GENERAL

INTERVIEWS

Several people deserve special mention, having given profoundly of their time, their insights, and their emotions. Dr. Margaret Vandiver patiently, meticulously, and scrupulously relived a number of experiences that were, for her, very ghastly. Ray Marky and Michael Mello, two walking encyclopedias of capital jurisprudence, patiently instructed me on the law from opposing viewpoints. And Dr. Michael Radelet, Florida’s leading academic authority on capital punishment, was unstinting with his time, and, despite his dark speciality, hilarious in his reminiscences. In addition, I conducted interviews with the following subjects for this book—and for the newspaper articles that were the seed of this book—during a period ranging from 1987 to 1994 (a handful of sources asked not to be identified):

Ed Austin                  Robert Dillinger
James David Barber        Leigh Dingerson
Ronald Barnard Sr.        Patrick Doherty
Trudy Barnard             Richard Dugger
Hugo Adam Bedau           Martin Dyckman
Faith Blake                Arthur England
Irwin Block                Watt Espy
Sandy Bohrer               Millard Farmer
William Bowers             Reverend Tom Feamster
David Brierton            Howell Ferguson
Richard Burr               Tom Fiedler
Bill Caldwell              Deborah Fins
Elmer Carroll              Howardene Garrett
Samantha Carver            George Georgieff
Susan Cary                 Steve Gettinger
Ramsey Clark               Robin Gibson
Sources

Steve Goldstein
Mildred Goode
Jonathan Gradess
Bob Graham
Richard Green
Robert A. Harper
Baya Harrison III
Larry Hersch
Andrea Hillyer
Judy Hinson
Scharlette Holdman
Warren Holmes
Steve Hull
Reverend Joe Ingle
Ralph Jacobs
John Jeffries Jr.
Bill Jent
S. R. Johns
Richard Jorandby
David Kendall
Gerald Kogan
Michael Lambrix
Robbie Larramore
Richard Larsen
Reverend Fred Lawrence
James Lohman
Doug McCray
Morris McDonald
Parker Lee McDonald
Ellen McGarrahan
Bob Macmaster
Doug Magee
Robert Mahler
Bob Martinez
Roy Mathews
Don Middlebrooks
Earnie Miller
Gene Miller
Ellen Morphophonios
Polly Nelson
Wendy Nelson
Joe Nursey
Hudson Olliff
Jack Partain
Eleanor Jackson Piel
James Rinaman
Gail Rowland
Ann Rule
Dianne Rust-Tierney
Ron Sachs
Henry Schwarzschild
William Shade
Sam Shepard Jr.
Robert Shevin
Laurie Sistrunk
Neil Skene
Jim Smith
Carolyn Snurkowski
Larry Spalding
Bob Spangenberg
Eugene Spellman
Betty Steffens
Alan Sundberg
Ken Tucker
Paula Tully
Sue Tully
Bill Vaughn
Suzie Vaughn
Alan Wagner
Bill Wax
Sandy Weinberg
This account of events, many of them unseen by me, was possible only through the very thorough reporting of Florida’s newspapers. I immersed myself in a quarter century’s worth of clippings from papers including the Tallahassee Democrat, the Gainesville Sun, the Orlando Sentinel, the St. Petersburg Evening Independent, and the Tampa Tribune. Key citations appear in the notes. More generally, I drew heavily on the work of three papers:

First and foremost, the St. Petersburg Times, whose coverage of the death penalty has been unmatched in recent decades by any paper in America, to my knowledge. I must note the work of three Times writers in particular: Dudley Clendinin, who produced a series of remarkably intimate portraits of death row in the late 1970s, when it was still possible to get decent access to the place; Neil Skene, who comprehended and chronicled the intricacies of capital appeals better than any other reporter, anywhere, ever; and Martin Dyckman, Florida’s preeminent editorial voice on this subject and many others. I was welcomed into the library of the Times with open arms, and found much of my book already there in the files.

The Florida Times-Union was invaluable because it has been the only paper to assign a reporter full time to Florida State Prison, resulting in a great deal of continuity and intelligence in its accounts of prison life and executions. Andrea Rowand Dickerson, Bruce Krasnow, and Bruce Ritchie, through their Times-Union clippings, were like eyes and ears on the past to me. (In this regard, I should also mention Ron Word of the Associated Press.)

And the files of The Miami Herald were not only a source but an inspiration; there, the reporting on this subject has often risen toward art in the hands of such writers as Carl Hiaasen, Barry Bearak, and John Dorschner.

Statistics regarding the number of prisoners on death row at any
given time, the number of executions, and so forth were drawn from *Death Row, USA*, a periodic report of the NAACP Legal Defense and Educational Fund, Inc., and the quarterly summaries of the National Coalition to Abolish the Death Penalty.

A number of sources opened their personal files to me. The most extensive archive on the history of the death penalty in America belongs to Watt Espy of Headland, Alabama. Watt spent several days with me tracing through hundreds of years and thousands of executions. This was invaluable background. Leigh Dingerson allowed me access to clipping files of the National Coalition to Abolish the Death penalty. Margaret Vandiver opened her substantial personal files to me and also arranged my access to the death penalty archive at Northeastern University. I received smaller caches from the personal papers of Ronald and Trudy Barnard, Sandy Bohrer, Susan Cary, Bud and Mildred Goode, Baya Harrison III, David Kendall, Reverend Fred Lawrence, James Lohman, Morris McDonald, Michael Mello, Wendy Nelson, Michael Radelet, and Gail Rowland.

I was aided in my research by the helpful clerks of the Florida Supreme Court and archivists at the Florida State Archives, both in Tallahassee. Court files can be accessed by the name of the inmate. At the Archives, the materials I studied relating to Bob Graham's handling of the death penalty are available at Tiers 30133 and 30134 (Boxes 2, 3, 5, and 10); Tier 30081 (Boxes 1–4, 5–13, 15, and 19); Tier 10883 (Boxes 1 and 2); and Series 918 (Boxes 2 and 4). Archive materials that I studied regarding Reubin Askew's handling of the death penalty and related matters are available at Tier 30861 (Box 3); Tiers 30828 and 30829 (Box 1); Tier 30842 (Box 60); Tier 30848 (Box 3); Tiers 30825–30828 (Boxes 5, 11, 21, 24, 25, 30, and 31); and Tiers 30818 and 30819 (Boxes 1 and 12).

**BOOKS**

An enormous amount has been written about the death penalty in America, and about death row, and about crimes that have led to executions. I can scarcely claim to have read this material exhaustively,
or to have chosen from it systematically. But I offer this note both as a partial accounting of my sources, and to suggest directions in which interested readers might turn should they wish to read more.

