third cycle of current was the killer pronounced dead.

Despite Martinez’s zeal, Old Sparky did not work its political magic for him. Though he campaigned hard on the death penalty—Ted Bundy was featured prominently in his television ads—Martinez lost his bid for reelection to the popular former U.S. senator Lawton Chiles. As governor, Chiles adopted a new approach to capital punishment: Instead of signing death warrants in a futile effort to speed the process, Chiles waited until an inmate’s case appeared ripe. His first sixteen warrants produced eight executions—a far better percentage than that of any of his modern predecessors managed. A couple of times each year, one of the three-hundred-plus inmates on death row went to the chair; by autumn 1994, Florida had executed thirty-three prisoners, beginning with John Spenkelink, a total second only to Texas.
The defense bureaucracy at CCR burgeoned as death row expanded, tripling in size by the end of Chiles’s first term. What Scharlette Holdman once had done with her ledger and phone came to require a state agency of twenty-two lawyers and thirteen investigators. The controversial agency was winning its war.

Some politicians and pundits still talked as if the confusion in the death penalty could be eliminated by a healthy dose of conservative toughness. Indeed, when Chiles ran for reelection in 1994 he was hit hard for signing so few death warrants—sixteen, compared to the hundreds signed by his predecessors Graham and Martinez. In the closing days of a bitterly fought campaign, challenger Jeb Bush attacked in the most visceral way. He turned to Wendy Nelson, the grieving mother of murdered Elisa Nelson, and put her in a television advertisement aimed at every screen in Florida.

“Fourteen years ago, my daughter rode off to school on her bicycle,” Wendy Nelson told the camera. “She never came back. Her killer is still on death row, and we’re still waiting for justice. We won’t get it from Lawton Chiles, because he’s too liberal on crime.” The ad was widely denounced, and it backfired. In Florida, people were beginning to realize that no one—not even the governor—could control the execution machinery. On the same day the Nelson ad went on the air, Bush acknowledged that Chiles had no power to speed the death of Larry Mann, the murderer of Elisa Nelson. Even some pro—death penalty judges came to the defense of Chiles. The ad was “absolutely ridiculous, stupid, ignorant,” said Raymond Ehrlich, a retired justice of the Florida Supreme Court. “Had the governor been silly enough to sign a warrant, the circuit court of the Supreme Court would have stayed the thing.” The surging Bush campaign faltered, and Chiles was narrowly reelected. Among the people who knew the system best, the death penalty was no longer a matter of liberal or conservative. Twenty years after Furman v. Georgia, support for the death penalty crossed all lines. There was not a single guaranteed vote against the death penalty on any court, state or federal, with jurisdiction over Florida. And the same was essentially true everywhere in America. Courts and legislatures got tougher and tougher on the issue, but the results were negligible. The execution rate increased by tiny increments, while America’s
death row population swelled to three thousand. It made no real difference who controlled the courts, as California voters learned after they dumped their liberal chief justice in 1986. The court turned rightward, but seven and a half years later, California had executed just two of the more than three hundred prisoners on its death row. One of the two had voluntarily surrendered his appeals. No matter how strongly judges and politicians favored capital punishment, the law has remained a mishmash.

It is hard to see a way out. The idea that the death penalty should not be imposed arbitrarily—that each case should be analyzed by a rational set of standards—has been so deeply woven into so many federal and state court rulings that there is little chance of it being reversed. Courts have softened that requirement, but softening has not solved the problem. Proposals to limit access to appeals for death row inmates have become staples of America’s political campaigns, and many limits have been set. But it can take many years for a prisoner to complete just one trip through the courts (nine and a half years for Ted Bundy, for example), and no one has proposed denying condemned inmates one trip.

The only way to make the death penalty work, reasonably quickly and reliably, may be to have a lot less of it. Broad laws, intended to weigh ineffable shades of evil, have proven to be failures. Possibly a narrow death penalty could work—for distinct crimes like serial murder or political assassination. If the crimes were better defined, and applied to fewer criminals, courts might find firm ground for judging. And under a lightened load, they might move more quickly.

Several polls have suggested that a majority of Americans might be willing to see the death penalty scrapped if they were sure that unmitigated and dangerous killers would spend the rest of their lives in prison. But most citizens lack much faith in the government’s ability to keep bad guys behind bars. They have heard too many stories of murderers sent away for “life”—only to hit the streets in seven, ten, fifteen years and kill another victim. Support for the death penalty seems to flow in a cycle of cynicism: Jaded voters demand it because they don’t trust the government to protect them; politicians call for more and stronger death penalty laws to please the voters; but the more death penalty laws
Among the Lowest of the Dead: The Culture of Capital Punishment by David Von Drehle


there are, the harder it is to enforce them, which in turn makes the voters more jaded.

