OPEN NINTH:

CONVERSATIONS BEYOND THE COURTROOM

HISTORY IN THE GROVE

EPISODE 52

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(Music)

>> Welcome to another episode of "Open Ninth: Conversations Beyond the Courtroom" in the Ninth Judicial Circuit Court of Florida.

Now here's your host, Chief Judge Frederick J. Lauten.

>> **CHIEF JUDGE LAUTEN:** I'm here this afternoon with author Gilbert King, the Pulitzer Prize winning author of *Devil in the Grove* and the author of his newest work *Beneath a Ruthless Sun*. And it's a thrill for us in the Ninth Circuit to have Gilbert King with us. I'm a huge fan. I've heard him speak about *Devil in the Grove,* and last night I was at the presentation on *Beneath a Ruthless Sun*.

And so we're honored and thrilled to have you with us. Welcome.

>> **GILBERT KING:** My pleasure to be here, Fred. Thank you.

>> **CHIEF JUDGE LAUTEN:** So my first question is for either one of the books that you've written. I know you go through an editing process that I don't completely understand, but does someone, other than yourself, say, sorry, we're going to exclude or take something out of a book, and what does that feel like as an author?

>> **GILBERT KING:** Well, a lot of times you get so close to the material that you just can't see your book without these stories, and you just stick to them and stick to them and stick to them. And then somebody reads them and goes, I'm losing it here, it's getting boring, this is off track. And you go, oh, get it out. And that's what it really comes down to, is somebody else telling you that this is not working for them. And I just usually trust the people who read this, that -- you know, because I've gone off on these tangents about trees that really -- you know, if you're going to write about a lynching, you don't need to know three pages about the tree.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **GILBERT KING:** But sometimes it's so interesting and you want to keep it, but then, you know, one sentence maybe, they'll say.

>> **CHIEF JUDGE LAUTEN:** In -- was there anything in *Devil in the Grove* that got cut that you really wished had been -- had kept in?

>> **GILBERT KING:** Not really. I think I left everything in *Devil in the Grove*. *Devil in the Grove*, I didn't really do a lot of editing on that book, so it was pretty much a -- I wouldn't say a first draft, but it was pretty much streamlined right through to copyediting. So that one I -- there's nothing really I left out of *Devil in the Grove*.

There was a few things I probably wanted to add, but I used, you know, common sense and just said, this is getting way off track. Because there's a lot of atrocities that were happening that I thought were related, but after a while it's like, you know, beating someone over the head with these stories and you just kind of sort of dial it back.

>> **CHIEF JUDGE LAUTEN:** So one of the questions I hear from folks that I talk about the book is, how did you come across the story of *Devil in the Grove*, and how did you latch onto that for a book?

>> **GILBERT KING:** Yeah. It's really interesting, because I was working on -- the first book I wrote was called *The Execution of Willie Francis*, which was that famous cruel-and-unusual case from 1946 where Willie Francis survived his own execution. And they didn't really know what to do with him. They threw him into jail, said, fix the electric chair. And then they put a call to the governor and the governor said, well, hold on, maybe we ought to look at this. And there was a year delay while they tried to figure out if they could actually send him back to the chair.

And interestingly enough, I was going through the files, there's a Cajun lawyer and another New Orleans lawyer who had the case, and they were consulting with Thurgood Marshall. And I remember thinking, what's Thurgood Marshall doing with this death penalty case in Louisiana; it's not even an NAACP case. But he was still consulting with them because he figured everybody was going to think it was an NAACP case, might as well help him.

And so I started wondering, what else was Thurgood Marshall involved in in the '40s that wasn't, like, a landmark civil rights case or, you know, later on his Supreme Court career. And I went to Washington, I started looking through his personal correspondence and all these notes that he'd released from his days on the Supreme Court, and I found these letters written by attorneys in Groveland, and they were investigating this case at the very early stages. And the letters were just quiet desperation, like, Thurgood, help us; this is the most dangerous place we've ever been; we need reinforcements; if you can get the National Guard, whatever you can do, this is a very dangerous place.

And I remember thinking, what case are they talking about; I've never heard of this -- I've never seen a letter, like, so laden with fear. And so I started looking it up, and I found that it was related to the Groveland Boys case. And then I found, like, it really wasn't covered in Thurgood Marshall's biography. It was -- you know, they only focused on the voting's rights, the housing cases, and they didn't really focus on his criminal cases. There -- oh, he's got a paragraph.

And I like crime, so I really wanted to dive into that. And when I realized nobody had really done it before, I was in.

>>CHIEF JUDGE LAUTEN: Where did you go for most of your source material for *Devil in the Grove*?

>> **GILBERT KING:** Well, I started making regular trips to Florida and talking to people and going to various -- I guess I went to the Clerk of Court in Lake County. I started getting as much documentation as I could there. I went to Tallahassee and went to the library there and got all this information that was just released into the various governors' files. And there's a plethora of material there. It's just -- Tallahassee was really useful to me.

