

BACKGROUND OF ALVIN BERNARD FORD

SCHEDULED TO BE EXECUTED

IN FLORIDA MAY 31, 1984

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I

Summary of the Background of Alvin Ford

Alvin Bernard Ford grew up in a warm, supportive, deeply religious family in the small town of Palmetto, Florida. Alvin, his parents, three sisters, and two brothers lived in the house that Alvin and his father built themselves. They were active members of their church and involved in many community and school projects.

When Alvin's parents' divorced Alvin took on the roll of father substitute, providing financial and emotional support for his mother and siblings. Alvin showed deep concern for others throughout his life and was always a devoted, supportive son and brother. He was a popular and well-respected member of the small, relatively sheltered black community he grew up in.

Alvin believed in the standard American values of hard work, responsibility to others and success. When he graduated from high school he moved to the Gainesville area, where more lucrative employment opportunities existed. He visited his family in Palmetto regularly and always sent money home to help with family expenses.

Unfortunately Alvin suffered a series of bad breaks and eventually found himself without work. He became extremely depressed, even suicidal, and went for counseling. His sheltered, loving upbringing had not prepared him for the cold reality of life outside Palmetto, for disappointment, despair, and the dissolution of his cherished dream of success.

Alvin was unable to resolve his problems outside of the supportive network of family and community and fell in with an older crowd whose social life revolved around fast cars, casual sex and drugs. The young country boy, still an adolescent, was caught up in a web of danger, fear and finally panic as events quickly slipped beyond his control.

In July of 1974 Alvin, then 19 years old, and two companions in their mid-to-late twenties set out for Ft. Lauderdale to buy cocaine from a third acquaintance. His companions decided to

rob a Red Lobster restaurant there and, as fate would have it, Alvin went along with their plans. The four men set off in a Volkswagon with a gun belonging to one of the co-defendant's mothers. When they arrived at the restaurant several employees were there setting up for the day's business. During the next several minutes a series of events occurred that led to the tragic and unplanned death of Ft. Lauderdale police officer Walter Ilyankoff.

While Alvin and his three companions were in the restaurant an employee escaped and called the police. When Alvin's companions heard sirens in the distance the three of them fled in the only car, leaving Alvin behind all alone with several panic-stricken employees and a gun. Officer Ilyankoff approached the scene alone and, without announcing his presence, walked to the back door of the restaurant with his clipboard. At that moment Alvin, already panicked because his companions had abandoned him, seeing only a uniform and something metallic glinting in the light, became hysterical and fired two shots. The wounded officer fell, Alvin ran outside to the police car, failed to find the keys and, in what one psychiatrist described as "a residual hysterical panicky state," came back inside, found the officer struggling to get something near him, and shot him once more. Officer Ilyankoff died shortly thereafter and Alvin escaped in the police car.

Walter Ilyankoff was the first Ft. Lauderdale police officer killed in the line of duty and the community was outraged. When two of Alvin's co-defendant's were arrested later that day near the crime scene one of them was so severely beaten by local police that his friends could not recognize him. The emotions that always surround police killings were even more intense than usual as both the police and members of the community set about finding the culprit. As is usually the case, the killing of a police officer by a civilian was viewed with far more hostility and rage than a civilian killing by a police officer (see VIII a, b). The fact that Alvin is black and his victim was white only exacerbated an already hostile situation.

Alvin was later arrested at his home in Gainesville and brought to Ft. Lauderdale to stand trial. He was singled out to absorb the hostility and fear of the community. Two of his co-defendants, George DeCosta and Alvin Ray Lewis, pled guilty to second degree murder and received life sentences in exchange for their testimony against Alvin. The third co-defendant, Henry Robinson, fled the country. Robinson was later captured in South America and tried after Alvin Ford. Robinson was convicted of first degree murder and received a life sentence with a 25 year mandatory term served before eligibility for parole. All three co-defendants are presently in state prisons. Only Alvin received the death sentence.

Alvin Ford was tried before an all-white jury in an atmosphere of fear, hatred and racial prejudice that was in part fueled by heavy pre-trial publicity. The local papers ran front page stories with lurid headlines, such as "Three Seized in Cop Killing Here," "Ilyankoff First City Cop Killed on Duty," "Little Bit of Each of Us Died, Says Chief," and "Tempers Begin to Flare in Ilyankoff Death Trial."

On July 23, 1974, the Ft. Lauderdale News ran a cartoon on its editorial page of a large black ape, labeled "Killer," holding a gun with barrels at both ends, one pointing toward the ape and one pointing away. The gun was labeled "Death Penalty," and the cartoon's caption read "A Life for a Life." (See VII a.) On the same day a column by local writer Goerge McEvoy appeared on the front page of the local section. McEvoy's column was entitled "I'm Glad I'm Not a Cop," and in it Alvin Ford was described as "some piece of human garbage," a "murderous thug," a "sadistic savage," and a "bloody-handed jerk," among other things (see VII b). Despite the heavy prejudicial publicity the trial judge refused to grant defense motions for sequestration of the jury, remarking that he was doing so "even though there are emotional attitudes, political implications . . . this isn't Watergate."

There was heavy police presence in the courtroom throughout Alvin's trial and tremendous hostility both inside and outside the court. Alvin's trial attorney, Bob Adams, said he received several threats for representing his client and, on two separate occasions, the tires on Mr. Adams' car were flattened. Dozens of references to race were made throughout the trial, and such terms as "black male" and "colored boy" were frequently used.

Dr. David Taubel, a white psychiatrist, was retained to present a psychological profile of Alvin Ford at sentencing. The subtle, unconscious racism that is so pervasive in our society and, in particular, the South, was amply evident in Dr. Taubel's testimony to the all-white jury. Rather than understanding how difficult it was for Alvin to escape, however briefly, the poverty that is the tragic lot of so many black Americans, Dr. Taubel concentrated on Alvin's "overstriving" and the "fact" that "in the black culture a responsible male is not the same thing, it is not as common as in the white culture, by any means." (See V.) Dr. Taubel made the following statements during his testimony.

He (Alvin Ford) is the oldest son in a family of six, a black family of perhaps better than average ability and more drive for success and achievement than I would estimate the average black family to have had.

He comes from a family that is overstriving beyond their means to achieve and accomplish.

Such comments could only have further diminished Alvin Ford in estimation of the all-white jury.

When the trial was over and Alvin was sentenced to death the Ft. Lauderdale News ran a worried story captioned "Condemned Slayer Ford May Never Die in Chair." In fact, members of that community were so concerned that Alvin might not be electrocuted that, at the time of his clemency hearing in October, 1981, local police officers circulated a petition asking that he be executed without further delay.

Alvin Ford's first death warrant was signed in November, 1981, and his execution was scheduled for December 8. On the evening of December 7 he received a stay of execution from the United States Court of Appeals for the Eleventh Circuit. During the period of his death warrant Alvin was put on "Death Watch," held in a special cell near the electric chair, and forced to be part of a series of prison rituals designed to dehumanize him and prepare prison officials for his execution. Members of Alvin's defense team visited him at Florida State Prison frequently during his first death warrant to try to help him through that difficult and terrifying time. Despite their best efforts Alvin gradually sank into first depression and then madness. Since 1981 his mental state has deteriorated significantly until he lost all contact with reality (see X.)

Two of the major issues in Alvin Ford's case now are racial discrimination in the imposition of Florida's death penalty (see II a, b, c, d; III) and the constitutional prohibition against executing the insane (see IX b). In December, 1983, a panel of three psychiatrists was appointed by Governor Graham to determine if Alvin met the minimal standards set forth in Florida's death penalty statute regarding one's competency to be executed (see IX a). Even though two of the three doctors found Alvin to be psychotic all felt they were forced, by the statute's wording, to say he is competent to be executed (see XII a, b, c).

Governor Graham had the information contained here, as well as the reports of two other psychiatrists (see XI a, b) before him when he signed Alvin Ford's second death warrant on April 30. Mr. Ford is presently scheduled to be executed at 7:00 a.m. on Thursday, May 31, 1984.