U.S. Supreme Court Justice Harry Blackmun was one of the four votes in favor of preserving the death penalty in *Furman v. Georgia*, and he voted with the majority to approve the new laws four years later. For two decades, he stuck to the belief that the death penalty could meet the constitutional test of predictability. But on February 22, 1994, Blackmun threw up his hands. “Twenty years have passed since this Court declared that the death penalty must be imposed fairly and with reasonable consistency or not at all,” he wrote. “. . . In the years following *Furman*, serious efforts were made to comply with its mandate. State legislatures and appellate courts struggled to provide judges and juries with sensible and objective guidelines for determining who should live and who should die. . . . Unfortunately, all this experimentation and ingenuity yielded little of what *Furman* demanded. . . . It seems that the decision whether a human being should live or die is so inherently subjective, rife with all of life’s understandings, experiences, prejudices and passions, that it inevitably defies the rationality and consistency required by the Constitution. . . . I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.”

Also in 1994, an admiring biography of retired U.S. Supreme Court Justice Lewis Powell was published. Powell had been one of the architects of the modern death penalty. As one of the troika of swing votes in 1976, he had helped to define the intricate weighing system that restored capital punishment in America. Later, as the deciding vote in *McCleskey v. Kemp* in 1986, Powell had saved the death penalty from the assertion that racial disparities proved the system was still arbitrary. Now Powell was quoted as telling his biographer, “I have come to think that capital punishment should be abolished.” The death penalty “brings discredit on the whole legal system,” Powell said, because the vast majority of death sentences are never carried out. Biographer John C. Jeffries Jr. had asked Powell if he would like to undo any decisions from his long career. “Yes,” the justice answered, “*McCleskey v. Kemp.*”

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A FAILURE OF EXECUTION

Doug McCray watched it all from his death row cell. When he arrived at Florida State Prison in 1974, nine men awaited execution and he made ten. He wept when his best friend, John Spengkelink, was executed, and wondered if he might be next. Instead, he watched Bob Martinez follow Bob Graham, just as he had seen Graham follow Reubin Askew. Death row grew to the size of a small town, and Lawton Chiles followed Martinez. He saw men cut, men burned, even saw a man killed on death row. He saw inmates carried from their cells after committing suicide, and others taken away after going insane. He saw wardens come and go; saw the seasons pass through a sliver of dirty glass beyond two sets of bars. While he watched, he became an emblem of the modern death penalty.

As a boy of eight, the son of good, poor parents, James Curtis “Doug” McCray had limitless dreams; he told everyone he met that someday he would be the president of the United States. Soon enough, he realized that poor black children did not grow up to be president, but still he was a striver. At Dunbar High School in Fort Myers, he was an all-state wide receiver on the football team, an all-conference guard at basketball, and the state champion in the 440-yard dash. He made the honor roll, and became the first and only of the eight McCray kids to attend college.

His was a success story, but for one flaw. McCray had a drinking problem. He washed out of college and joined the Army. A year and a half later, the Army gave him a medical discharge because he had been found to suffer from epilepsy. McCray married, fathered a son, tried college again; nothing took. He wound up back home, a tarnished golden boy.

On an October evening in 1973, an elderly woman named Margaret Mears was at home in her apartment, picking no trouble, harming no one, when someone burst in, stripped and raped her, then beat her to death. A bloody handprint at the scene was matched to Doug McCray. He insisted he had no memory of the night in question, and his jury unanimously recommended a life sentence. But McCray had the bad fortune to be tried by Judge William Lamar Rose.
To say that Judge Rose believed in the death penalty hardly does justice to his fervor. When he heard in 1972 that the U.S. Supreme Court had abolished the death penalty, Judge Rose protested by slinging a noose over a tree limb on the courthouse lawn. After the new death penalty law was passed, McCray’s case was the first chance Rose had to use it. To him, the murder of Margaret Mears was precisely the type of savagery the law was intended to punish: committed in the course of another felony, and surely heinous, surely atrocious, surely cruel. Rose overruled the jury and banged the gavel on death.

McCray’s case went to the Florida Supreme Court for the required review. In June 1977, the justices ordered Rose to certify that no secret information had been used in deciding the sentence. After the judge complied, the case rejoined the heap of death sentences awaiting review at the glutted state high court, and eventually it returned to the top of the pile. In October 1980, the Florida Supreme Court agreed that Doug McCray should die. The following year, the U.S. Supreme Court declined to review the state court’s decision.