Two books stand out as general introductions: *The Death Penalty in America*, edited by Hugo Adam Bedau (3rd edition, Oxford University Press, 1982), and *Legal Homicide*, by William Bowers (Northeastern University Press, 1984). Both Bedau and Bowers are committed opponents of capital punishment, but both are also scrupulous scholars, and their books contain much that is useful to persons of any viewpoint. Regrettably, neither of these landmarks of scholarship is entirely up-to-date. *Capital Punishment and the American Agenda*, by Franklin Zemrning and Gordon Hawkins (Cambridge University Press, 1986), is another important work of rigorous scholars who oppose the death penalty; it brings the issue forward a few years. Welsh White’s book *The Death Penalty in the Nineties* (University of Michigan Press, 1991) brings the subject still further. Bedau’s book *Death is Different* (Northeastern University Press, 1987) provides additional light.

Amnesty International published, in 1987, a book-length report titled *United States of America: The Death Penalty*, which is essentially an indictment of the practice but nevertheless contains a sense of the important issues, and also several informative charts. AI produced another report, *When the State Kills . . . ,* in 1989, which details the status of capital punishment worldwide.

Much more has been written against capital punishment than in favor of it. To my way of thinking, the best book in support of the death penalty is *For Capital Punishment* by Walter Berns (Basic Books, 1979). Because Berns rests his case on timeless principles, his book suffers little from the passage of years. Ernst van den Haag is perhaps better known than Berns as chief spokesman on the pro side. He includes a summary of his views on capital punishment in *Punishing Criminals* (Basic Books, 1975). There is also a representative essay by van den Haag in Bedau, *The Death Penalty in America*. Van den Haag has made many spirited defenses of the death penalty on debating platforms through the years; you can get the flavor of his arguments in a book called *The Death Penalty: A Debate* (Plenum Press, 1983).

*Public Justice, Private Mercy: A Governor’s Education on Death Row* (Weidenfeld & Nicolson, 1989) is former California governor Edmund (Pat) Brown’s highly personal account of his transformation from a supporter to an opponent of capital punishment, and provides a window on the pressures involved in ordering executions. The strain of executions on a prison warden is portrayed in Lewis Lawes’s classic memoir *Twenty Thousand Years in Sing Sing* (Long & Smith, 1932).

In recent years, two religious figures dedicated to death row ministries have written passionately of their work: Joseph Ingle in *Last Rights* (Abingdon, 1990) and Helen Prejean in *Dead Man Walking* (Random House, 1993). I owe a personal debt to Ingle’s book for its intimate portraits of several Florida inmates, and I admire Sister Helen’s willingness to grapple with the awful pain and loss of the innocent victims of death row criminals.

The ardors and experiences of anti–death penalty activists are contained in *A Punishment in Search of a Crime*, by Ian Gray and Moire Stanley for Amnesty International (Avon, 1989). Many of the characters in my book can be found there, speaking for themselves. For young readers, there is a short primer against the death penalty by Kent and Betty Davis Miller called *To Kill and Be Killed* (Hope, 1989).

For a sense of what it’s like to live, work, and die on death row, one might read Doug Magee’s *Slow Coming Dark: Interviews on Death Row* (Pilgrim, 1980). Robert Johnson has written on this subject from two points of view. In *Condemned to Die* (Elsevier, 1981), Johnson describes the existence of inmates on Alabama’s death row; in *Death
Sources

Work (Brooks/Cole, 1990), he discusses the lives of prison authorities and death row guards. Johnson’s Death Work is not to be confused with the ripping but unreliable novel Deathwork, by James McLendon (Lippincott, 1977), which has some interesting and well-informed atmospherics but should not be taken as reality. A better death row novel is Curtis Bok’s Star Wormwood (Knopf, 1959). Steven Trombley wrote a book called The Execution Protocol (Crown, 1992) that rambles through the operations of Missouri’s death row, lighting occasionally on an arresting detail.

The golden age of inmate memoirs was thirty or forty years ago, perhaps because in those days it seemed unusual to find a person who had survived a death sentence long enough to write a book. Two celebrated examples of the old vintage are Edgar Smith’s well-written but unconvincing Brief Against Death (Knopf, 1968) and Caryl Chessman’s self-indulgent Cell 2455 Death Row (Prentice-Hall, 1954). They are worth reading only as curiosities. The more recent memoir of Velma Barfield, Woman on Death Row (Oliver-Nelson, 1985), is vastly more honest and worthy than the older books.


On some more general subjects: For readers interested in the way criminal law becomes constitutional doctrine, the best book remains Gideon’s Trumpet, by Anthony Lewis (Random House, 1964). Readers interested in the internal struggles of the U.S. Supreme Court over the

A number of books have been written about innocent people sentenced to death. An excellent overview of this subject is *In Spite of Innocence* (Northeastern University Press, 1992), by Michael Radelet, Hugo Bedau, and Constance Putnam. Investigative reporter Gene Miller tells the story of a nightmare struggle to free two innocent men from Florida's death row in *Invitation to a Lynching* (Doubleday, 1975). *Adams v. Texas* (St. Martin's Press, 1991) is Randall Dale Adams's account of how he was falsely convicted, faced death, and won his freedom. This book is not as good, however, as Errol Morris's film on the same subject, *The Thin Blue Line*, which is widely available on video. I will also mention *Fatal Flaw*, by Phillip Finch (Villard, 1992), because it concerns a Florida case. Finch is an accomplished writer and *Fatal Flaw* is a good read—but it seems to me he falls short of making a persuasive case for Tommy Ziegler's innocence.

Plenty of books exist for readers interested in more on Ted Bundy; several stand out as generally accurate and highly readable: Ann Rule's *The Stranger Beside Me* (W. W. Norton, 1980); Richard Larsen's *The Deliberate Stranger* (Prentice-Hall, 1980); and *The Only Living Witness* (Linden Press/Simon & Schuster, 1983), by Stephen Michaud and Hugh Aynesworth. Michaud and Aynesworth benefited from a series of bizarre interviews they conducted with the infamous killer. After Bundy's execution, they published much larger chunks of their interviews in *Ted Bundy: Conversations with a Killer* (Signet, 1989). You have to be a dedicated student of Bundy's pathology to plow through these transcripts; on the other hand, they form the best available window on his rampant narcissism and blivité. Bundy's last days are detailed.
from the perspective of one of his lawyers in *Defending the Devil: My Story as Ted Bundy's Last Lawyer*, by Polly Nelson (William Morrow, 1994).

An example of the way that Bundy passed from sordid flesh to a deathless symbol of evil is an odd paperback thriller called *The Stranger Returns*, by Michael Perry (Pocket Books, 1992). Here, Bundy becomes a sort of Freddy Krueger, a fictional predator virtually impossible to stop. Bundy's case is used more constructively in a number of studies of serial murder. *The Serial Killers*, by Colin Wilson and Donald Seaman (Carol Publishing, 1990), is one good example, and offers an inside look at the FBI operation devoted to tracking these criminals. *Serial Murder*, by Ronald Holmes and James DeBurger (Sage, 1988), takes a more scholarly look at the subject.

As I say, this list of books is idiosyncratic and perhaps contains important omissions. Fortunately, an exhaustive bibliography of modern writing on the death penalty—including essential journal and law review articles—is available: *Capital Punishment in America: An Annotated Bibliography*, by Michael Radelet and Margaret Vandiver (Garland, 1990).