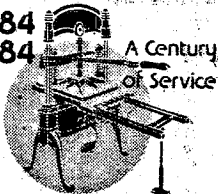
Alvin Ford, with his mother and two sisters,
outside the family home in Palmetto, Florida

IIa

5/12/84

opinion

1884
1984



"The policy of our paper is very simple — merely to tell the truth."

Paul Poynter, 1875-1950

Nelson Poynter, 1903-1978

editorials

The bloodthirsty rush

Once again Gov. Bob Graham has spoken the fateful code words, "God save us all," sending a convicted killer to his own death in Florida's electric chair. This time, however, there were unusually strong doubts about the man's guilt. But the courts and the governor either did not listen or did not hear. Did they think Florida couldn't make such a mistake? If so, what arrogance! Or did they simply wash their hands of it? If so, what shame!

Circumstantial evidence — and that's all the evidence there was — argued both for and against James Adams' guilt. Jewelry belonging to the murder victim was found in Adams' car, which had been seen earlier outside the victim's house. But had someone else borrowed the car, as he claimed? A witness who had seen someone fleeing from the house described a tall-

What senseless legalisms
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er, darker-skinned person with a clean-shaven face (Adams wore a mustache) and couldn't identify Adams at his trial. The most important evidence was a strand of hair found in the victim's palm. It didn't match Adams' hair, but nothing about it was made known to the defense until after the trial.

The governor and the courts may have satisfied themselves that this did not matter, but there is no possible excuse for the way they foreclosed Adams' last desperate appeal. In his case, for the first time, a panel of the 11th U.S. Circuit Court of Appeals had agreed to consider imposing new evidence that the death penalty is enforced in racially discriminatory fashion. No sooner had that court issued its 11th hour stay of execution than Attorney General Jim

Smith — acting, presumably, with the governor's approval — rushed lawyers to Washington to persuade the Supreme Court to dissolve the stay and let the execution proceed.

IT WAS A disgrace to Florida that they did that, and it was a disgrace to the nation when the Supreme Court agreed — 5-4 — to let Adams die before the lower court could decide the serious issue he had raised.

Though Adams happened to be black, the issue has more to do with the races of the victims in whose behalf Florida exacts its supreme penalty. Each of the five victims it has avenged under the 1972 law was white. Most of the 217 people remaining on Florida's death row are there for killing whites. Yet blacks are much more likely than whites to be murder victims. If the purpose of the death penalty is to declare society's respect for life, as Graham has said on several occasions, then why is white life so much more deserving of that respect?

The new evidence that Graham and Smith did not want the 11th Circuit to consider is found in a study produced at Stanford University last year which showed that people who kill whites are eight times more likely to be sentenced to death in Florida than people who kill blacks. Blacks who kill whites are more than twice as likely to be condemned as whites who kill whites.

ADAMS WAS the first black defendant from Florida to present that issue to the 11th Circuit. Indeed, the 11th circuit is still considering similar, though more detailed findings, in behalf of three Georgia defendants — one of whom was granted a stay by the Supreme Court itself. What senseless legalisms allow some to die and others to live while identical constitutional arguments are weighed?

It wouldn't have offended Florida's sovereignty to let Adams live a while longer so his racial discrimination appeal could be heard on its merits. Especially in light of the legitimate doubt as to his guilt, one can only be aghast that the governor and attorney general didn't welcome an opportunity to postpone his death a while longer. Why the bloodthirsty rush?

III b

Criticism of death penalty centers on victims' race

TALLAHASSEE — William Middleton sat with a shotgun in his lap and stared for a long time at Gladys Johnson, who was taking a nap on the sofa with her back to him. He kept thinking about killing her. When she stirred, he told police later, he fired a shotgun blast into the back of her head.

For that murder, William Middleton went to death row on Sept. 30, 1980. Though others may have gone to death row for murdering a black and a white together, a researcher found that Middleton was the first white person sentenced to death under that law for murdering solely a black person.

The death law was eight years old. More than 125 men were on death row at the time.

Middleton, 28, is still on death row at Florida State Prison, and he is in no imminent danger of execution. If his execution ever happens, it might make history, be-

THE LAW

NEIL SKENE



cause in the 60 years that Florida has been using that deadly three-legged chair, no white person has ever sat in it for killing a black person.

INDEED, relatively few men, black or white, are sentenced to death for killing blacks.

Although blacks are victims in 40 percent of the homicides in this state, only 10 percent of the 347 death sentences imposed in the last 11½ years were for killing blacks. Florida's 1972 death law was supposed to

Please see EXECUTIONS, 4-A

eliminate the "arbitrary and capricious" infliction of capital punishment that the U.S. Supreme Court condemned in *Furman v. Georgia*. At least four studies have concluded that the law has not succeeded.

"What we have now is no different from what we had prior to *Furman*," says Richard Greene, an assistant public defender in West Palm Beach. He represented James Adams, the black man who was executed last Thursday for the murder of a white rancher.

There is still race discrimination in the death penalty, according to death-penalty critics, but it is a different type. No longer do the statistics suggest discrimination because of the defendant's race, but they do suggest discrimination because of the victim's.

Blacks made up about 60 percent of the population of death rows in Florida and other states before the *Furman* decision in 1972. Blacks now make up about 40 percent of Florida's death row. Although blacks are less than 20 percent of Florida's total population, even critics of capital punishment acknowledge that blacks commit a disproportionate number of homicides.

But study after study has suggested that society persists in punishing the murder of whites more severely than it does the murder of blacks.

This claim was vividly illustrated by the execution of James Adams last Thursday. Adams, a black, was convicted of murdering a white rancher in St. Lucie County. He was the first black to die in Florida's electric chair in 20 years.

FOUR WHITE men had died in that chair since 1972. Like Adams, they were convicted of killing whites.

The string is likely to continue. Alvin Bernard Ford, who is likely to die in the chair on May 31, killed a white police officer. Carl Shriner, who seems to have reached the end of his appeals and might be executed soon, killed a white store clerk. Gary Alvord and J. D. Raulerson, two men whose executions could happen this fall, killed white people.

Attorney General Jim Smith says there could be 12 executions in Florida this year, but only one defendant, James Dupree Henry, who is black, seems in any danger of execution this year for killing a black person.

Continued

Race and the 'family quarrel'

The U.S. Supreme Court, however, has not been moved by the discrimination claims.

Last Wednesday night, by a 5-4 vote, the court apparently concluded that the evidence of discrimination is not strong enough to explore further. Although the court did not explain its decision, it let James Adams die.

Indeed, in case after case, courts have rejected claims that Florida's death penalty is applied in a discriminatory way. The claim was raised and rejected in 1978 in the case of John Spenkelink. With new studies in hand, lawyers raised the claim again in the case of Robert A. Sullivan in 1983. Again it was rejected.

STATE LAWYERS say the studies are faulty because they do not eliminate other, "non-racial" explanations for the statistics. As one state lawyer put it, "Not that many blacks are killed in situations that have death penalty stamped on it."

Then-Attorney General Robert Shevin, after surveying state attorneys around the state, argued in the Spenkelink case that homicides with black victims generally are "family quarrels, lovers quarrels, liquor quarrels, barroom quarrels."

Shevin also said that prosecutors' discretion in deciding the charge against a defendant could also explain the results, and that those decisions could well be based not on a defendant's race but on the strength of the evidence. Moreover, he said, murders of white victims for some reason tended to be more violent, and they therefore were more deserving of death sentences.

The U.S. Court of Appeals for the 5th Circuit bought the argument. Besides, said the court, even if the studies are accurate, there would be a "myriad of difficult problems, legal and otherwise," if federal courts delved into Florida's sentencing process in the way Spenkelink was suggesting. So Spenkelink went to the electric chair.

WHEN SULLIVAN and Adams raised the same claims with new studies, Attorney General Smith's lawyers made the same defense. The studies "did not present a sufficient preliminary factual basis for relief," said Russell Bohn, the assistant attorney general who won the Adams case. "They didn't take into account at all a lot of variables that are factors in many cases."

Sullivan, who was white, lost quickly. He was executed the next day.