And then I started filing these Freedom of Information Act requests. And those you have to wait a couple years. And -- but, you know, interestingly enough, after about two years, they gave me everything, un-redacted. And that was the best part. That's where all the names were listed, informants, all the information, really, to piece it together was in the FBI files.

The last piece that really was -- I probably shouldn't have gotten, is the NAACP's Legal Defense Fund files, which you can't really file a Freedom of Information Act as a private.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **GILBERT KING:** And they had not really released these to anybody before. And I kept bugging them, saying, I don't want a whole, you know, wide source of material; I just want this one case. And I stuck with them for about a year and kept writing them politely. And I think I just wore the guy down and he just said, fine, go take a look at them.

>> **CHIEF JUDGE LAUTEN:** Wow. Wow.

Was Thurgood Marshall alive while you were doing your research?

>> **GILBERT KING:** No. He had passed away back in '94, I believe; '93 or '94. And no, he was not around. But I talked to a lot of his clerks.

>> **CHIEF JUDGE LAUTEN:** Right. And did he talk to them about the Groveland case ever?

>> **GILBERT KING:** Well, the really funny thing about it is he used to get together at lunchtime and just regale these clerks with these stories from his career, because none of the other clerks were coming down doing murder trials and rape trials in the South and getting chased by the Klan. So he had much better stories than anybody else. And so all the clerks would gather around him and he'd tell these stories.

And, you know, he was known as sort of a teller of tall tales and exaggerated a little bit. And all of them told me, when I asked them about this, they said, we used to hear about Florida and this sheriff; we never believed it; we just thought he was exaggerating this. They didn't even believe what they were hearing back then. So they said, it was nice to see it all sourced and finally realize that he was telling us the truth.

>> **CHIEF JUDGE LAUTEN:** So at some point in time in researching this, you come into contact, probably early on, with Sheriff Willis McCall of Lake County. And I'm wondering, was there a point in the beginning where you couldn't believe what you were reading?

>> **GILBERT KING:** Yeah. I mean, that was the first thing I saw. Like, as I was looking at the case and then all of a sudden the Klan comes rolling into town and the National Guard is called, I'm thinking, wow, this is a very important case. And so I'm following along, it's almost an afterthought that they bring it to the U.S. Supreme Court, it gets overturned, and then Sheriff Willis McCall, on the evening of the retrial, decides to execute the prisoners.

At that point, I thought, I couldn't even -- if I was writing a novel and put this in there, no one would believe it. It's just too obscure and too unbelievable. And so I just thought, if this really happened -- I started seeing the photographs, and then I got my hands on the FBI testimony, and it was all there. There have a forensic documentation of this shooting. And at

that point, I said, this is like an unbelievable -- three-fourths of the way through the book -- I already it in my head, you know, where this is going.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **GILBERT KING:** And this is going to be, like, pulling the -- you know, the rug out.

>> **CHIEF JUDGE LAUTEN:** So -- well, first of all, for our listeners, can you give them a thumbnail sketch of *Devil in the Grove*, because we're talking about what was called Groveland Boys.

>> **GILBERT KING:** Yeah, sure.

>> **CHIEF JUDGE LAUTEN:** And what's the book about?

>> **GILBERT KING:** The book is basically very similar in theme to *To Kill a Mockingbird*, except instead of one man, Norma Padgett, who lives in Lake County, Florida, is out on a date with her on-again-off-again husband, and something happens on the side of the road; we don't quite know exactly what. But a few hours later she makes the accusation that she's been abducted and raped by four African-Americans. And the Klan rolls in and starts burning down all the black homes, and they arrest three of these guys, they kill the fourth, and actually go to trial about a month later.

And Thurgood Marshall and his young lawyers come down. And it's just a railroading. I mean, there's no chance that these guys are going to be found not guilty. The only hope they have is that the jury will have -- find mercy for these guys.

And so there's actually two trials in the book. But the first trial is just an absolute travesty. The things you see in the first trial happening, you wouldn't believe they actually happened in a courtroom.

>> **CHIEF JUDGE LAUTEN:** In your prologue, you write so poignantly and conclude the prologue with the statement that had meaning to the African-American community that "Thurgood's coming."

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** And I wondered how you came up -- was that a quote that someone gave you, is that -- were those your words, was it --

>> **GILBERT KING:** No. They actually weren't my words. They were too emotional to be my words. This was really a phrase that was used. And it was described to me by certain attorneys who had worked with Thurgood, and other people in their recollections. And, you know, he was really the last line of defense for a lot of falsely accused people down South. If you didn't have Thurgood Marshall and his lawyers, you might be just going straight to the electric chair or jail for life. But with Thurgood Marshall, you had a fighting chance.