**SPECIFIC**

Newspaper citations are abbreviated: the *Tallahassee Democrat* (TD), the *Gainesville Sun* (GS), the *Orlando Sentinel* (OS), the *St. Petersburg Evening Independent* (EI), the *Tampa Tribune* (TT), the *St. Petersburg Times* (SPT), the *Florida Times-Union* (FTU), *The Miami Herald* (MH), the Associated Press (AP), and United Press International (UPI).

**PART I: LOOSE THE FATEFUL LIGHTNING**

In recounting the battle over John Spenkelink's life, I have drawn primarily on interviews with David Kendall, David Brierton, Ray Marky, Robin Gibson, and Reverend Tom Feamster. My interviews with Kendall were particularly useful in establishing a precise sequence
of events, because he consulted his detailed diary of that week as we talked.

Specific sources for each section:

_The death warrant:_ The preparation of Spenkelink's death warrant was recounted by Betty Steffens. The reactions of Spenkelink and Willie Darden came from Brierton.

_Notification of David Kendall:_ This material was derived from interviews with Kendall and from my own understanding of the history of the NAACP Legal Defense and Educational Fund, Inc.

_Introduction of Bob Graham:_ The governor's political background, the context surrounding the death warrants, and the shape of the 1978 campaign were explained to me in interviews with Gibson, Steve Hull, Tom Fiedler, Martin Dyckman, and Robert Shevin, among others. I also consulted the clip files of _The Miami Herald_ and the _St. Petersburg Times_.


For the account of Robin Gibson's preparations for the execution, I relied on interviews with Gibson, Hull, and Brierton primarily.

_Kendall meets with Spenkelink:_ The description of North Florida came from my own observations. Kendall was the source for the conversation. Biographical material was drawn from my own reporting and also from profiles of Spenkelink by Barry Bearak ( _MH_, March 27, 1979) and by Susan Taylor Martin and Charles Reid ( _Tampa Times_, September 18, 1977). Letters quoted came from the Florida State Archives collection of the official papers of D. Robert Graham.

_PAX protesters arrive:_ This account was drawn from interviews with Gibson, Hull, and Doug Magee; also from an article by Mike Jendrzejczyk in _Sojourners_ magazine (July 1979), and from wire service accounts in the _MH_ and _SPT_ (May 20, 1979).

_Georgieff and Marky:_ Here I have drawn primarily from interviews with George Georgieff and Ray Marky; also from the observations of Gibson, Steffens, Carolyn Snurkowski, Jim Smith, Ken Tucker, Gene Miller, and others.
Execution rehearsal: Quoted material came from Execution Guidelines During Active Death Warrant . . . Effective May 1, 1979; Revised November 1, 1983, a confidential document of Florida State Prison that I received from the files of Margaret Vandiver. Additional detail came from Brierton.

Spenkelink's clemency hearing: Quotations came from the transcript of executive clemency proceedings before the governor and cabinet on April 20, 1979, available from the Florida Board of Pardons and Paroles. Physical descriptions of Kendall and Lois Spenkelink were based on photographs published in the TD and the OS (April 21, 1979). In addition, Kendall shared his recollections of the hearing and provided a copy of his memorandum and appendices in support of his plea. Gibson and Steffens discussed Graham's view of clemency with me. Graham's violent physical reaction to the bloody pictures was recounted to me by two sources loyal to the governor who were in close contact with him during the period in question; these sources asked not to be identified.

In this section I have, for narrative purposes, described certain pauses and gestures that are not part of any available record. These are inferences based on repeated readings of the transcript. I have tried to make them neutral, and the reader is urged not to draw any conclusions about character, unsupported by the actual quotations, from such phrases as "Guriousco paused," or "A deep breath." (This technique was used sparingly throughout Part I; for example, describing Spenkelink as inhaling from a cigarette at a precise moment during a conversation, when my sources reported only that he was chain-smoking while he talked.)

Brierton described: Spenkelink's accommodations, his taste in cigarettes. The watchful guard came from Kendall, Feamster, and Brierton.

The profile of Brierton was drawn from my interview with him, supplemented by assorted newspaper accounts of conditions at Florida State Prison prior to Brierton's arrival and by interviews with Gibson, Hull, Feamster, and others.

Kendall meets again with Spenkelink: This passage was based on my interview with Kendall, who had recorded this and other exchanges in his diary. A number of sources shared letters they had received from Spenkelink, and still more Spenkelink letters (to Robert Mays of Frederick, Maryland) are among the Graham papers at the Florida State Archives. These were the source for my description of the smiling and frowning faces.


Kendall's speeding ticket: From Kendall.
Lois Spenkelink’s protests: My sources for this passage were newspaper accounts and interviews, including a report by Matt Bokor of the AP in the FTU, a combined wire services account in the SPT, and a photograph in the TD (all May 21, 1979). The celebrity invitation list was published in the TD (May 19, 1979). The fears of Graham’s aides were discussed by Gibson and Hull. The Fry John Spenkelink sign was described to me by Ingle.

Marky’s confidence: My Marky interviews were the principal source. I found additional details regarding the frantic response to Kendall’s 1977 appeal in the Florida State Archives collection of Reubin Askew’s official papers.

I was never able to find, either in Askew’s papers or in interviews with various aides, a conclusive explanation why he chose to sign only one death warrant as governor, and why Spenkelink was his choice. Anti–death penalty activists have long suggested that Askew chose Spenkelink out of revulsion at the homosexual overtones in his relationship with Joseph Syzmankiewicz. Whatever credence this theory has comes from Askew’s extreme conservatism in areas of personal behavior: He was a Deep South Baptist who banned alcohol in the Florida governor’s mansion and was no supporter of gay rights. It strains credibility, however, to believe that one of the first southern governors to embrace the civil rights movement would have acted from such a bigoted motivation.

Others have theorized that Askew was secretly opposed to the death penalty and chose Spenkelink because he was the weakest candidate for Old Sparky. In this version of events, Askew was trying to tempt the courts into overthrowing Florida’s capital statute. The flaw in this speculation is that there was at least one case even weaker that Askew might have chosen: Clifford Hallman, whose victim died not of her wounds but of medical malpractice. Various interviews with Askew aides and reporters from that era suggest that Askew considered Hallman’s case the weakest.

A third theory holds that Askew had qualms about signing a death warrant in any case where there was the slightest glimmer of doubt about guilt. Spenkelink had confessed to killing Syzmankiewicz. This theory is undercut by the fact that another candidate, Charles Proffitt, had also confessed.

The best explanation I found came from Ray Marky, who pointed out that in 1977, when Askew signed Spenkelink’s first death warrant, Florida’s death row inmates had filed a class action suit challenging the state’s clemency process. Spenkelink was the only inmate who had declined to join the suit. Marky believes that Askew did not want to sign a death warrant in any case where there was pending litigation. That left Spenkelink as his only choice.