Through all this, McCray continued to insist that he had no memory of the murder. He passed a lie detector test, though such tests are not admissible in court. And there was another reason to believe what he said. It was possible that McCray’s epilepsy, which had first emerged in several powerful seizures during his Army basic training, was the type known as “temporal lobe seizure disorder.” This disease often emerges in late adolescence; it is known to cause violent blackouts; and it can be triggered by alcohol. The possibility had not come out at McCray’s trial, nor was it properly researched for his clemency hearing, which was held on December 16, 1981, and went badly. An attorney, Jesse James Wolbert, had been appointed to represent McCray, and he did not bother to read the trial record, let alone prepare a compelling case for mercy. Perhaps he had other things on his mind: By the time McCray’s death warrant was signed three months later, Wolbert had drained another client’s trust fund and disappeared.

Wolbert’s disappearance turned out to be a blessing, because Scharlette Holdman persuaded Bob Dillinger of St. Petersburg to take the case, and Dillinger was a damn good lawyer. He filed a hasty appeal in the Florida Supreme Court asking for a stay of execution. The result
was amazing: Having affirmed McCray’s death sentence eighteen months earlier, the justices now ordered a new trial. The sentence, they ruled, was based on the theory that the murder had been committed in conjunction with a rape. “Felony murder,” this is called—murder coupled with another felony. The Florida Supreme Court, by a vote of 4 to 3, declared that the underlying felony, rape, was not proven beyond a reasonable doubt. Eight years after the original sentence, Doug McCray was going back to trial.

Except that something even more amazing happened next. The state supreme court granted the prosecution’s request for a rehearing, and Justice Ray Erlich abruptly changed his mind. His vote made it 4 to 3 in favor of upholding McCray’s death sentence. In the course of six months, Erlich had gone from believing McCray’s sentence was so flawed that he should have an entirely new trial to believing that his sentence was sound enough to warrant his death. The court contacted the company that publishes all its decisions and asked that the first half of this flip-flop—the order for a new trial—be erased from history.

Governor Graham signed a second death warrant on May 27, 1983. By this time, Bob Dillinger had located his client’s ex-wife in California, where she lived with her son by Doug McCray. The son was a chip off the old block; he was what his father had once been: bright as a penny, interested in current events, a devourer of books, good at games. The ex-wife, Myra Starks, was mystified by the course her husband had taken. They had been high school sweethearts, and she had married him certain that he was upward bound. When McCray left school to join the Army, Starks had clung to that vision, picturing a steady string of promotions leading to a comfortable pension. Then came the seizures and the medical discharge, and her husband’s behavior had changed horribly. He drank heavily, and sometimes when he was drunk he struck out at her violently—though after each of these outbursts, he insisted he remembered nothing. Myra did not make a connection between the medical discharge and the change in her man; instead, she packed up their baby boy and moved out. Within a year, McCray was on trial for murder.

Bob Dillinger had also arranged for a full-scale medical evaluation of his client, and the doctor had concluded that McCray indeed suf-
fered from temporal lobe seizure disorder. It all came together. The violent blackouts, triggered by drink. In prison, after a number of seizures, McCray had been put on a drug regimen to control his disease: Dilantin, a standard epilepsy treatment, in the mornings, and phenobarbital, a sedative, at night. When Dillinger arranged for Myra Starks to see her ex-husband, after a decade apart, she exclaimed, "He’s just like the old Doug!"

But he was scheduled to die. Following established procedure, Dillinger returned to the Florida Supreme Court. It was the fifth time the court had considered McCray’s case. This time, the justices concluded that the new medical evidence might be important in deciding whether death was the appropriate sentence. They ordered the trial court to hold a hearing, and stayed the execution while this was done.

Doug McCray had lived on death row nine years. Occasionally, a newly condemned prisoner would arrive on the row from the Gulf Coast with a vague memory of the once-famous name, and he would ask: Are you the Doug McCray, Dunbar High’s Doug McCray? And he would beg for a chance to go one on one on the basketball court with the fallen legend. But nine years was a long time, and it happened less and less. In all that time, his case had not moved past the first level of appeals. The Florida Supreme Court weighed and reweighed his case, and with each weighing the justices reached a different conclusion.