And when there were these race riots and people were being charged with attempted murder of police, you would hear it from various people because he was a hero in the African-American community. He was Mr. Civil Rights, and he was covered in all the black newspapers of the day. And it was just offered as a word to just offer hope to people who were sitting behind bars knowing they hadn't done anything wrong; you know, sit tight, Thurgood's coming. And it just must have been so inspirational, though, that Marshall was on his way out on a train and was willing to take these cases. And a lot of times, he had great success.

>> **CHIEF JUDGE LAUTEN:** So when you read the novel -- by reading the novel, you get a sense of the courage that it took for Thurgood Marshall himself, but not just Thurgood Marshall, who did have a national reputation, but lawyers that he hired in his office in New York to travel into the Deep South and to enter courtrooms presided over sometimes by judges who

were members of the KKK, or certainly racist, or sheriffs like Willis McCall who would just as soon kill Thurgood Marshall as deal with him.

What kind -- how do you describe that kind of courage to the listeners?

>> **GILBERT KING:** You know, it's just interesting. I found, like, these young lawyers to me are like the ultimate underdogs. They've done everything right. There's no schools for African-Americans to attend law school in the South, so they often had to go to Howard University or go up North. And many times they would stick around New York and work in Civil Rights, but -- because there's definitely no corporate firms that were hiring black lawyers.

But a lot of times they would go back down to their communities and practice law, hang out a shingle. And, you know, even then, it was very difficult for them to get work because, you know, if you were black and you were accused of a crime, most of them were like, I want a white lawyer; I want to get off. You know, and that was the thinking. The black lawyers had a really difficult time getting clients. So the ones they got were usually very poor couldn't even afford it.

And I think the courage is just really remarkable because, you know, this was at a time where -- the pre-Civil Rights movement, and you have all this great casework building up like *Brown v. Board,* the voting rights cases, and these are imperative to the Civil Rights movement. And then you have these young lawyers getting derailed and going off and taking a dangerous criminal case where, you know, everything was going to be biased and stacked against them and they're not going to win that anyway.

But Thurgood Marshall always felt, we can always appeal these cases, and the Supreme Court was a level playing field. I actually don't know how they did it. I mean, to a man, they basically all said the same thing, which I thought was interesting -- asked about the courage.

And, you know, Marshall would always say, I'm terrified; I still have to do it, but I'm terrified; but what I do is I come down, I do my case, and I get back on a train and leave; the real heroes are the ones who stick around and continue the fight. And those are the ones that were really facing the most terror.

>> **CHIEF JUDGE LAUTEN:** And we know that one of them was bombed to death and killed for being an activist in Florida, Henry [sic] Moore.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** And so there's an example of someone who stuck around and paid for it with his life.

>> **GILBERT KING:** He did. And he was very valuable to the Civil Rights movement. He brought more than a hundred thousand African-Americans onto the voting rights -- onto the voting rules. And he changed the political landscape in Florida, so he was a very marked man. And sure enough, on December 25th, 1951, the Klan put a bomb under his house killing both him and his wife.

>> **CHIEF JUDGE LAUTEN:** Terrible.

So you -- in *Devil in the Grove*, you write about Willis McCall. And in the book club that I belong to, this question was posed and we're dying to know your answer.

>> **GILBERT KING:** Okay.

>> **CHIEF JUDGE LAUTEN:** Was there any redeeming quality about Sheriff Willis McCall?

>> **GILBERT KING:** You know, this is a really great question. Because I can tell you, at one point we were working on the screenplay for *Devil in the Grove*, and they were trying to get A-list actors involved in the case -- in the story. And some of the feedback that they were

getting back was no A-lister wanted to take this role because he was too un-dimensional. He was just evil throughout. And so we were trying to find, like, those redeeming values that were, you know, reality based, and it was very, very difficult.

At one point, you know, somebody said, well, he loved his horses. And so we thought, well, maybe we could, like, use that. But I talked to a couple people who told me he hated his horse, he punched his horse at parades. I mean, I couldn't even use that. And the same thing happened with dogs. I don't think he really loved his dogs either. I mean, Hitler, we know, loved his dog. But, you know, Sheriff Willis McCall, there's no real evidence of that.

>> **CHIEF JUDGE LAUTEN:** Yeah. I mean, in the -- in *Devil in the Grove*, there are some characters who at first you're like -- like Mabel Norris and Jesse Hunter, you're like, oh, how could you be where you are. But both of those individuals kind of evolve and you go, at least there's some redeeming characteristic about them. I kept looking for something in Willis McCall, and I could never ever find it.

>> **GILBERT KING:** No. And that was one of the things. Like, at one point there was these photographs we saw when he was investigating Groveland. LIFE magazine sent a photographer down there and they're documenting him. And he took his young son around with him. And we thought, well, those images are kind of interesting; you know, he's there with his son; what kind of conversations are they having; it's something to look into.