Askew has never publicly discussed his decision, and declined to be interviewed by me.
The governor's mail: This passage was drawn primarily from examination of the boxes of letters retained in the Florida State Archives. It was supplemented by an interview with Sue Tully and by material from the personal files of Margaret Vandiver.

PAX blockades governor's office: A copy of the letter from the PAX men to Graham is part of my files. The fact that legislators were advised to use the side door came from Jack Gordon. Gibson described his exchange with the protesters in our interview.

Kendall in Tallahassee: This was drawn from my Kendall interviews, supplemented by Steffens and Gibson.

Millard Farmer enters the case: Biographical material came primarily from Farmer and from a profile of Farmer in the Atlanta Journal & Constitution's Sunday magazine (March 25, 1979). Farmer and Kendall both discussed their conversation with me.

Brierton under pressure: The superintendent's experiences and feelings as the execution approached were based on Brierton's own recollections. My account of his Tuesday morning meeting with Spenkelink's representatives was drawn from interviews with Brierton, Kendall, Ingle, Femster, and Susan Cary—although Cary was circumspect about the details, wishing to preserve the confidentiality of her many negotiations with prison officials.

Kendall was the source for his phone call to Steffens and his sense that the prison was turning into a circus.

The Darden battle: Drawn from my interview with Robert A. Harper.

Spenkelink's Tuesday meetings: Impressions of the doomed man, and snippets of his conversations, came from Ingle (supplemented by his book), and from Kendall, who was also the source for the brief meeting at which Dugger outlined plans for the last hours. Kendall described his reaction to the denial of Spenkelink's appeals.

Marky senses victory: Drawn from my interview with Marky, supplemented by numerous sources who recalled Marky and his motorcycle.

The shouting match: Kendall and Brierton both described their heated exchange over Spenkelink's choice of clergy, agreeing on the tone and thrust. For the actual flow of the dialogue, I relied primarily on Kendall, because he was referring to his contemporaneous diary entry. The same holds true for my account of the later, calmer, exchange at which Brierton agreed to permit Femster
to stay with the prisoner. Kendall and Brierton were the sources, respectively, for my description of their thoughts and feelings.

Biographical material on Feamster came from my interview with him, supplemented by my own coverage of Jack Murphy's release from prison in 1986.

The prisoner protest: This account was drawn primarily from interviews with Brierton, Dugger, and McCray, who were inside the prison. The view of the protest from outside was described by Ingle (in my interview and in his book), and also in the *EI* and the *FTU* (May 23, 1979). Kendall described his own numb reaction, and, fleetingly, his last meeting with Spenkelink that night.

Farmer's appeal: This passage was drawn primarily from interviews with Farmer, Ramsey Clark, and William Bowers. My assessment of Judge Tuttle and the old Fifth Circuit was informed by Jack Bass's history of The Four, *Unlikely Heroes* (University of Alabama Press, 1990). I supplemented my Clark interview with material from his account published in *The Nation* (October 27, 1979). Kendall gave me a copy of the hastily drafted stay order.

Reaction to the stay: Kendall described his own response, and his recollection of the attempt to get word to the prison was supplemented by interviews with Ingle and Deborah Fins. Reactions of the protesters outside the prison were reported in the *Jacksonville Journal* and *FTU* (both May 23, 1979). Feamster was the source for Spenkelink's response. The relief and singing outside the U.S. Supreme Court was reported by Richard Cohen in *The Washington Post* (May 24, 1979).

Marky was the source for his own reaction, and for his demoralized conversation with Georgieff, and for his thoughts as he tried to sleep. He also described to me his decision to renew the fight, and the way his strategy emerged as he worked through the night. Jim Smith described his own background and attitudes in my interview with him. Both Marky and Smith discussed their actions on Wednesday as they flew across the country lodging their appeal, and their recollections were corroborated by various newspaper accounts, including one in the *FTU* (May 24, 1979).

Farmer's work continues: The views of the Spenkelink team as they celebrated the stay were described for me by Kendall, Fins, Ingle, Farmer, and others. Kendall was the source for his actions in Atlanta. Farmer and his colleague Joe Nursery were the sources describing the effort to assemble a team and a strategy to protect the stay.

The telephone conference: My account of the U.S. Supreme Court deliberations was based on published court documents, newspaper reports, and interviews.
with Marky, Kendall, Farmer, and others. Details of the conference call with the Fifth Circuit panel came from Marky, Georgieff, Gibson, Steffens, Smith, Tucker, Farmer, Kendall, and Clark (in an interview and in his article in The Nation). My assertion that Judge Rubin tried to persuade Judge Coleman to stand by the stay is my own conclusion, drawn from available facts: The two judges discussed the matter for several hours, and Rubin dissented from the eventual decision to let the execution proceed. There was no need for Coleman to try to persuade Rubin, because Coleman already had Judge Fay's vote to dissolve the stay. The obvious explanation for the extended discussion was that Rubin was trying to swing Coleman to his side.

Clark and Farmer each described their movements after the conference call. Howell Ferguson and Steve Goldstein recounted their entry into the case in interviews with me. Arthur England explained to me how he was notified of the final appeal, and how he arranged for the next morning's meeting.

Spenkelink's last meeting with his girlfriend was recounted by sources who asked not to be identified.

Spenkelink's last night: Drawn from Feamster interview.

Schedule for the last hours: Quotations were taken from Execution Guidelines During Active Death Warrant . . . Effective May 1, 1979; Revised November 1, 1983 (see above).

The breakfast hearing: Clark's movements were based on my interview with him and his article in The Nation. Marky, England, Goldstein, and Ferguson discussed the hearing with me.

Inside the governor's office: This passage was based on interviews with Gibson, Hull, Steffens, Smith, Tully, Bill Shade, and others. Two sources close to Graham, both wishing to remain unidentified, reported that the governor had considered reversing himself.

The shot of whiskey: This episode was recounted by Brierton and Dugger.

Stays denied: The Florida Supreme Court's action was recounted in interviews with England, Marky, and Ferguson. The U.S. Supreme Court's action was described by Ramsey Clark in The Nation.

The Twenty-third Psalm: Kendall and Feamster described this exchange to me. The order in which Kendall recalled the lines of the psalm was based on Kendall's handwritten notes made as he tried to remember the words. These notes show Kendall inserting lines as they came to mind. The fact that the electric chair
was powered by a generator because of the power company’s fear of bad publicity or sabotage came from interviews with prison officials.

*Lois Spenkelink’s final efforts:* Drawn from Ingle interview and book.

*Spenkelink taken to the chair:* Drawn from interviews with Brierton, Dugger, and others present who asked not to be identified. References to the subsequent investigation of the execution were based on newspaper reports, the Graham papers at the Florida State Archives, the findings of the governor’s commission to investigate the allegations, and an interview with the commission’s chairman, Irwin Block.

*Inside the chamber:* Based on interviews with Kendall, Feamster, and Brierton, supplemented by J. Paul Wyatt’s report for UPI published in the *TT* (May 26, 1979).