In Adams' case, two judges on the U.S. Court of Appeals for the 11th Circuit, which now handles appeals from Florida, granted a stay so the court could ponder the discrimination claims. But Bohn went to the Supreme Court, and the stay was overturned.

So Adams died, too.

Many studies, one result

The preponderance of people on death row for killing whites was first noticed by University of Florida Law Professor Stephen D. Stitt and Jacksonville paralegal Kay Isaly as they worked on the Spenkelink appeal in 1977. There were 114 men on death row then, and 94 percent of them had killed white people.

More studies followed. Professor Linda Foley of the University of North Florida studied every indictment for first-degree murder in 21 counties between 1972 and 1978. "Males and offenders accused of murder of a white victim were . . . much more likely to receive the death penalty than females and those accused of murder of a black victim," Foley concluded.

(Only two women have ever been sentenced to death in Florida; one had the sentence overturned on appeal, and the other has not gotten a decision on her appeal. No one on death row, however, has ever raised a sex-discrimination claim.)

Foley "eliminated as a possibility" two of the non-racial explanations relied on by state lawyers in the Spenkelink case — the greater involvement of blacks in fighting and drinking and the reduced likelihood that blacks are murdered during a related felony, such as robbery.

PROFESSOR Michael Radelet of the University of Florida said part of the problem is with initial decisions by prosecutors. People who murder whites are more likely to be indicted for first-degree murder — the only type of murder for which the death penalty is available. In a separate study, he concluded that the Florida Supreme Court, which automatically reviews all death sentences, has not reduced racial disparity in capital sentencing and in fact has enhanced it somewhat.

But the most thorough study was by law professor Samuel R. Gross and psychology professor Robert Mauro of Stanford University. It was finished last October, just before Sullivan's execution. In Florida, they found, people who kill whites are eight times as likely to get the death penalty than people who kill blacks. And with a sophisticated computer program, they claimed to have ruled out the "non-racial" explanations put forth by state lawyers.

Still, the state resists. There may be a lot of studies, says Assistant Attorney General Bohn, but "they're all walking in each other's footprints, without breaking any new ground. That's the problem they've got right now."

He adds, "What more evidence are they going to bring? . . . Even in something as grave as the death penalty, there comes a point where you have to say, 'Enough.'"

Florida vs. Georgia

Only once has a court thought the evidence worth pursuing. That was the three-judge panel of the 11th Circuit, which granted Adams a stay of execution last Tuesday afternoon so it could consider his race-discrimination claim.

"The only thing we can say with confidence," the judges wrote in a 2-1 decision, "is that the state of the law with respect to these issues is unsettled."

What bothered the judges is that three executions in Georgia had been stopped on the same basis that Adams was trying to stop his. Indeed, one of those three executions had been stopped not by the 11th Circuit, which has enough liberal judges to accomplish such things, but by the U.S. Supreme Court, whose impatience with death-penalty appeals is legendary.

In the principal Georgia case, a three-judge panel of the 11th Circuit ordered a new hearing on inmate James Lee Spencer's claim that Georgia's death law discriminates. The basis for that ruling was a study by University of Iowa Law Professor David Baldus. It was far more detailed than Gross and Mauro's but likewise concluded that Georgia condemns killers of whites far more frequently than killers of blacks.

The 11th Circuit complained that the federal district judge who first considered Spencer's claim "rejected the Baldus evidence out of hand" because it "left untouched countless racially neutral variables." The appeals court added that the judge could not have adequately analyzed the study because it had no written study, only Baldus' testimony.

THE COURT is now considering another case in which the district judge did undertake a detailed analysis and rejected the study as inadequate. But accepting a case for consideration and ruling that the death penalty is discriminatory are two entirely different things.

Gross and Mauro suggest that the courts will avoid such a ruling because of the terrible problem of finding a remedy. Courts would have to overturn all death sentences, just as they did in 1972 after *Furman*. (And in 1972, public opposition to capital punishment was at an all-time high, while now the public overwhelmingly supports capital punishment.)

Indeed, the Stanford professors suggest that the courts would have to confine their decision to death cases, on the theory that "death is different" from other punishments, or else the entire criminal-justice system would have to be reorganized. Discrimination, after all, happens in all types of criminal cases, they said.

What bothers Florida opponents of the death penalty is something quite different. It was simply unfair, they say, for the courts to stop the Georgia executions and let the Florida executions proceed.

"They can't do that," said death-penalty opponent Scharlette Holdman after the Supreme Court ruled against Adams. With satirical pride, she added, "We're as racist as Georgia ever was."

II c

SUNDAY, MAY 13, 1984

Do away with discrimination in jury selection

TALLAHASSEE — We could forgive Robert Swain for suspecting racial prejudice at his trial. He was a black man, convicted of rape and sentenced to death by an all-white jury. Eight blacks were in the courtroom to serve on his jury, but two were exempt from jury duty and six were dismissed by the prosecutor.

This was Talladega County, Ala., and it was the early 1960s. Not only were there no blacks on Swain's jury, but there had been no blacks on any jury in that county for a dozen years. That was not enough to prove race discrimination, though — not as far as the U.S. Supreme Court was concerned. Swain had not proven that it was the prosecutors' fault that blacks were always excluded.

"The presumption in any particular case must be that the prosecutor is using the state's challenges to obtain a fair and impartial jury to try the case before the court," wrote Justice Byron White. Besides, the system of peremptory challenges — dismissing potential jurors without giving a reason "has very old credentials."

A LOT of discrimination has faded away in the 19 years since the Supreme Court ruled against Robert Swain. Back then, the South was closing down its municipal pools rather than let blacks swim with whites, and "freedom of choice" was considered a drastic means of integration.

But the law on peremptory challenges has not changed.

Everybody knows jurors are excluded because of their race, but there's an institutional pretense that everyone is honorable.

The result: All-white juries acquit white police officers accused of killing black businessman Arthur McDuffie and black ghetto youth Nevell Johnson. An all-white jury convicts black Dade School Superintendent Johnny L. Jones of grand theft in the famous "gold-plumbing" case. A jury with one black and five whites is seated in the trial of Jones' accessory, black school principal Solomon Barnes, but only after the trial judge rejected an all-white jury and required jury selection to start over. Barnes was convicted.

Maybe the verdicts reflected the truth. But when the juries are stacked, people can't be expected to have confidence in their conclusions.

Not even the courts can pretend any longer that justice is being done.

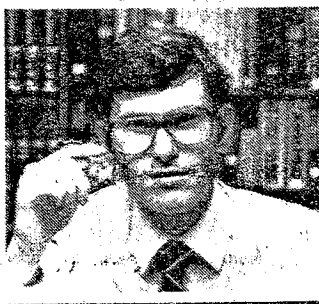
In the words of Judge Wilkie Ferguson of the 3rd District Court of Appeal, the peremptory challenge has been elevated "to a position of such jurisprudential eminence that it now transcends the right of any minority group not to be systematically excluded from participation in the administration of criminal justice."

Yet Florida courts are still following the standard set two decades ago in the Swain case: A defendant has to prove systematic exclusion of blacks, case after case, to win a new trial.

Finally, however, the Florida Supreme Court has the chance to give blacks a little more assurance that justice is for everybody. The justices are considering the case of Jack Neil, convicted of second-degree murder for killing a Haitian immigrant in Miami. Three out of four blacks called for jury duty in the case were excluded by the prosecutor; the fourth became an alternate juror but never took part in the deliberations.

FLORIDA

NEIL SKENE



NEIL'S LAWYER, Paul A. Louis, was more flamboyant than helpful during oral arguments at the court on Friday. He gave such roundabout answers to the justices' questions that the justices several times impatiently provided him with the right answers.

The state's lawyer, Assistant Attorney General Diane Leeds, clung to the tradition of peremptory challenges. Once she argued that the standard set in the Swain case is not "really that hard a standard to meet," then tried to make an incredibly tedious process sound simple: Look up each Dade prosecutor on the county computer, find which cases he handled, check court records of the jury pools, get voter registration records to discover race. Put that all together, and you prove systematic exclusion.