And then, you know, somebody just sent me a link a couple weeks ago that the son had been arrested for child pornography and he was now in jail without bail. So I just -- there's not a lot of brightness in these stories, but --

>> **CHIEF JUDGE LAUTEN:** So how long did it take you to write *Devil in the Grove*?

>> **GILBERT KING:** It took me about five years. And I would say most of it was research, because I write fairly fast.

>> **CHIEF JUDGE LAUTEN:** So for five years you're living with the idea of Willis McCall. And when you finish this book, did you ever think you'd be dealing with Willis McCall again in your professional life?

>> **GILBERT KING:** No. In fact, it's the last thing I ever wanted to do. In fact to, like, fool myself I always had to tell myself, this is a book about Thurgood Marshall and the lawyers, not about Willis McCall. But, you know, one reviewer pointed out when it came out, he said, understand one thing; this book is about Willis McCall. And so I -- sort of it is, I guess.

>> **CHIEF JUDGE LAUTEN:** Well, great book. You win the Pulitzer Prize. And then your latest book *Beneath a Ruthless Sun* takes us back to Lake County and back to Willis McCall. And why don't you tell our listeners a little bit about what *Beneath a Ruthless Sun* --

>> **GILBERT KING:** Yeah, so this is interesting. So getting along with the theme that, you know, I did not really want to return to Lake County and do another book. But I had a deputy come up to me at a book talk and he stuck his business card in my face and he basically said, you know, you got your story right but you didn't get the whole story. And he went on to tell me the story of Jesse Daniels. And, you know, he had great remorse. He said, we framed this kid in 1957, and nobody will ever talk about it, nobody will write about it. And it haunted him for decades.

And so I started looking into it out of curiosity thinking maybe I could do an article about it. And the interesting thing is, like, every time I filed a Freedom of Information Act request, and the more and more people kept talking to me, the richer the story got. And I remember thinking -- I had conversation with my editor in New York and, you know, I said, I'm going to have to

explain why I'm going back to Lake County and what it is about this story. And she said something really interesting; she said, you don't need to explain this at all; anybody who knows what happens in this story will know why you did it. And it's true. If this happened in California or anywhere else, this would have been -- I would have done this in two seconds.

>> **CHIEF JUDGE LAUTEN:** Right.

>> **GILBERT KING:** It was just such an unusual story. And I'll give you a basic sense of what happens in the story. In 1957, there's a -- the wife of a wealthy citrus baron is sexually assaulted in her home with her three children in the house with her. And she reports it, she describes her attacker as being an African-American with bushy hair. And Sheriff McCall and the deputies show up, they round up two dozen suspects from nearby Okahumpka, and they start narrowing down those suspects until they settle on the nephew of the civil rights activist in town who is trying to integrate the University of Florida's College of Law.

And so proudly they display him out there, because Virgil Hawkins has this big case before the U.S. Supreme Court. And they're out there trumpeting this nephew of Virgil Hawkins, the rapist. And I think it was designed to embarrass the Hawkins family, maybe derail that case.

But then something very strange happens. The husband of the victim comes back home and has some conversations with some powerful people, including the sheriff, the state attorney and the judge, and they release all the African-American suspects and they arrest a white, mentally disabled teenager by the name of Jesse Daniels. And Jesse Daniels' saga and being railroaded off to Chattahoochee is really the basis of this book.

>> **CHIEF JUDGE LAUTEN:** One issue in the book is that the rapist of Blanche Knowles makes a statement that he was offered $5,000 to kill her.

>> **GILBERT KING:** Right. Right. Right.

>> **CHIEF JUDGE LAUTEN:** And kind of taunt her with, wouldn't you like to know who that is.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** But he never tells her.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** And it's never completely solved in the novel, is it?

>> **GILBERT KING:** Not really. I mean, it's like -- it's one of those things that even though that moment was really important to the book because it's this dramatic moment where he's about to leave and Blanche is just trying to protect her kids and get him out of the house and he says, by the way, a man paid me $5,000 to kill you; wouldn't you like to know who that is. And he leaves that hanging out there.

And interestingly enough, when they finally -- he's one of the suspects that was originally arrested, and they release him to arrest Jesse Daniels. Remarkably, his name is Sam Wiley Odom, he's picked up not long afterwards for another sexual assault not too far from here, and it fits the exact pattern of Blanche's. But this time he's arrested. He's shot and arrested. And he goes to trial, he's quickly convicted and sentenced to the electric chair.

And Mabel Norris Reese, who's the journalist, she has a suspicion that these two cases are related. And several days before Sam Wiley Odom is supposed to go to the electric chair, she drives up to Raiford State Prison with Pearl Daniels, Jesse's mother, and they have a conversation. And he emphatically states that Jesse Daniels did not rape Blanche Bosanquet. And they keep prying and prying, and he ends up recounting that exact same conversation that Blanche has described, that a man has paid $5,000 to kill her.