*The governor’s order:* Drawn from interviews with Gibson, Hull, and Steffens.

*The execution:* Based on interviews with Feamster, Brierton, and Dugger, and reports in the *SPT, MH,* and *TT* (May 26, 1979). My own observation of an electrocution in Old Sparky also informed the description.

*Marky’s reaction:* Drawn from interviews with Marky, England, and Ferguson.

*Conclusion:* The description of preparations by news media to cover the event was based on interviews with a number of reporters. Magee, who had left the protests in Tallahassee to shoot pictures for *Newsweek,* described that magazine’s plans to me. The actual play of the news, in comparison to the airplane crash, was evident from various archives and from the White House news summaries on file at the James Earl Carter presidential library in Atlanta. The T-shirt sale by the Jacksonville police softball team was reported in *Time* magazine (June 25, 1979). Spenkelink’s funeral was described to me by Kendall, Ingle, and Feamster.

**PART II: DANCING ON THE HEAD OF A PIN**

*A day on death row:* This passage drew heavily on interviews and correspondence with a number of death row inmates, several of whom wished not to be identified. I had especially detailed conversations with Doug McCray and Michael Lambrix.

Here and elsewhere, my descriptions of men and conditions on death row owe a heavy debt to a remarkably detailed series of articles by Dudley Clendinin in
the SPT (December 13 and 14, 1976; September 26–October 8, 1977), and to my interviews with Susan Cary.

My description of death row cells is drawn from interviews supplemented by photographs, especially those published in the MH’s Tropic magazine (July 23, 1989) and the SPT (August 25, 1989).

Additional details came from interviews with prison officials, including David Brierton, Richard Dugger, and S. R. Johns.

Men of death row: This passage was shaped and informed by numerous interviews with inmates and death row activists. In addition:

My description of Vernon Cooper was based on correspondence with him; also on the judge’s memorandum in support of Cooper’s death sentence (case #74-185 in Circuit Court of Escambia County, dated July 1, 1974).

Johnny Paul Witt was drawn primarily from the Florida Department of Corrections’ “case brief” on file at the DOC in Tallahassee.

George Vasil was drawn from an interview with Susan Cary, and from an article by Margaret Gentry of the AP (MH, February 21, 1977).

Jacob John Dougan was drawn from the “presentence investigation confidential evaluation” on file at the Florida State Archives collection of the official papers of Bob Graham. This was supplemented by the opinion of the Florida Supreme Court affirming Dougan’s death sentence (case #49-260, dated March 17, 1977), by Andrew H. Malcolm’s article in The New York Times (July 23, 1990), and by interviews with prison officials.

Sources on Anthony Antone are discussed below.

David Washington was drawn primarily from Doug Magee’s interview with him published in Slow Coming Dark, corroborated by interviews and numerous newspaper reports.

Sources on Bob Sullivan are discussed below; the judge’s quote regarding lack of remorse appears in the MH (November 13, 1973).


Joe Spaziano was drawn from interviews with McCray, Michael Mello, and Margaret Vandiver, and from the Clendenin series (see above).

Sources on Arthur F. Goode III are discussed below; the exchange with Ted Bundy regarding Goode was recounted by Joe Nursey in an interview with me.

Benny Demps was drawn from Ron Cunningham in the GS (January 9, 1981); Daniel Coler from wire service dispatches in the MH (December 4, 1980, and November 20, 1982); Steve Beattie from an interview with Michael Radelet.
The MH published photos of all death row inmates on May 27, 1979. The reaction of the governor’s staff came from interviews with Robin Gibson and Steve Hull.

_Scharlette Holdman:_ Throughout Part II, descriptions of Holdman were based on my interview with her; on interviews with Vandyver, Mello, Radelet, Gail Rowland, Susan Cary, James Lohman, Patrick Doherty, Baya Harrison III, and others; and on profiles by David Finkel (SPT, November 23, 1984), Joy Williams (Esquire, December 1985), Alfie Kohn (Boston Globe, April 21, 1983), John Dorschner (MH’s Tropic magazine, December 12, 1982), Peter Carlson (People magazine, August 1983), and Aric Press (Newsweek, November 16, 1981).

_Craig Barnard:_ Throughout Part II, descriptions of Barnard were based on interviews with Cary, Mello, Doherty, Vandyver, Radelet, Ronald and Trudy Barnard, Richard Burr, Richard Jorandby, Richard Greene, Carol Wilson, Bill White, Laurie Sistrunk, Bob Dillinger, Carolyn Snurkowski, Ray Marky, and others.

_History and early litigation of modern death penalty:_ For a sense of the pre- _Furman_ history of the death penalty, I relied most heavily on the personal archive of Watt Espy. For the discussion of _Furman_, I drew on Michael Meltsner’s book _Cruel and Unusual_; on _The Brethren_, by Bob Woodward and Scott Armstrong; and on the opinions themselves (_Furman v. Georgia, _408 U.S. 238_).

For the legislative response in Florida, I relied on interviews with Marky, George Georgieff, Robert Shevin, Jack Gordon, Don Middlebrooks, Martin Dyckman, and others; on “Florida’s Legislative Response to _Furman_: An Exercise in Futility?” (_Journal of Criminal Law and Criminology_ 64, 1973); and on the papers of the House Select Committee and the Governor’s Select Committee on the death penalty, available among the Askew papers at the Florida State Archives.

My discussion of the Florida Supreme Court’s early difficulties applying the law was strongly shaped by Neil Skene’s “Review of Capital Cases: Does the Florida Supreme Court Know What It’s Doing?” published in _Stetson Law Review_, vol. XV, no. 2. I corroborated Skene’s analysis through my own reading of the relevant cases. Further reflection on the court’s difficulties was supplied in interviews or conversations with justices Arthur England, Gerald Kogan, Parker Lee McDonald, Joseph Boyd, James Adkins, and Rosemary Barkett.

SOURCES

Brown v. Wainwright: The long history of this lawsuit was written based on my interviews, and many facts were corroborated by newspaper articles, including: Kelly Scott, the SPT (August 1980); Barbara Malone and Ken Walton, Miami News (September 23, 1980); Scott, SPT (September 30, 1980); Walton and Malone, Miami News (September 30, 1980); Neil Skene, SPT (October 28, 1980); Peter Racher, TD (November 16, 1980); Skene, SPT (January 6, 1981); David Finkel, SPT (March 1981); Scott, SPT (November 3, 1981); Skene, SPT (April 20, 1982); AP (April 25, 1982); AP (April 29, 1982); Bill Rose, MH (June 16, 1982); Scott, SPT (June 16, 1982); Skene, SPT (January 8, 1983).

Murder of Richard Burke: This scene was based on interviews and correspondence with death row inmates who asked not to be identified. The description of Knight came from the Florida Supreme Court’s decision affirming his death sentence (338 So. 2nd 201), from numerous lawsuits filed by Knight himself, from interviews with prison officials, and from the Clendinin series (see above). I drew also from Frank Dorman’s coverage of Knight’s trial for the Burke murder (GS, October 22, 23, and 27 and November 5, 1982). For the reaction to the killing, I relied on my interviews with Richard Dugger and various inmates, and on Matt Bokor’s report for the AP (SPT, October 18, 1980).