"Just because it has not been met in many cases does not mean it cannot be met," she said. The fact is that the standard has been met in only two reported cases in 19 years, and both cases were from the same parish in Louisiana at about the same time.

Jesse McCrary, a black Miami lawyer who once served as Florida's secretary of state, handled the rebuttal for Jack Neil. He was direct: Whatever the tradition might be, "on the basis of race, you cannot discriminate against black people."

Justice Leander Shaw, the only black justice, and Justice Parker Lee McDonald seemed firmly on Neil's side. Justices Raymond Ehrlich and Ben Overton also seemed inclined to support some change in the old tradition.

Chief Justice James E. Alderman and Justice James C. Adkins and Joseph Boyd seemed inclined to cling to the old system.

But four votes is all it takes on that court. If oral arguments are any indication, Florida may soon have a strong, workable policy against jury discrimination.

It's about time.

Neil Skene is Tallahassee bureau chief for the St. Petersburg Times.

III d

Tallahassee Democrat/Sun., May 13, 1984

OPINION

OUR VIEW

The editorials below represent the opinion of this editorial board.

Carrol Dadisman, publisher
Walker Lundy, executive editor
Bill Mansfield, editorial page editor
Ed Sherer, associate editor
Betsy Robertson, associate editor
Susannah Yordon, associate editor
Bill Fuller, managing editor

Death penalty

Race still factor in sentencing

The state of Florida electrocuted James Adams last Thursday morning for the 1973 murder of Edgar Brown, a St. Lucie County rancher.

Brown was white, wealthy and a long-established resident of Ft. Pierce.

Adams was poor, black and had no ties to the rural area where the crime occurred.

In Florida, as a recent study indicates, those profiles paired together in a homicide case meant that once Adams was arrested for Brown's murder, he was almost surely headed for the electric chair.

Adams, the first black to be executed in Florida since 1964, received a temporary stay of execution Tuesday from the 11th U.S. Circuit Court of Appeals in Atlanta. In their brief, his attorneys presented new evidence, which indicated that a key witness in his trial lied, and cited recent studies, which revealed that convicted murderers are more likely to be sentenced to die in Florida if their victims were white instead of black.

Clearly, the evidence and studies merited more investigation before Adams was sent to his death. Yet despite compelling reasons to halt the execution, Florida, with approval of the U.S. Supreme Court, coldly set about the job of killing a man whose guilt was questionable.



James Adams, also a victim

Continued

Studies reveal bias

In research published last year, Stanford University Professors Samuel Gross and Robert Mauro studied the homicides committed in Florida between 1976 and 1980. In their findings, the researchers concluded: "Those who kill white people are significantly more likely to be sentenced to death than those who kill black people — regardless of the surrounding circumstances." A 1981 study at the University of Florida supports this finding, and a study of homicides in Georgia found a similar situation there.

In 1972, the U.S. Supreme Court ruled in *Furman vs. Georgia* that death-penalty laws then in existence violated the Eighth Amendment prohibition of cruel and unusual punishment. The court said "arbitrary and capricious" standards were used in determining who lived and who died — and that all too often blacks and poor defendants were the first to be condemned.

Following the *Furman* ruling, Florida passed a law designed to exclude race as a factor in death-penalty cases. Murder trials were split into two phases: the first to determine guilt or innocence, the second to pass sentence.

In deciding whether to impose the death penalty in capital cases, Florida juries now weigh aggravating circumstances, such as past criminal record or whether the death occurred in commission of another felony, against any mitigating circumstances, such as mental condition and age.

"The race of the defendant or victim is not supposed to affect the outcome. As the law works now, however, killing a white person becomes a de facto aggravating circumstance. Such discriminatory application of any law — particularly a law used to sentence people to death — is intolerable.

In their appeal for his life, Adams' lawyers also raised 11th-hour doubts about his guilt with these facts:

- Willie Orange, the only person to positively identify Adams as the man leaving the murder scene, testified that he didn't know Adams before seeing him the day of the murder. Yet before the trial, Orange told three people he wanted revenge because he believed Adams was having an affair with his wife. Recently, Orange failed a polygraph test about his testimony.

- A witness who was near Brown's house shortly after the murder saw a man leave but was unable to identify Adams as that man, both in a police line-up and at the time of the trial.

- In his closing statements to the jury, the prosecutor emphasized that Adams — a black man — had been convicted of raping a white woman in Tennessee in 1962. Tennessee law at that time worked to systematically exclude blacks from juries and Adams was convicted, on the strength of the woman's testimony, by an all-white, all-male jury.

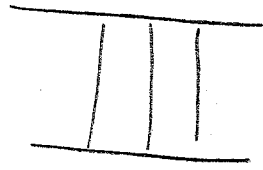
Guilt in doubt

Perhaps James Adams was guilty as charged of so brutally beating Edgar Brown with a fire poker that Brown died the next day. But it is doubtful now that we'll ever know whether the new evidence about Adams' trial had merit. We won't *finally* know if the facts pointed to a gross miscarriage of justice or if they were only presented by lawyers desperately trying to save a life.

But even if Adams was the man who killed Edgar Brown 10½ years ago, he died Thursday more because his victim was white and wealthy than because of the crime he committed. If Adams had killed a black man, statistics show, the chances are that he would be alive today.

Far from being an evenhanded punishment or deterrent, imposition of the death penalty is merely a dice roll, loaded against those whose victims happen to be white instead of black. No matter how they regard capital punishment, no Floridians can be proud of that.

And regardless of how the law is written, an execution always carries with it the risk that an innocent man will be killed.



Summary of "Patterns of Death:
An Analysis of Racial Disparities
in Capital Sentencing and
Homicide Victimization"

(By Professors Samuel R. Gross and Robert Mauro, Stanford University, Pre-publication draft, October, 1983.)

Conclusion

Racial discrimination continues in the imposition of the death penalty under Florida's post-Furman statute. The discrimination is based on the race of the victim, and it is a remarkably stable and consistent phenomenon. Those who kill white people are significantly more likely to be sentenced to death than those who kill black people -- regardless of the surrounding circumstances.

Methodology

Gross and Mauro studied all homicides in Florida that occurred during 1976-1980. Their data were drawn from two sources: Supplemental Homicide Reports (SHR's) filed with the FBI and Death Row U.S.A., a periodic publication of the NAACP Legal Defense and Educational Fund. They analyzed data on 3,501 homicides and 130 death sentences. Their study took into account: (1) sex, age and race of the victim; (2) sex, age, and race of the suspect or defendant; (3) date and place of the homicide; (4) weapon used; (5) commission of any separate felony accompanying the homicide; (6) relationship between victim and suspect or defendant.

Categories of Homicides

In addition to race of the victim, the study examined six non-racial factors to determine if these factors -- rather than race of the victim -- influenced the decision to impose death. The factors were: (1) commission of a homicide during the course of another felony; (2) killing of a stranger; (3) killing of multiple victims; (4) killing of a female victim; (5) use of a gun, and (6) geographical location of the homicide.

(1) Felony

Of felony homicides with white victims, 27.5% resulted in death sentences. Of felony homicides with black victims, 7.0% resulted in death sentences.

Of non-felony homicides with white victims, 1.5% resulted in death sentences.

Of non-felony homicides with black victims, 0.4% resulted in death sentences.

* A person killing a white victim was four times more likely to be sentenced to death than a person killing a black victim.

(2) "Stranger"

Of the "stranger" homicides involving white victims, 14.5% resulted in death sentences.

Of the "stranger" homicides involving black victims, 1.2% resulted in death sentences.

* When the victim was a stranger, a person killing a white victim was twelve times more likely to be sentenced to death than a person killing a black victim.

(3) Multiple victims

Of the multiple victim homicides involving white persons, 20.4% resulted in death sentences.

Of the multiple victim homicides involving black persons, 11.1% resulted in death sentences.

* When multiple victims were present, a person killing white victims was two times more likely to be sentenced to death.

(4) Female victim

Of the female victim homicides involving white victims, 10.8% resulted in death sentences.