And later on, the Legislature does a huge investigation over three years, and they conclude there's no way this kid would have known about that had he not been in the house. And, in fact, Pearl Daniels, Jesse's mother, was poking around and investigating on her own, and she got Sam Wiley Odom's mother to admit that Sam Wiley Odom confessed to that rape.

>> **CHIEF JUDGE LAUTEN:** So in the book it's never really clear who might have offered the $5,000. For a long time I thought maybe it was the husband who was having all kinds of affairs and just wanted to eliminate his wife. But I'm not sure that there was enough evidence for you to conclude that or for us to conclude that.

>> **GILBERT KING:** There really wasn't any evidence. I mean, that's the thing. The FBI came in and looked for all sorts of financial transactions between both Joe Knowles and his mistress, the woman he was with on the night that his wife was raped, and they never found anything. And so I -- there's nothing I could do about that. You know, so there's the possibility that Sam Wiley Odom was just taunting her by telling her that, and just -- I mean, and that's one of the possibilities you have to consider.

I've had quite a few people who've read the book tell me, oh, no, no, no, that's not what happened; Sam didn't make that up. And they're convinced something happened but, you know --

>> **CHIEF JUDGE LAUTEN:** But who knows what.

>> **GILBERT KING:** Exactly. I couldn't prove anything.

>> **CHIEF JUDGE LAUTEN:** So speaking of -- is it Joe Knowles?

>> **GILBERT KING:** Joe Knowles, correct.

>> **CHIEF JUDGE LAUTEN:** His mistress turns out to be the Grand Dame of Republican politics in Naples.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** That's another issue. Probably if you made that up in a fictional novel people would go, come on.

>> **GILBERT KING:** No, there's no way. I mean, that's what I was thinking. When I Googled her -- I finally had a name. When I was looking at the FBI reports I said, oh, they have her name here; they investigated her. And I Googled her and I found out she was, you know, 20 years in the State Legislature, really highly respected environmentalist and women's rights.

And in fact, when they later go on to compensate Jesse for this wrongful incarceration, she's -- it's her first year of -- in the Legislature and she votes to give Jesse the maximum amount. So she gets drawn back into this 15 years later. And -- you know, and she's still alive and she talked to me and, you know, she admitted everything to me. So I -- you know, it was just one of those remarkable things that, yeah, you couldn't make it up.

>> **CHIEF JUDGE LAUTEN:** So in reading *Beneath a Ruthless Sun* -- and I was trying to determine who is the worst person in the story. Is it Willis McCall, who has almost no redeeming qualities, or was it the State Attorney, Gordon Oldham, who was trained in the law, sworn to uphold the law, given the awesome power of being a prosecutor, and who railroaded Jesse into Chattahoochee for 7 -- 14 years, 17 years?

>> **GILBERT KING:** Yeah, 14.

>> **CHIEF JUDGE LAUTEN:** Fourteen years. What are your thoughts in that area? I mean, both equally to blame or --

>> **GILBERT KING:** Yeah. You know, I think there's several people in here that could be considered the worst person, I think, if you look at the sum of their acts. Certainly Willis McCall with all the violence.

But I do point out in the book that Richard Graham, who was Jesse Daniels' lawyer, he thought the real evil person in this whole story was Gordon Oldham. He said, he had a law degree, he knew better, and he abused power and what he did in this case at every single level. And it wasn't just the Jesse Daniels case. That was really abusing his law degree, and he found that to be the greater crime. You know, he sort of said, well, a sheriff -- a violent sheriff who's elected by the people, you can sometimes imagine that this is the kind of thing they're doing. But a state attorney is supposed to rise to a certain level of behavior, and he found that most offensive.

>> **CHIEF JUDGE LAUTEN:** And then he registers as a lobbyist and he lobbies Richard Langley to keep the family from getting a compensation bill at a certain level through the Legislature. And so he won't give it up, I mean, even when it's pretty clear that Jesse Daniels was railroaded. He spent his, you know, latter part of his life lobbying against him being compensated. I found that highly offensive too.

>> **GILBERT KING:** Yeah. And that was one of the things. You know, it's just like even when you think the stories end, the powerful people are getting together and trying to influence the actual compensation. It's just -- it's kind of staggering. They could have just let that go at that moment, but it was the Lake County representatives who fought it at every turn and were able to just mount up a majority and --

>> **CHIEF JUDGE LAUTEN:** By sometimes completely misrepresenting facts on the Legislative floor when the bill was discussed.

>> **GILBERT KING:** Yeah.

>> **CHIEF JUDGE LAUTEN:** And then got called out by whoever was the presiding officer. I found that fascinating.