The hanging judge, Lamar Rose, was gone, but in his place was another stern man who was no less outraged at the enormity of McCray’s crime. At the new sentencing hearing, the new judge listened for several days as Bob Dillinger presented witness after witness in favor of mercy. Reverend Joe Ingle, a friend of John Spenkelink and many others on death rows throughout the South, testified to McCray’s character in prison. He spoke of the Doug McCray who cried oceans of tears, who taught other men to read and write, who had a friend light candles in church each year to honor the woman he had killed. Dillinger called Myra Starks to the stand, and her testimony about her ex-husband’s weird, wild blackouts meshed neatly with the doctors Dillinger called to testify about his dangerous epilepsy. Dillinger found
an official of the local NAACP who testified that he had seen McCray drinking the day of the crime—alcohol was the trigger of the violent blackouts. Dillinger put friends, teachers, and coaches on the stand, and they all said how terribly unlike McCray this crime had been.

McCray had, over the years, become a favorite of death penalty opponents, because he seemed so gentle and redeemable. Frequently they argued that not all death row prisoners are like Ted Bundy, and McCray was the sort of prisoner they were talking about. The harshest word in his vocabulary was “shucks.” He read every book he could get his hands on. There was a poignant vulnerability to him. Gail Rowland, the longtime assistant to Scharlette Holdman, liked to tell the story of McCray’s Afro hairdo, which he maintained long after the style went out of fashion; he was on death row and didn’t keep up much with fashion. For many years he smushed his hair down so the guards wouldn’t see how long it was, and when visitors came he fluffed it up. Rowland recalled how heartbroken he had been when she had finally informed him: Doug, your hair is so seventies!

But the new judge focused, as the old one had done, on the crime: a defenseless, innocent woman alone, terrorized, apparently raped, then killed. He sentenced McCray to death once more. And the case returned to the Florida Supreme Court for a sixth time. In June 1987, the justices sent it back, with a reminder that the judge must consider all favorable evidence. To overrule a jury’s recommendation of mercy, the court reminded, a judge must have justification no reasonable person would dispute. The judge’s justification was an elderly woman savagely murdered—once again, he imposed the death sentence.

Doug McCray returned for the seventh time to the Florida Supreme Court. Did he deserve to die? Four times, the trial judge insisted that he did. Twice, the state’s high court agreed. And four times, the same high court expressed doubts. A single case, considered and reconsidered, strained and restrained, weighed and reweighed. A prism, a kaleidoscope, a rune of unknown meaning. The life of a man, viewed through the lens of a complex, uncertain, demanding law. Should he live or die?

In May 1991, after weighing the case of Doug McCray for the
seventh time in seventeen years, the Florida Supreme Court reversed his death sentence and imposed a sentence of life in prison. For seventeen years, two courts had debated—the trial court and the state supreme court. No liberal outsiders had stalled the process, no bleeding hearts had intervened. Even the lawyers had added little to the essential conundrum, which was in the beginning as it was in the end: Doug McCray, bad guy, versus Doug McCray, not-quite-so-bad guy. The case was far from aberrant. It was one of hundreds of such cases.

On occasion, it is necessary to repaint the cells at Florida State Prison. Under the grasp of grimy hands, the onslaught of sweat and mildew, the alternating seasons of wet cold and wet heat, and the dust of the compound blown through cracked windows, the pale green or flat white or blanched yellow enamel slowly chips and flakes. Given the dangerous conditions of death row, the maintenance men have no time to strip the old paint down to the bare bars and raw concrete, so instead they just paint over the old grime and rot. The paint builds up, layer on layer, each coat slightly more corrupted than the one before. New paint does not solve the underlying flaws, it merely masks them.

Violent crime is a rot on the structure of American society, staining and flaking the face we present to ourselves and one another. Kids roam the streets with guns; maniacs and drugheads and perverts run rampant. Violence, and the fear that it causes, creeps through layer upon layer of our lives and culture. Our books are violent, our movies are violent, even our music and our games are violent. We live in fear for our children in their schools and even in their own bedrooms; in fear of panhandlers, loud youths on the subway, the guy at the next desk. Beeping your horn in traffic can be a daredevil act. And under the dangerous conditions in which we live, it's overwhelming to imagine stripping our culture down to bare structure and raw foundations.

The modern death penalty has become a sort of enamel we apply to mask these deeper corruptions. Not even the strongest proponents of capital punishment claim that a random few dozen executions each year will root out the rot where it grows. But after more than two decades spent tinkering with the death penalty, a random few dozen is still the
limit of possibility. Would a perfect death penalty—predictable and swift—serve us better? It’s an age-old question, but the question has become irrelevant to our times. As Florida and all other death penalty states have shown, perfection eludes our grasp.

America has a serious problem with violence. The answers are hard; we fear our society has gone soft. This is the story of the modern death penalty: Now and then, we buckle up a criminal and watch the smoke rise from his head and his leg. And when the rot shows through again, we add another layer of paint.