Of the female victim homicides involving black victims, 1.6% resulted in death sentences.

* A person killing a white female was eight times more likely to be sentenced to death than a person killing a black victim.

(5) Rural

Of rural homicides involving white victims, 8.5% resulted in death sentences.

Of rural homicides involving black victims, 0.7% resulted in death sentences.

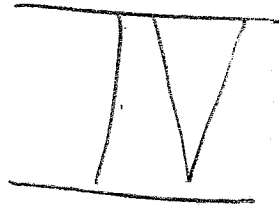
* When the homicide occurred in a rural area, a person convicted of killing a white person was twelve times more likely to be sentenced to death than a person killing black victims.

(6) Guns

Of the "use of a gun" homicides involving white victims, 5.3% resulted in death sentences.

Of the "use of a gun" homicides involving black victims, 0.7% resulted in death sentences.

* A person killing a white victim was nearly eight times more likely to be sentenced to death than a person killing a black victim.



POST-FURMAN DEATH SENTENCES IN FLORIDA

347 death sentences have been imposed under Florida's post-Furman law. 342 of those were for murder, and 5 were for the rape of a minor.

Only 2 of the 347 death sentences were imposed upon a woman.

Of the 342 death sentences for murder, 200 have been imposed upon white defendants, and 142 upon black defendants.

Of the 342 death sentences for murder, only 36 have been imposed on defendants who killed black victims. 31 of the 36 defendants condemned for the death of black victims were themselves black.

46 minors have been sentenced to death under Florida's current law. Their ages at the time of the crime are as follows:

15 years old	2
16 years old	2
17 years old	5
18 years old	7
19 years old	13
20 years old	17

In 85 cases, trial judges have overridden jury recommendations, and have imposed death sentences despite a jury vote for life imprisonment.

Death sentences for murder have been imposed by year in Florida as follows:

1972	1
1973	11
1974	26
1975	29
1976	32
1977	29
1978	36
1979	30
1980	34
1981	30
1982	40
1983	39
1984 (as of 3/1/84)	4

The Florida Supreme Court has made decisions on direct appeal in 247 death penalty cases. The dispositions of those cases follow:

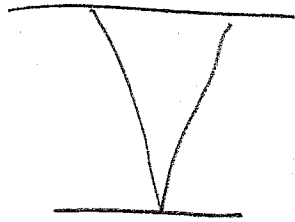
affirmed	131
reduced to life	46
new trial	35
new sentencing	33
reduced to second degree or dismissed	2

Six men have received executive clemency. Two have died natural deaths, and three have committed suicide while on death row. John Spenkelink, Robert Sullivan, Anthony Antone, and Arthur F. Goode, III were executed under the present law.

75 death warrants have been signed under the post-Furman law, 1 by Governor Askew, and 74 by Governor Graham. The number of death warrants signed per year is as follows:

1977	1
1978	-
1979	6
1980	6
1981	10
1982	23
1983	20
1984 (as of March 1)	8

209 persons are currently under sentence of death.



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THE COURT: Thank you.

Thereupon, the defendant herein, further to maintain the issues on his part to be maintained, called as a witness DOCTOR DAVID TAUBEL, who, being first duly sworn, was examined and testified upon his oath as follows:

THE WITNESS: Judge Lee, could I --

THE COURT: Doctor Taubel has asked whether he can tape his own testimony.

MR. SATZ: He can tape his own testimony?

THE COURT: For his own personal use whether he can.

THE WITNESS: I made no written report and therefore I have no record of my own information.

MR. SATZ: Other than being an unusual request, I have no objection, Your Honor, and I understand.

THE COURT: No objection, Doctor. Go right ahead.

THE WITNESS: It is a little unusual and I appreciate it very much. It will take a few seconds here to get my Japanese invention working.

THE COURT: Ready to proceed?

MR. ADAMS: Is it working, Doctor?

THE WITNESS: It's working.

DIRECT EXAMINATION

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BY MR. ADAMS:

Q Doctor, you are a medical doctor licensed and with a specialty here in the State of Florida, am I correct?

A Yes, that's correct, Mr. Adams.

Q Have you testified before in this courthouse?

A Yes, many times.

Q As much as a hundred times?

A I'd say in excess of that, Mr. Adams, yes, sir.

Q With regard to your specialty of psychiatry?

A Yes, that's right.

MR. ADAMS: Your Honor, this being a different proceeding, I can go ahead and lay the predicate.

MR. SATZ: That is not necessary, Your Honor. Whatever Mr. Adams wants to offer him for, fine.

THE COURT: I know Doctor Taubel. I know we all do, and as far as I am concerned he is qualified as an expert in the field of psychiatry.

MR. ADAMS: I would submit him as one.

THE COURT: I so instruct the jury the Doctor is an expert in the field of psychiatry. State your full name, Doctor.

THE WITNESS: Yes, David E. Taubel.

MR. ADAMS: Thank you, Your Honor.

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THE COURT: Yes, sir.

Q Doctor Taubel, how long have you been practicing your specialty of medical practice?

A Twenty-four years, Mr. Adams.

Q How long here in Broward County?

A In Broward County, eighteen years this coming March.

Q Did you have an occasion to interview and perhaps reach some conclusions in the form of a psychiatric profile on a young man who you see here in the courtroom, Alvin Ford?

A Yes, I did.

Q Was that at my request?

A Yes, it was, Mr. Adams.

Q Will you tell these folks of the jury when you saw him and for approximately how long?

A I saw him on this past Saturday. Saturday afternoon, I spent three to three and a half hours talking with him here in the Broward County Jail.

Q When you mentioned earlier your request to tape your testimony, I assume then that there has not been a written report prepared yet?

A No, I have, of course, my handwritten notes which are just about illegible to anyone but me but I have prepared no written report, and in fact I have never been

1 actually asked to do this type of an evaluation and this type
2 of psychiatric profile, which is why I am particularly interested
3 in perhaps having some record of it to review and reflect upon
4 myself.

5 Q Doctor, you understand, having been here in our
6 county about eighteen years and testified more than a hundred
7 times, that we are not involved in this instance in insanity
8 as an issue in a trial?

9 A Yes, sir, I understand that.

10 Q And when you mentioned the word, and I repeated
11 it back, of course, psychiatric profile; what is that? Will
12 you tell these folks what you mean by that?

13 A We mean it is essentially an evaluation of the
14 individual in terms of his functioning in life, his goals, his
15 purposes, his directions, an understanding of how he is, what
16 he is, and why he is, what he is, and how one can understand the
17 life style and the behavior and the attitudes of the individual.

18 The term, I guess, was coined fairly recently
19 when there had been constructive uses of this type of analysis
20 of people in attempting to understand and predict what their
21 motives and behavior may be.

22 For example, psychiatric profiles are sometimes
23 constructed on information alone, say, on foreign leaders,
24 in an effort to understand what they are thinking maybe, and
25 how they may act in the future, so that our leaders can deal

1 a bit more intelligently with them.

2 Q Thank you, Doctor. With regard to this profile
3 and the opportunity you had to talk with this young black man,
4 would you tell the jurors exactly what you talked about and
5 what you learned, and if you reached any conclusions that you
6 can relate to them with some certainty in your own field?

7 A Yes, sir, I'd be very happy to. It's a
8 privilege to tell you, honestly, to do this. We are fortunate
9 to have a different new law so that it is a little more informal
10 than it may have been in the past. That I respect because
11 this is the type of testimony that a psychiatrist likes to give
12 because I feel that I can tell you more of what my specialty
13 can understand and arrive at and not be tied to specific rules
14 and questions of procedure in a courtroom.

15 Let me begin by telling you that Alvin Ford
16 knew why I was talking with him; what I planned to do; that I
17 wanted to learn all I could about him and that I might, I might
18 not, depending upon his attorney's wishes testify in this
19 fashion. He was cooperative entirely. I cannot vouch for the
20 accuracy of everything that he told me. I have no way of know-
21 ing whether he may have told me some lies or whether he told
22 me some truths, but in general it was my impression that most
23 of what he told me was truthful.