>> **GILBERT KING:** I did too. I didn't really recognize that that happened, because he -- Jerry Melvin is begging the legislators to look at the original report; they're distorting it, they're saying things that are not true. He says, there's a whole bunch of people who should be in jail; not Jesse Daniels. And they just didn't even bother reading the report. They just voted along the lines of what Langley was suggesting.

>> **CHIEF JUDGE LAUTEN:** It also struck me -- I mean, I don't think there's any way around it even though -- and I'm a former prosecutor who's been on the bench for 25 years now -- that really the state attorney engaged in a criminal conspiracy. There's no other way to describe it. He conspired to falsely accuse Jesse so that he could sent him to Chattahoochee and just be done with it.

>> **GILBERT KING:** Right. And that was, I think, the way that the DOJ and the FDLE and the Legislature -- I think they were all on board with that. They made recommendations. Some -- for some reason it got to the U.S. Attorney, John Briggs, and they felt it became a more complicated case at that point with the Statute of Limitations; when does a conspiracy begin, at the moment of the arrest or can it continue by keeping him incarcerated. They never really resolved that. They just felt that -- they didn't think they could win the case given the amount of time that had passed and get indictments.

And certainly Willis McCall was a very difficult man to indict. But Richard Graham, who was the lawyer for Jesse, he was around and he told me that some of the DOJ guys -- lawyers had told him that McCall and Oldham were in the hallway negotiating for immunity. They thought they were going down, and so they were sweating it out. And so, you know, they got very lucky that they did not proceed with the indictments.

>> **CHIEF JUDGE LAUTEN:** So Richard Graham really is one of a couple of the heroes in the book.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** And he goes on to a career in the Legislature and a career on the bench.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** So I've met him at conferences, but I didn't know his background. I just said, nice to meet you, Judge Graham.

>> **GILBERT KING:** Yeah, I think a lot of people are just surprised. He just never talks about it. And -- but he'll tell you, he said, this is the most important case I was ever involved in and it was one of the first ones I was ever involved in. But, you know, he was thrust into this case, you know, by a poor, destitute mother who was just desperate. And, you know, one of the first things he did was take it to the Supreme Court and he got a favorable ruling, an Order to Show Cause. And that sort of -- I think it just sort of cemented the fact that he was involved in something bigger than him.

And, you know, he conducted himself pretty interestingly throughout. He just kept fighting and kept fighting, and he got -- he was -- you know, every obstacle was up against him, including going into Lake County and having a face-off against these guys.

>> **CHIEF JUDGE LAUTEN:** What do you think about the evolution of Mabel Norris Reese?

>> **GILBERT KING:** You know, I just love this story. I think she recognized that she had made some mistakes early on with the sheriff and sort of backing the sheriff and sort of printing the things that he wanted printed in the late '40s. And then once McCall shot those

Groveland Boys on the side of the road, she was determined to turn against him and report on everything. And it was just a real awakening.

And I just sort of love the way she never quit. She just -- even though like her -- you know, all these things are happening, her house is bombed, there's crosses burned in her yard, they financially ruin her newspaper and run her out of the county, she just goes to Volusia County and keeps writing about them and she has a bigger audience now. So I just found that fascinating.

And, you know, I even talked to Richard Graham about it and, you know, he would describe, you know, going into Lake County -- and Mabel was unafraid of Sheriff McCall, and Richard Graham said, I was; I'd heard about him. And Mabel just said, get behind me. And she would just walk right towards him. And I just found that one of the funniest things, like, Mabel Norris Reese just -- you know, he's not going to do anything to me, you can stay behind me.

>> **CHIEF JUDGE LAUTEN:** So she's a hero. What did you think about the evolution of Jesse Hunter in *Devil in the Grove*? And he appears a little bit in *Beneath a Ruthless Sun*, I believe.

>> **GILBERT KING:** Yeah. You know, and that's one of the things. He's the prosecutor in *Devil in the Grove* and, you know, he absolutely -- absolute racist. He made no bones about that. And -- but he became friends with Mabel and they really cemented their friendship, I think, after the shooting of the Groveland Boys.

At that point in time, Jesse Hunter was getting information about the case and about the FBI's report, and he was telling Mabel, and Mabel was leaking it to Thurgood Marshall and his partners in the LDF. And so they had a full turnaround, and they really wanted to see Willis McCall go down. And at that point, McCall hated both of them for the rest of their careers.

But it is a remarkable turnabout, because later on when they're trying to get, you know, Walter Irvin, one of the Groveland Boys, clemency for the death penalty, Jesse Hunter ends up writing a letter recommending clemency, which I can never find another example of that in the Jim Crow South where the prosecutor just tries to save the life of a man he just convicted.

>> **CHIEF JUDGE LAUTEN:** So the title *Beneath a Ruthless Sun,* why don't you tell our listeners where that comes from.