Graham and clemency: This material was drawn from the files of the Florida Commission on Pardons and Paroles, and from interviews with Graham, Betty Steffens, Art Weidinger, and others.

“Operation Besmirchment”: This was drawn from interviews with Lohman, and from material in Lohman’s personal files.

Death penalty debate: George Georgieff’s story about choking his wife was first reported in an article by Stephen Adler (American Lawyer, September 1981), and Georgieff confirmed it in his interview with me. The fact that domestic murders rarely get the death penalty is commonly remarked on by prosecutors and defenders alike; in the chambers at the Florida Supreme Court, people often refer to the “Adkins rule,” named for Justice James Adkins, who felt no spouse murder qualified for the death penalty. Isaac Erlich’s “proof” of the deterrent effect of capital punishment can be found in American Economic Review, vol. 65, no. 3 (1975), and in Yale Law Journal, vol. 85, no. 2 (1975); a detailed response by Lawrence R. Klein, Brian Forst, and Victor Filatov, originally published by the National Academy of Sciences, is reprinted in The Death Penalty in America (3rd edition), edited by Hugo Adam Bedau.

My references to execution witnesses who were later executed, to hangmen later hanged, and to Hubert Goddard were drawn from Watt Espy’s archives.
Robert A. Sullivan: My description of Sullivan and the work of the RASLDF was drawn primarily from interviews with Vandiver and Ralph Jacobs, supplemented by the personal files of both. They provided copies of their correspondence with Sullivan as well as copies of the RASLDF newsletters.

For accounts of Sullivan’s crime, I relied on coverage of the trial by Joe Oglesby and Charles Whited of the MH (November 1973), and on later investigations by Brian Dickerson (MH, November 28, 1983), Michael Matza (Boston Phoenix, September 20 and 27 and October 4, 1983), and John Harwood (SPT, November 27, 1983).

Details of the preparation of Sullivan’s alibi came from interviews with Jacobs and Vandiver, from the RASLDF newsletters, and from the exhibits filed by Roy Black in the Circuit Court of Dade County (case #73-3236A) supporting a motion to vacate Sullivan’s sentence.

My account of the hearing in Fort Lauderdale was based on interviews with Jacobs and Warren Holmes, and on coverage by Barry Bearak (MH, March 11, 1980).

Sullivan’s bet with God was drawn from a journal he kept during his death watch, a copy of which was provided by Vandiver. Sullivan’s testimony on behalf of James Hill came from his sworn statement in the files of case #80-5690-A in the Circuit Court for Hillsborough County. The stenographer’s good wishes were written on a scrap of paper contained in Vandiver’s personal files.

The details of Sullivan’s execution, including the pope’s plea, were reported by Carl Hiaasen and Brian Dickerson (MH, December 1, 1983), supplemented by my interview with Dugger.

Anthony Antone: This passage drew primarily from profiles written by Neil Skene (SPT, January 23, 1984) and Steve Doig (MH, January 23, 1984), and from interviews with Holdman and Doherty.

The attendance at various protests, and the question of whether executions were becoming routine, came from Wayne Snow of UPI (SPT, January 29, 1984). The Hollywood producer’s visit was based on interviews with Holdman and Rowland. The fact that Bob Graham had a copy of Deathwork on his shelf was reported by Michael Ollove in the MH’s Tropic magazine (December 9, 1984).

Arthur Frederick Goode III: Descriptive material was drawn primarily from interviews with Bud and Mildred Goode, Vandiver, Brierton, Dugger, Radelet, and Phil Kuntz—supplemented, in many cases, by material from their personal files. I also drew from numerous reports in the SPT (especially March 18 and 21, 1977, and April 5, 1984); from an interview in the FTU (March 14, 1984), and from a tape recording of Goode’s final press conference, provided by Kuntz.
Numerous examples of Goode's letters were provided to me by Bud and Mildred Goode, Vandiver, Kuntz, and others.

Sandy Bohrer's thoughts and actions were drawn from my interview with him. The description of Alvin Ford's insanity came primarily from interviews with Rowland and Vandiver.

Mildred Goode's poem was originally published in the MH; she provided a copy to me.

The account of Goode's execution was based on reports by Neil Skene in the SPT, Ed Deitz in the TT, George Bayliss in the GS, Michael Ollove in the MH, and Andrea Rowand in the FTU (all April 6, 1984); my own observations of the effects of electrocution also informed this passage.

My analysis of the Goode appeal (denied) and the Ford appeal (victorious) was based on readings of Bohrer's Petition for a Writ of Habeas Corpus in U.S. District Court of the Middle District of Florida (case #54-65-CIU-FTM-10) alongside the U.S. Supreme Court's opinion in Ford v. Wainwright (477 U.S. 398).

Barnard's new "big issues": This material was based primarily on interviews with Burr and Mello; my discussion of the Florida Supreme Court's flip-flop over mitigating evidence drew on many interviews, and on reading of the relevant cases (Cooper v. State, 336 So. 2nd 1133, and Songer v. State, 365 So. 2nd 696). Neil Skene's article in Stetson Law Review was also helpful (see above).

James Adams: This passage was largely informed by my interviews with Burr, Mello, and Greene; and by the Application for Executive Clemency, filed May 1, 1984, by Joranby, Barnard, Burr, Greene, and Mello. The Supreme Court action, and Scharlette Holdman's reaction, were reported by Neil Skene (SPT, May 11, 1984).

Carl Shriner: This passage was based primarily on my interview with Reverend Fred Lawrence, and on reports in Florida's major newspapers (all June 21, 1984).

David Washington: Here I drew primarily from Laurie Hollman's report in the SPT (July 14, 1984), and on the U.S. Supreme Court's opinion in Strickland v. Washington (466 U.S. 668).

The attorney shortage: The passages recounting the rising crisis caused by a lack of lawyers to handle death row appeals were drawn primarily from interviews with Holdman, Rowland, Mello, Burr, Vandiver, Cary, James Rinaman, Doherty, Harrison, Dillinger, Millard Farmer, and others. These interviews were supplemented by numerous published accounts, especially Dudley Clendinin (The New York Times, August 23, 1982), David Finkel (SPT's Floridian magazine, No-
Sources


The same interviews informed my account of the James Agan and Robert Waterhouse appeals. Also helpful in preparing that account were reports by William Cotterell of UPI (TT, March 12, 1985), Lynda Richardson (SPT, March 16, 1985), Margaret Leonard (TD, March 16, 1985), John D. McKinnon (MH, March 28, 1994), and an editorial in the GS (March 15, 1985).

Earnest John Dobbert Jr.: This passage was drawn from interviews with Doherty, Skunkowski, Dugger, Mello, Vandiver, Radelet, and others; and from a profile by Claire Martin (Jacksonville Journal, February 6, 1982), commentaries by Neil Skene (SPT, September 3, 1984) and Susan Cary (SPT, September 7, 1984), and reports of the execution by Lisa Getter in the MH, Thomas French in the SPT, Andrea Rowand in the FTU, and Jim Runnels in the OS (all September 8, 1984).