24 There were a few areas where he specifically
25 asked not to be questioned and I respected his wishes not to be

1 questioned. Here, Alvin Ford is a twenty year old black man
2 and you know from your sitting here and listening for many days
3 now many things about him. You know many things about him that
4 I don't know. I know some things about him that you don't know
5 and these are the things that I think I'd like to share with
6 you. Forgive me if at times I am saying things about things
7 that you know and I do not because I'd have no way of knowing
8 that.

9 He is the oldest son in a family of six, a
10 black family of perhaps better than average ability and more
11 drive for success and achievement than I would estimate the
12 average black family to have had. He has a sister, an older
13 sister, who is a registered nurse. His mother finished, he
14 believes, the eleventh grade and then got further in school by
15 going to night school, and is now working in some nursing
16 capacity. I mention these things. They show some initiative.

17 He is the oldest son; had felt responsibility
18 in the family for many years. The father he described as an
19 alcoholic, mean, belligerent, didn't get along well with any
20 members of the family but was at times a fairly good provider.
21 He worked as a cement finisher, sometimes drove a truck, and
22 did provide income, but there was no good relationship between
23 Alvin Ford and his father, although he tried working with him
24 for a while.

25 Alvin Ford felt responsibility for the younger

1 children and he tried to help financially and worked through
2 his high school years, first as a dishwasher and then as a cook
3 in a local restaurant, in Bradenton, near his home in Palmetto.

4 He did fairly well in school. I don't know
5 what his school grades were. He did not remember too well.
6 He was rather vague about it. He was on a championship high
7 school team, played defensive back, although he was a small
8 boy, weighed about 140 pounds, about five foot nine inches.

9 After finishing high school, he worked at a
10 Red Lobster Restaurant and apparently did sufficiently well
11 and was thought well enough of that he was placed on what was
12 called the opening team, and this was a group of employees
13 of the Red Lobster chain who would travel around through
14 Florida, Georgia, and perhaps other neighboring states, to open
15 restaurants and to train the new personnel that would be coming
16 in to operate the new restaurants in the franchise. He did
17 this for quite sometime. He felt that this was sort of an
18 honor to be on that team at such an early age.

19 He had one brush with the law. When he was
20 a teenager, he was placed on probation for four years for being
21 involved in stealing some auto parts. How much involved he was,
22 I did not learn, but he was placed on probation. The stealing
23 of auto parts had to do with his hobby at that time which was
24 refurbishing cars, building racing cars, things that boys
25 apparently do with automobiles and engines, et cetera.

1 He was sufficiently good at his job with the
2 Red Lobster chain that a man whom he knew through that chain
3 invited him to Gainesville to help open a restaurant there
4 known as the Italian Fisherman. I have eaten in the restaurant
5 several times and he must have been the assistant manager there
6 at that time when I was visiting my daughter in Gainesville,
7 and it was a well run restaurant with reasonably good food,
8 but he went there and he worked for perhaps as much as two years
9 as assistant manager. He worked very hard often even there
10 two to three o'clock in the morning, but had an awful lot of
11 trouble in managing things. He had trouble putting the cash
12 register receipts together. He had to reconcile two cash
13 registers with another one. The paperwork, the bookwork, the
14 pressure of that hassle of the job just began to get to him.
15 He felt he couldn't handle it. He was making \$190.00 a week
16 and two percent net profits commission. Pretty good pay, I
17 thought, and he thought, too, for an eighteen year old black
18 man in Gainesville. Pretty good pay, but he quit the job
19 because he couldn't handle it.

20 I am going to digress a little bit because I
21 wondered why he could not handle it so I went off into another
22 aspect of the examination later, but I want to explain to you
23 why I think he couldn't handle the job. He is an intelligent,
24 bright man, Alvin Ford is, but I think he has minimal brain
25 damage, something that you read about in the newspapers called

1 Dyslexia. He cannot handle numbers. I asked him how much was
2 six times seven. He said, "That's forty-nine."

3 All right. "Tell me how much is four times
4 eight?"

5 "That's twenty-four."

6 He should know this. Third grade student,
7 fourth grade student would know his multiplication tables by
8 rote and he is a bright man. He did not know them. He made
9 obvious mistakes.

10 I asked him then to subtract a series of
11 numbers. Serial sevens we call it. Start at one hundred, sub-
12 tract seven. Subtract seven from your answer, ninety-three,
13 down to eighty-six, down to seventy-nine. You can all do this
14 in your head and the average person will do it with probably
15 not a mistake, maybe one mistake. He got four consecutive
16 correct answers coming down the line and then asked me, "Did
17 you say six or seven?" He had been subtracting seven all along.

18 I said, "Seven."

19 Then he went ahead and subtracted seven a
20 couple of times and then he added and subtracted six and got a
21 couple of wrong answers, got flustered, finally straightened
22 out, and went along.

23 I asked him if he was right or left handed
24 because left-handedness, the mixed handedness is often present
25 in people with Dyslexia. He said he thought he was kind of both;

1 that he could write with both his left and his right hands.
2 He tried to write with his right hand for me but his fingernails
3 were so long he couldn't grip the pen and got flustered and
4 could not go any further doing this. In fact, this was the one
5 time he really got frustrated during the examination and
6 wouldn't go ahead, wouldn't cooperate when he was asked to
7 deal with writing in numbers. I think this is the explanation
8 for the problem that he had in dealing with this good job up
9 in Gainesville.

10 He cannot handle writing and numbers, although
11 he is otherwise a bright young man and his employers must have
12 thought so. He left the job. He got a job in a paint store,
13 in Gainesville; worked there as a salesman for a while; didn't
14 think it was enough responsibility. He had been used to a lot
15 more. He quit the job.

16 Florida Employment sent him around on a few
17 other jobs. He again did not think it was enough responsibility
18 and wasn't paying as much as he had been getting at the Italian
19 Fisherman.

20 Then he was sent to Raiford for a job as a
21 correctional officer, or a guard. He wasn't sure whether he
22 should put on his application the fact that he was on probation
23 for a theft in Palmetto. So he spoke with his probation
24 officer. The probation officer said, "Yes, put it down on the
25 application. They may accept you."

1 They did accept him and he worked as a prison
2 guard. He liked the work. He liked it sufficiently that he
3 wanted to go into corrections work and he enrolled at the Santa
4 Fe Junior College, in Gainesville, to begin this summer in a
5 course that is leading to be a correction officer. He was
6 pleased. He was accepted. He purchased his books for his
7 courses and about this time his automobile began breaking down.
8 He had to ride fifty miles from Gainesville to Raiford, each
9 way, for the job, and he couldn't make it to the job sometimes
10 and his superior there, a white man, said that, "You are putting
11 on. You are faking. You just don't want to come to work."

12 This got him mad because he did want to go to
13 work. He thought he had been trying hard. So he quit the job.

14 Now he didn't have a job. He didn't have any
15 money; he couldn't go to the Junior College. He began feeling
16 depressed.

17 Now, he had felt depressed a little bit in
18 the past and wasn't sure exactly what feeling depressed was like
19 but when he was working at the Italian Fisherman, he bought
20 a life insurance policy on himself and made it payable to his
21 mother. This is unusual for an eighteen or nineteen year old
22 man of any color, who is not married, to buy a life insurance
23 policy payable to his mother, unless he is in the service
24 when you are more or less advised to do this. But he did.
25

 But then, after losing the job, he began to

1 feel depressed, restless. He didn't know quite what was wrong
2 with him. He thought maybe he ought to die and even commit
3 suicide. This was in the back of his mind.

4 Then a rather strange thing happened. He
5 didn't recognize it as strange but I sure recognized it as
6 strange. This man's behavior pattern suddenly reversed itself
7 and instead of being an essentially responsible person who
8 worked hard, long hours, was rewarded with good pay and respon-
9 sible jobs, he suddenly became a real fat cat in Gainesville.
10 He is swinging. Man, but is he swinging. He is going horse-
11 back riding in the morning. Now, that is a bit unusual.
12 He's got a lot of girl friends. Doesn't have any men friends,
13 except one man at the University of Florida that he is close
14 to, but women, horseback riding, cars, out all night, spending
15 a lot of money.