>> **GILBERT KING:** Yeah. This is from a James Weldon Johnson play. And James Weldon Johnson was a great poet from Florida. He also wrote what they call the Negro National Anthem, Lift Every Voice and Sing. He was a renaissance man. He was also the first African-American admitted to the Florida Bar. And he was one of the founders of the NAACP.

And I came across -- I was looking for a title that -- of a -- from a poem to use for a title, and it's very -- I was trying to find something about groves, something about oranges, Florida and sun. I found this great line about sun, and so I decided to take a little stanza -- a line from a stanza.

>> **CHIEF JUDGE LAUTEN:** So that stanza, it reads, "To gain these fruits that we have earned" -- no, sorry. "To gain these fruits that have been earned, To hold these fields that have been won, Our arms have strained, our backs have burned, Bent bare beneath a ruthless sun." That's a fabulous poem.

>> **GILBERT KING:** It is. And it really kind of reminded me of what was happening in Lake County with all the orange picking and all the watermelons. You know, these are, like, 60-pound watermelons. And it was mostly black laborers, and just the lifting involved and just the heat of Florida, to me, it all said it right there.

>> **CHIEF JUDGE LAUTEN:** So I didn't know in *Devil in the Grove*, on page 117, when you're talking about Ernest Thomas -- we're going to talk a little bit about him -- you used the phrase beneath a ruthless sun.

>> **GILBERT KING:** Yeah. You're the only one who's ever noticed this.

>> **CHIEF JUDGE LAUTEN:** So I'm going to read that for our listeners. You're talking about -- well, Ernest Thomas was one of the falsely accused Groveland Four.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** He fled from Lake County and fled Groveland realizing that, if they caught me they'd probably lynch me. And he went up north and he hid. And Willis McCall chases him down and finds him in a swamp area.

>> **GILBERT KING:** Um-hum.

>> **CHIEF JUDGE LAUTEN:** And you write, in his legless dungarees, a dirty white flannel shirt and a pair of muddy tan slippers, Ernest Thomas had been worn down by lack of sleep and his unending flight beneath a ruthless sun. And then you go on to explain how he basically fell asleep from exhaustion in a swamp, and one of the hounds that was chasing him apparently fell asleep right next to him. And by the time Willis McCall reached him, he had been shot repeatedly by a posse of, what, 100 men or more?

>> **GILBERT KING:** It was a thousand men.

>> **CHIEF JUDGE LAUTEN:** A thousand men?

>> **GILBERT KING:** Yeah. In fact, some of the reports said that he had more than 400 slugs pulled from his body. I mean, he was not going home alive.

>> **CHIEF JUDGE LAUTEN:** And he was asleep when he was shot.

>> **GILBERT KING:** He was.

>> **CHIEF JUDGE LAUTEN:** They just came up on him and just executed him on the spot.

>> **GILBERT KING:** Pretty much. And there's a really strange letter that I found later on. This is kind of unbelievable. He was found to have a gun next to him. And Willis McCall said, he was fighting like the devil right up until the very end. You know, really? He's surrounded by hundreds of men at this point.

And there's a letter in -- I forget what county it is, but it was one of the deputies or one of the men in the posse that says basically, yeah, they used my gun to put next to the victim and I want to see if I can get that gun back out of evidence.

>> **CHIEF JUDGE LAUTEN:** My goodness gracious. So the Groveland case has not even gone away in the history of the State of Florida in the sense that the Legislature has entertained whether to recommend that the Governor pardon and then to deal with this. So what's the latest, as far as you know?

>> **GILBERT KING:** Well -- yeah. The latest is they've gotten apologies on behalf of the State of Florida. And you could say, well, what's the value of an apology. I will say, for the families, they felt it meant something. Because they had continued to live in Lake County, many of them, and the official version had always been McCall's version that these two -- these Groveland Boys were guilty of rape and then they tried to escape and our sheriff was forced to defend himself and kill them. That was always the official version.

So some of the Irvins and Shepherds had grown up under this cloud in Lake County that, you know, they were family of rapists. And they said, clearing our name meant everything. So the apology did matter to them. Obviously, the exoneration is something that was in the language of the claims bill. It was supposed to be expedited for exonerations; posthumous

exonerations. I bet you cannot guess who the only person to receive a posthumous exoneration in Florida is.

>> **CHIEF JUDGE LAUTEN:** I don't know who it is.

>> **GILBERT KING:** Jim Morrison of The Doors, public urination.

>> **CHIEF JUDGE LAUTEN:** That's it?

>> **GILBERT KING:** That's it.

>> **CHIEF JUDGE LAUTEN:** Oh, my goodness gracious.