Thurgood Marshall’s opinion was drawn from his dissent in Dobbert v. Wainwright (53 Law Week 3445); Laurence Tribe’s view came from his book God Save This Honorable Court (Random House, 1985).

James Dupree Henry: This passage was drawn from interviews with Martin Dyckman, Tom Fiedler, Steve Hull, Robin Gibson, Mello, Radelet, and others; also from reports by Andrea Rowand in the FTU and Christopher Smart in the SPT (both September 21, 1984). Analysis of Graham as governor also drew from David A. Kaplan (National Law Journal, July 16, 1984), James Ridgeway (Village Voice, April 16, 1985), and the SPT editorial headlined Governor Jello (June 11, 1981), among other sources.

Timothy Palmes: This account was based on interviews with Holdman, Burr, and others, and on reports by Andrea Rowand in the FTU, Richard Cole of the AP, and Denise Flinchbaugh of the TT (all November 9, 1984).

J. D. Raulerson: This passage was drawn from interviews with Radelet, Vandiver, Cary, and others; and from reports by Andrea Rowand and Roger Malone (FTU, January 31, 1985).

Witt execution: The quotation came from Andrea Rowand’s account in the FTU (March 7, 1985).

Marvin Francois: This passage was drawn from interviews with Burr, Lohman, Mello, and others; the description of the execution was drawn from reports by Andrea Rowand of the AP and Larry Bivins of the MH (both May 30,
1985). My account of the handling of François’s remains was based on interviews with Radelet and Cary. The “brains in a bucket” episode was drawn from interviews with Radelet and Vandiver, and from reports by Bruce Krasnow (FTU, October 6 and 8, 1985) and Greg Myre (AP, October 17, 1985).

Creation of CCR: Material in these passages was drawn from interviews with Jim Smith, Marky, Georgieff, Snurkowski, Holdman, Burr, Mello, Lohman, Cary, Rowland, Larry Spalding, Faith Blake, Millard Farmer, and others; also from transcripts of proceedings before the Florida Senate Committee on the Judiciary and Criminal Justice during the 1985 legislative session and the Senate Staff Analysis and Economic Impact Statement on CS/SB 616 (both provided to me by the Office of Capital Collateral Representative); and from Laurie Hollman (SPT, August 18, 1985), Mary Anne Rhyne (GS, December 4, 1985), Daniel Berger (TT, March 2, 1986), Jan Elvin (ACLU Journal, spring 1986), Jon Nordheimer (The New York Times, March 31, 1986), Larry King (SPT, November 15, 1987), Amy Singer (American Lawyer, January/February 1988), Barbara Stewart (Florida Magazine, April 23, 1989), and Mike Williams (Atlanta Journal & Constitution, August 13, 1989).

Daniel Thomas: This passage was based on interviews with Dugger, Cary, and various death row inmates; on a UPI report published in the MH, an AP report published in The New York Times, Bruce Krasnow’s report in the FTU (all April 16, 1986), and an editorial in the SPT (April 17, 1986); also on an affidavit sworn by a witness to the execution, Douglas N. Duncan (April 20, 1986), provided to me from the personal files of Margaret Vandiver.

David Funchess: This passage was based on interviews with Lohman, Holdman, and Cary, among others, and on reports by Greg Myre of the AP (multiple Florida newspapers, April 23, 1986), Tom Lyons (GS, April 23, 1986), Tod Ensign (Guardian, May 7, 1986), and Lawrence Young (Pittsburgh Post-Gazette, March 23, 1988).

Ronald Straight: This passage was drawn primarily from interviews with Mello and Marky, and from a report by Bruce Krasnow and Mark Journey (FTU, May 21, 1986).

Hitchcock v. Dugger: This material was drawn primarily from interviews with Mello, Burr, Greene, Jorandby, Ronald Barnard, and others; from an AP report published in the MH (April 23, 1983); from the transcript of oral arguments held October 15, 1986, at the U.S. Supreme Court (case #85-6756); and from the Court’s opinion in Hitchcock v. Dugger (481 U.S. 393).
McCleskey v. Kemp: My analysis was based on interviews; on Turning Right, by David Savage, and The Brethren, by Bob Woodward and Scott Armstrong; and on the U.S. Supreme Court’s opinion in McCleskey v. Kemp (481 U.S. 279).

PART III: A FAILURE OF EXECUTION

Ted Bundy: My description of Ted Bundy and account of his execution spans most of Part III. This work was based in part on interviews with Millard Farmer, Joe Nursey, Michael Radelet, Michael Mello, Mark Menser, Ray Marky, Carolyn Snurkowski, Andrea Hillyer, Ann Rule, Richard Larsen, Gene Miller, Margaret Vandiver, Roy Mathews, Fred Lawrence, Doug McCray, and others.

I drew also on books: The Stranger Beside Me, by Ann Rule; The Deliberate Stranger, by Richard Larsen; The Only Living Witness, by Stephen C. Michaud and Hugh Aynesworth. More important to my assessment of Bundy was Ted Bundy: Conversations with a Killer, by Michaud and Aynesworth. I also viewed the made-for-television film based on The Deliberate Stranger (first aired in 1986 and now widely available on video) for purposes of describing this singular bit of publicity.

My view of Bundy was shaped in part by the findings of Dr. Dorothy O. Lewis, which I quote and paraphrase at length. These were drawn from her deposition filed in U.S. District Court for the Southern District of Florida (case #86-1421-CIV-WJZ), and from her testimony in the U.S. District Court for the Middle District of Florida on December 15, 1987 (case #86-968-CIV-ORL-18). I drew on that same transcript of the December hearing for other details of testimony from other witnesses.

For my assessment of the relative speed with which Bundy’s cases were handled, I drew on interviews with prosecutors and defense attorneys mentioned above; a more complete analysis can be found in “On Metaphors, Mirrors and Murders: Theodore Bundy and the Rule of Law,” by Michael Mello (New York University Review of Law & Social Change, vol. XVIII, no. 3). This scrupulously documented article was a key source for my chronology of events.

The Florida Supreme Court opinions which I discussed can be found at 455 So. 2nd 330 and 471 So. 2nd 8, 19. Judge Sharp’s crucial opinion can be found at 675 F. Supp. 622. Sharp’s dismissive remark to a reporter on the way into the courthouse was drawn from Kim I. Eisler in the American Lawyer (December 21, 1987). The conclusive decision by the Eleventh Circuit Court of Appeals can be found at 850 Fed. 2nd 1402.