16 He is acting, I said to myself -- he didn't
17 say this to me -- he is acting as if he were eating, drinking,
18 and being merry for tomorrow you may die. He is acting as
19 irresponsibly as all get out.

20 He is on cocaine. He meets some fellows up
21 there who are dealing cocaine. He starts snorting cocaine.
22 He doesn't drill it in his vein because he is scared to death
23 of needles. He wouldn't even let a doctor put a needle in his
24 arm, let alone put a needle in his own arm. He sniffed heroin
25 a couple of times but that doesn't do much good to sniff.

1 You got to drill. But he did sniff cocaine and that made him
2 feel better. It made him feel high. It stimulated him. He
3 did not feel depressed.

4 He went on living this recklessly high life
5 with the friends who were involved in cocaine. He made money
6 and he spent money and he got involved in robberies. He got
7 involved in the robbery that you heard about down here.

8 What you didn't hear about, and what he just
9 told me, incidentally, is a few days before the robbery here
10 about which you know everything and I know very little, he
11 tried to buy a \$25,000.00 insurance policy on his life from
12 Willie Clemons, an insurance agent in Palmetto, making the
13 policy payable to his mother for the support of his brothers
14 and sisters.

15 After he had asked to buy this policy, he gave
16 a premium payment to the agent and he told me he talked with
17 the agent a lot to try and find out how you could collect on
18 this policy. He didn't know whether the agent knew what he was
19 talking about but he did ask him. Well, he found out that
20 suicide -- you couldn't collect on the policy if you committed
21 suicide. The policy would be no good; that he'd have to have
22 a natural death in order to collect on that.

23 Well, he didn't know exactly how he could
24 work out or do something about a natural death but it was in
25 the back of his mind that somehow or other that is how he

1 was going to have to work it out. It would have to be a natural
2 death in order for that \$25,000.00 to go to his mother.

3 He didn't know at the time that he was here
4 at the robbery that the agent had not placed the policy. He
5 learned later from his mother that the agent had returned the
6 premium and given it to his mother who had used it for other
7 expenses, but at the time he was here he thought the policy
8 was in effect.

9 The fact that he was depressed may have been
10 shown by a referral from a vocational rehabilitation counsellor
11 in Gainesville to a psychiatrist. He didn't remember the name
12 of the psychiatrist but he described the building in which he
13 was located. This is fairly standard if the counsellor thinks
14 that there is some kind of an emotional problem. He had gone
15 to vocational rehabilitation asking for some possible financial
16 assistance, so he would pay his tuition and get into the school
17 at Santa Fe, and the psychiatrist had said -- he thinks the
18 psychiatrist said, "Well, you are depressed but that's all.
19 The only problem there is," and had written a letter to the
20 vocational rehabilitation counsellor.

21 One last thing. How did he act after the
22 robbery and after the shooting? This is what he told me.
23 I asked him, "Did you think of escaping? Did you think of
24 assuming a disguise, of going somewhere? Did you realize
25 that lots of people get away with crimes in this country and

1 are never caught? You can go to Mexico, the Bahamas. You can
2 become a farmer in Kansas. Who knows? There are lots of places
3 you can go where nobody is going to catch you. Did you think
4 of doing this?"

5 No, he hadn't even thought of it.

6 "What did you think of doing?"

7 "I went home to see my mother."

8 He drove to Palmetto to see his mother. She
9 was working, so, instead, he saw his girl friend, visited for
10 a short while, went to Gainesville, where he was arrested at
11 his apartment in Gainesville.

12 I asked him why. "Did you not think that the
13 police would surely believe you were in one of these two places,
14 the most likely place to look for you in one of your two homes?"

15 Yes, he did not care. He didn't care. I
16 asked him another question. I said, "How do you feel right
17 now, Saturday afternoon? Last Saturday afternoon, the trial
18 going on. How do you feel right now compared to the way you
19 felt when you were depressed?"

20 "I feel fine."

21 "You are okay now?"

22 "Yes, I feel fine. Man, I really feel good."

23 Okay. I guess maybe I didn't look too good
24 because I shook his hand and I said, "Alvin, you have been
25 very cooperative." I said, "I want to tell you what I am going

1 to say to the jury if I'm asked to say to the jury. I think
2 you ought to know. You spent three and a half hours with me.
3 You ought to know what I'm thinking."

4 So I told him just what I am describing for
5 you today and when I was finished, I shook hands and said
6 goodbye, and he said, he said, "I'm fine, Doc. Don't worry
7 about me. I'm just fine," and we parted that way. Oh, he said,
8 "You're a nice man, Doc. Don't worry about me."

9 That's the way Alvin Ford has been. That's the
10 way he's lived.

11 My evaluation of it: He comes from a family
12 that is overstriving beyond their means to achieve and accomplish.
13 He took the father's role as a young man, became the responsible
14 male in the family. One has to realize that in the black
15 culture a responsible male is not the same thing, is not as
16 common as in the white culture, by any means, but he took that
17 role. He wanted the role. He accepted it. He did quite well
18 in it but he didn't have all the ability to handle it because
19 he has, I think, a Dyslexia, and he can't handle the arithmetic.
20 He can't handle the reading and writing as adequately as a man
21 of his intelligence or as adequately as a man would have to do
22 in the type of jobs that he tried to handle, that he aspired to.

23 He became frustrated at progressive failures
24 that he couldn't handle. He didn't understand why he couldn't
25 handle things. He got more frustrated, more angry, got depressed

1 and pretty soon he acted as a man who wasn't going to live
2 much longer and said, "Well, the hell with it. Eat, drink and
3 be merry for tomorrow I will die," and from that point on his
4 life led to the conclusion that we see in this courtroom.
5 That is the way I see his life.

6 Q Doctor Taubel, one last thing. What about a
7 hope or the future of Alvin Ford?

8 A You would want me to say what --

9 Q If you can.

10 A Well, I wouldn't want to say what my personal
11 feelings would be. I want to be a psychiatrist, a professional.
12 Is there a possibility of rehabilitation of this man; is that
13 what you are asking? Yes, I would say that the man has potential
14 for rehabilitation. That is a guarded opinion. It would have
15 to be over many years but he does have the potential. He has
16 the intelligence. He has the background. He has the ability
17 to receive insight.

18 Q Does he have the moral standards that we hope
19 are within most of us?

20 A He has the moral standards; yes. He has a
21 degree of neurotic hostility inside of him that can be either
22 homicidal or suicidal. That would have to be resolved. That
23 would have to be the rehabilitative aspect. Until that was
24 resolved, then he couldn't be rehabilitated.

25 Q This is only a potential?

1 A Yes, sir.

2 Q And then only after many years, in your opinion?

3 A Yes, sir.

4 MR. ADAMS: Thank you, Doctor.

5 MR. SATZ: Your Honor, I have no

6 questions.

7 THE COURT: Doctor Taubel, thank you

8 very much.

9 THE WITNESS: Thank you very much,

10 Your Honor,

11 THE COURT: You may be excused, sir.

12 Any further witnesses, Mr. Adams?

13 MR. ADAMS: I have nothing further,

14 Your Honor.

15 THE COURT: Any rebuttal of any sort,

16 Mr. Satz?

17 MR. SATZ: No, sir.

18 THE COURT: Ladies and gentlemen

19 of the jury, you have heard the evidence and arguments of counsel

20 I beg your pardon, I am premature. Mr. Satz, are you ready to

21 proceed with your argument.

22 MR. SATZ: Yes, sir, I am, sir.

23 THE COURT: Thank you, sir.

24 MR. SATZ: Ladies and gentleman,

25 I am going to be very brief once again. The Court is going to

VI

TO: Laurin A. Wollan, Jr., Attorney at Law
Florida State University
Tallahassee, Florida 32306

FROM: Jamal A. Amin, M.D.