>> **GILBERT KING:** So we're hopeful that, you know, these charges and -- you know, it is complicated, because only two of the Groveland Boys can be exonerated because two of them have never been convicted in a court. Ernest Thomas was shot before standing trial and Sam Shepherd was never convicted because the Supreme Court overturned the conviction. So it's Walter Irvin and Charles Greenlee who were the ones who are awaiting the exoneration.

And last I've heard, it's up in the Legislature. It's trying -- I think it's going to come before the board -- the pardon board this summer or this fall, but I really don't know a lot of the details of it. It really feels like it's taking too long.

>> **CHIEF JUDGE LAUTEN:** So I'm in a literary group with lawyers and judges, members of the Orange County Bar, we discussed your book last month. One of the questions I posed to the group is, has there been progress. And some of the judges phrased it this way, I think there's been procedural progress. So *Gideon v. Wainwright* and *Miranda* and *Mapp* and -- are so high on all these procedural cases, the right to counsel, the fact that coerced confessions are inadmissible in evidence, have advanced people's procedural rights in courts. So that some of the things that happened in this book, the restrictions on how you can give a closing argument as a prosecutor, have evolved to the better.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** But has our society substantively addressed racism appropriately? And I know one of the quotes that you have in *Beneath a Ruthless Sun* from Ta-Nehisi Coates is, "Racism has never been a 'simple' story. Ever."

What are your thoughts about progress, having written both of these books, certainly in the justice system and race?

>> **GILBERT KING:** Yeah. Well, I would absolutely agree about the procedural progress. I definitely notice, like, you know, because of the efforts of these lawyers who have constantly worked on these issues and, you know, especially like coercion, up until 1940 -- that was a Florida case, by the way, *Chambers v. Florida*, which no longer allowed coerced confessions.

And -- but there's -- that's been argued, and it's really quite interesting to see because there was an argument about it at one point; how much time could go by between the end of a beating and the confession. And they were trying to -- is it an hour, would that be okay, or does the threat still linger. And Thurgood Marshall had some definite opinions about that.

But I would tend to agree that the procedural progress is there. I think that maybe you see a little bit of progress in terms of, you know, understanding and racial harmony in society. But I think this is still with us. And I think -- to me, I think it's one of those things that unless we have some kind of major reconciliation and understanding of these issues that still haunt us that these are problems that are always going to be with us and we're going to rely on the law to fix a lot of them, but as a society we're just going to not deal with them.

>> **CHIEF JUDGE LAUTEN:** Well, in terms of understanding and appreciating history, both *Devil in the Grove* and *Beneath a Ruthless Sun* play a pivotal and important role in

understanding where we come from in this region. It's not a pretty picture. It's not an easy picture to contemplate. There are times in reading the book where you have to put it down just to process it. And there were times when I read it when I was so angry I had to calm down, because I was so angry at what I was reading about white people with power, prosecutors and sheriffs, doing.

>> **GILBERT KING:** Right.

>> **CHIEF JUDGE LAUTEN:** But it's important if we're going to effectively address racism or even attempt to address it to understand this history of where we've been so we that we don't ever repeat that.

What do you feel are the lasting lessons that we can take from your two works?

>> **GILBERT KING:** Well, I think that understanding is probably the most important thing. So when we see an issue where a policeman -- and maybe it's not seen well on cellphone camera, but there's protest in the streets and people are angry and they feel that this is just another instance where a policeman's going to get away with murder, it's easy to sort of bear up and take sides and have your opinions about where things should go. And I think the most important thing is the understanding of it that when you see the stories in, like, *Devil in the Grove* and *Beneath a Ruthless Sun*, understand what used to happen in these communities fairly regularly, where there was no chance of protesting, there was no voice at all. It was just hoping you got Thurgood Marshall and his lawyers to come along.

And so I think just understanding what these communities have been with -- been dealing with for the last, you know, hundred years under Jim Crow, years after reconstruction right up until the '60s and beyond, it'll make people really understand that these are real issues. These are not imagined issues. And so they're emotional and they're painful. And I think just sort of

understanding where we come from as a nation and what we've gone through is a really important part of that reconciliation.

>> **CHIEF JUDGE LAUTEN:** Well, thank you so much, Gilbert King, for taking time out of your schedule. I know you have a crazy book tour that's keeping you moving all over the State of Florida and the United States, so we're really grateful that you took time out. The works are wonderful. I loved *Devil in the Grove*. I understand why it won a Pulitzer Prize. I finished *Beneath a Ruthless Sun* and thought it was as good if not better. I mean, it was such a compelling story.

>> **GILBERT KING:** Well, that's really kind of you.

>> **CHIEF JUDGE LAUTEN:** And so thanks for sharing both the stories with us and then some inside information about writing these books, and especially for taking time out to join us. Thank you.

>> **GILBERT KING:** It was my pleasure. I really enjoyed the show a lot. Thank you.

>> **CHIEF JUDGE LAUTEN:** Thanks.

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