My account of the delivery of the Bundy appeal to the U.S. Supreme Court was based on my own observation. My discussion of the thinking of the Supreme Court clerks was based on interviews, including two with clerks who wished not to be identified.
The birth of Ted Bundy’s daughter was based on interviews with death row inmates and with friends of Carole Boone, and on an AP report published in the *TD* (November 5, 1981). My description of Bundy’s relationship with John Tanner was based on interviews and a profile of Tanner by Mike Thomas in the *OS*’s *Florida Magazine* (July 1, 1990). My account of Bundy’s friendship with Diana Weiner, and their plans to negotiate for more time, was based on interviews with Mello, Radelet, Vandiver, Hillyer, and Dugger; on my own observations; and on reports by Ed Birk and Brent Kallestad of the AP and Michael Moline of UPI (January 18, 1989) and dispatches to the *MH* filed by Tallahassee Bureau Chief Mark Silva (January 18, 1989). Weiner declined to be interviewed by me.

Direct quotations from Bundy’s notes during his last days were taken from seven pages of his legal pad obtained by the State of Florida during the final hours of litigation and released by the State to the Florida media.

The final Bundy appeal was drawn from interviews and from Mello, “Of Metaphors, Mirrors and Murder” (see above). The last word—the U.S. Supreme Court’s 5-to-4 vote to allow the execution to proceed—can be found at 488 U.S. 1036.

My account of Bundy’s final hours was drawn from interviews, especially with Radelet and Reverend Fred Lawrence, and from my own observations. I was present at the celebration of Bundy’s execution outside the prison. My description of what happens to an execution witness was based on my own experience.

The discussion of Bundy’s symbolic value drew on a variety of sources (an exhaustive list is available in Mello, “Of Metaphors, Mirrors and Murders”), including *The Sun* (September 4, 1990), the *GS* (March 12, 1991), and Elizabeth Purdum and J. Anthony Paredes in *6 Anthropology Today* 9 (April 1990).


*Jent and Miller*: My account of the Jent-Miller case was based primarily on interviews with Morris McDonald, Howardene Garrett, Eleanor Jackson Piel, Sandy Weinberg, Alan Wagner, Roy Mathews, Samantha Carver, Robbie Larramore, Bill Jent, Earnie Miller, Jack Partain, Judy Hinson, Larry Hersch, Dr. Ronald Wright, Suzie and Bill Vaughn, Elmer Carroll, Turk Williams, Patrick Doherty, Scharlette Holdman, and others.

I also reviewed the investigative files of the Pasco County Sheriff’s Office (released under *Tribune Co. v. P.C.S.O.*, 493 So. 2nd 480), which were made
available to me by the law firm of Carlton, Fields, Ward, Emmanuel & Smith in Tallahassee. Also, I reviewed the criminal records of Charles Robert "Bobby" Dodd at the Whitfield County Courthouse in Dalton, Georgia (Files 9522, 9537, 12,571, 13,335, 13,602, 16,080, and 20,504).

I drew extensively from sworn depositions—of Glina Frye, Patricia Tiricaine, Carlena Jo Hubbard, David Fitzgerald, Jack Armstrong, Dr. Rehana Newab, and others—filed in the U.S. District Court for the Middle District of Florida in Miller v. Dugger and Jent v. Dugger (cases #83-849-CIV-T-13; #86-98-CIV-T-13; #83-860-CIV-T-13; and #85-1910-CIV-T-13).

Morris McDonald provided access to his extensive investigative file, which he keeps at his home outside Dalton, Georgia. I also drew from articles regarding the Jent–Miller case by Bill Heltzel (EI, October 17, 1979); Daniel Berger (TT, July 14 and August 17, 1985); Mary Jo Melone (SPT, August 17, 1985); Athelia Knight (The Washington Post, August 25, 1985); Bob Jensen (SPT, June 23, 1986); Noreen Willhelm of Cox News Service (Miami News, November 15, 1986); Julia Helgason (Dayton Daily News, November 8, 1987); and David Finkel (Esquire, March 1989); and on the ABC News program 20/20 for August 18, 1986, produced by Daniel S. Goldfarb and reported by Stone Phillips.

My description of the hearing at which Jent and Miller were released was based on my own observations.

Cost of the death penalty: Much of this passage was based on my own reporting in a series for the MH (July 10–13, 1988), where the methodology is detailed. Since that appeared, a more complete catalogue of cost studies has been published by the Death Penalty Information Center in Washington, D.C., titled “Millions Misspent: What Politicians Don’t Say About the High Costs of the Death Penalty.” Though the tone of that document is contentious, the sources are objective and clearly identified for further examination.

The Nelsons: For this passage I drew primarily on my interview with Wendy Nelson; also on interviews with Doherty and Mello; and on Mann v. Dugger (844 Fed. 2nd 1446). I found additional material in reports by Patti Bridges (EI, March 16, 1981); the SPT (March 17 and 21, 1981); J. Paul Wyatt of UPI (February 2, 1982); Sandra Lane Rice (SPT, February 7, 1982); and Bettina Harris (EI, September 4, 1984).

Craig Barnard’s last days: This passage was based primarily on interviews with Susan Cary, Margaret Vandiver, Mello, Richard Greene, Richard Jorandby, Ronald and Trudy Barnard, and Holdman; and on Craig Barnard’s analysis of death penalty law in “The 1988 Survey of Florida Law” in Nova Law Review (vol. 13, no. 3, pt. 1).
Among the Lowest of the Dead: The Culture of Capital Punishment by David Von Drehle

SOURCES

I also drew on documents provided from the personal files of Ronald and Trudy Barnard, and on the obituary by Candy Hatcher published in the Palm Beach Post (February 28, 1989).

Scharlette Holdman’s departure: This passage was based on interviews with Holdman, Larry Spalding, Faith Blake, James Lohman, and others; and on reports by Howard Troxler (TT, August 2, 1988); Dave Bruns (TD, August 17, 1988); Sandra Fish (FTU, June 30, 1989), and Bill Cotterell (TD, June 30, 1989).

Ray Markey’s conversion: This passage was based on my interviews with Marky.

Jesse Tafero’s botched execution: This material was drawn from interviews and from Ellen McGarrah’s account in the MH (May 5, 1990).

The 1994 governor’s campaign: My description of Jeb Bush’s ad featuring Wendy Nelson, and the reaction to it, comes from reports in various Florida newspapers during the last week of October and the first week of November 1994, and in particular from the MH, October 21, 1994.

Harry Blackmun’s conversion: The material quoted came from Blackmun’s dissent in Callins v. Collins (case #93-7054).

Lewis Powell’s conversion: This material was drawn from John C. Jeffries Jr.’s biography, Justice Lewis F. Powell Jr.: A Biography (Charles Scribner’s Sons, 1994), reported in The Washington Post (June 10, 1994).

Doug McCray: This material was drawn from interviews with McCray, Bob Dillinger, Holdman, Gail Rowland, Susan Cary, Doug Magee, Margaret Vandiver, and others; from McCray’s case file at the Florida Supreme Court; and from reports by Dudley Clendinin (SPT, August 28, 1978); Kurt Anderson (Time, January 24, 1983); Anthony Lewis (The New York Times, October 21, 1982), and Neil Skene (SPT, May 27, 1984).