DATE OF REPORT: August 21, 1981

PURPOSE AND METHODOLOGY

Mr. Alvin Ford is a twenty-eight year old Black male (date of birth, 9/22/53) seen in psychiatric evaluation at Florida State Prison in order to offer professional opinion concerning his past and present mental status, particularly during an eighteen month period when he left his home in Palmetto, Florida to live, work and go to school in Gainesville, Florida. Particular emphasis was placed upon socio-cultural factors which the examiner could review with a different perspective from other mental health professionals.

In addition to interviewing Mr. Ford, an extensive review was done of his legal records, records of past psychiatric and psychological evaluations as well as reports from relatives and friends.

CURRENT SITUATION

Mr. Ford is currently incarcerated on Death Row at Florida State Prison. He is not being treated for any specific physical or mental condition. He spends most of his time reading the Bible and writing to numerous correspondents. He searches news accounts for reports of persons in stressful situations and writes to give them advice and encouragement. He has few visitors, although both he and his family report that it is economics rather than lack of concern that prevents their visiting. Although he has several disciplinary reports from his initial incarceration, he is perceived by prison officials as a good and quiet prisoner for the past two years. Most of Mr. Ford's initial problems with prison can be attributed to the unusual attention focused upon him since he had formerly been a member of the Prison Guard establishment.

SIGNIFICANT HISTORY

Mr. Ford is the oldest male of six children raised in a

segregated but stable, strongly religious and patriotic family. His father, though hard working as a self-employed, free-lance construction worker, finally succumbed to alcohol as it became increasingly difficult to find enough work in a depressed construction industry to support an ever-enlarging family. Mr. Ford began to work at a young age to cover for his father on construction jobs. As the oldest male he became prematurely viewed by himself and the rest of the family as a father figure with enormous responsibilities for which he was ill-equipped. Positive male identity figures were particularly lacking in Mr. Ford's development and as his parents became more estranged his unusual closeness to his mother intensified to the extent that he felt personally responsible for any of his alcoholic father's shortcomings. His desire to care for his mother and younger siblings served as a motivating theme which, in spite of the instability at home, helped him to successfully complete high school and to become gainfully employed with an eye toward saving money for college.

Mr. Ford's developmental history is certainly consistent with that of a small town, hard working, church going all American boy who had unselfish visions of being occupationally successful so that his hard-working mother could "rest" and his younger siblings could go to college. It was with this noble goal in mind that Mr. Ford left the familiar protective environment of his hometown to seek his fame and fortune in the big college town of Gainesville, where he felt a young Black male stood a better chance.

When he left his hometown- approximately eighteen months prior to the crime in Fort Lauderdale- he strongly believed that education and hard work would pay off if he kept upwardly striving. In retrospect he talks regretfully of being overly ambitious, naive and too impatient. His work record reflects a significant degree of stability when one considers his age and socio-economic background. He usually rose to the top very fast and perhaps his ultimate frustrations resulted from rising faster than his abilities. As Mr. Ford's upward mobility progressed he often found himself in positions of responsibility which no other Black men had held before and once again he prematurely felt compelled to succeed, even though he was definitely lacking in experience and self-confidence. Additional peer pressures of great significance resulted from the fact that Mr. Ford was constantly receiving feedback from his two best friends

who were highly successful in their chosen endeavors.

FACTS OF THE CRIME

It is significant to note that the only past history of a conviction for a crime came at age seventeen for breaking and entering. When one analyzes this episode in Mr. Ford's life, one is left with the impression that this was harmless, youthful, non-violent offense so insignificant that the Department of Corrections ignored it when hiring him as a prison guard approximately six months before the crime in Fort Lauderdale.

Leading up to incident in Fort Lauderdale, Mr. Ford's life underwent the following changes which would have placed him under extreme mental or emotional disturbance:

1. Increasing exposure to drugs, aggressive women and fast, easy money, which his young, impressionable lifestyle in Palmetto had not prepared him for.
2. An increasingly overwhelming sense of failure and disappointment over his inability to be successful in college or his jobs as a prison guard and restaurant manager.

He went to great lengths to conceal the true downward spiraling picture from his family and still sent funds to his mother and siblings.

Ford was contacted by older, urbane peers to participate in the Red Lobster robbery because of his intimate knowledge of the internal workings of this type of restaurant. His leading role was related to his familiarity with the restaurant and certainly not his experience in such crimes. At this point with drugs, especially angel dust and cocaine, impairing his judgement, he decided that money was his only problem and that he could get back on his career target if he could obtain a significant amount in one act. The picture I have formulated of the scene of the crime reveals a normally non-violent teenager (Mr. Ford) who proudly boasted of his prison guard career and had a profound respect and fear of law enforcement authorities. He suddenly found himself abandoned and frightened. Realizing that the robbery attempt was botched he rushed to join his accomplices in escaping when he was surprisingly confronted by a policeman. The startled

young man panicked and in what would appear to be an instinctive, automatic response, fired at the officer before him twice without any premeditation. The third shot was perpetrated in a residual, hysterical, panicky state which still viewed the fallen officer's attempt to retrieve his gun as threatening.

MENTAL STATUS EXAMINATION

Geneally friendly. Good rapport and repeatedly expressed satisfaction at seeing a "Black psychiatrist." Appropriately dressed in neat prison clothing. Normal facial expressions. Poor eye contact consistent with feelings of shame. His speech was productive. Thought content examination revealed no overt thought disorder at the time of the interview.

He was oriented to time, place, person and situations and had good contact with reality. Recent memory was intact but remote memory appeared somewhat impaired. He appears to be of above average intelligence. He wept openly during parts of the interview. He repeatedly expressed his sorrow and regret about his actions and his affect was consistent with these feelings. His mood was one of despair and worthlessness.

FORMULATIONS AND IMPRESSIONS

Alvin Ford's life, with the exception of approximately eighteen months leading up to the crime in Fort Lauderdale, was marked by a stable, uneventful maternal development whereby he was always known as a hardworking, enterprising, upwardly mobile young man. He had no significant positive male identification figures.

It is significant to note that he never resorted to the use of drugs or violence as outlets for an increasingly overwhelming situation for all but approximately eighteen months of his life. His desire for money appears to have been unselfishly motivated by his concern for his divorced mother and four other brothers and sisters. However, the stress he ultimately faced in 1974 was intolerable to him: no work, no income, mounting personal bills, escalating demands from his family, increasing difficulty in concealing his failures from his hometown friends, and a cocaine and PCP alteration of his mental capacity.

At the time of the crime, Mr. Ford suffered an overwhelming anxiety reaction which triggered a violent dissociative

hysteria. He acted out his fear and rage, protesting the destruction of himself and his goals in life. Although at some level he knew this criminal act was wrong, he felt internally compelled to commit these acts in order to "catch up." He experienced uncontrollable rage and subsequent amnesia for explicit details of the shooting, which was consistent with an hysterical, dissociative reaction.

During this uncharacteristic eighteen month period Mr. Ford experienced depression which was suicidal in character, as evidenced by his obtaining a life insurance policy with his mother and oldest sisters as beneficiaries. Symbolically, he wanted to be remembered for having left something "helpful" in spite of the circumstances surrounding what he felt was surely an impending death from his newly acquired lifestyle. Mr. Ford appeared to be suffering from a syndrome similar to battle fatigue, commonly called "shell shock." Sufficient stress can produce this aberrant behavior in otherwise normal people. There is an extreme vulnerability to psychotic acting out during which time there is a temporary absence of the usual human sensitivities.

CONCLUSION

Mr. Ford is a man of above average intelligence and of a non-violent history. The crime in Fort Lauderdale was senseless, but a powerful and somewhat cathartic act during which his normal consciousness was displaced by the stresses which themselves became manifest. The stupidity of the crime is consistent with his being totally out of control and wanting to be stopped. He did not flee to Guatamala as one of his accomplices did, but rather went looking for his mother and made himself readily available for apprehension.

At the time of the crime, Mr. Ford knew right from wrong, but was totally unable to conform his conduct to the requirements of law due to a psychotic disturbance and drug abuse. He suffered extreme emotional and mental distress which resulted in a violent hysterical dissociative reaction.

Thank you for this most interesting referral.

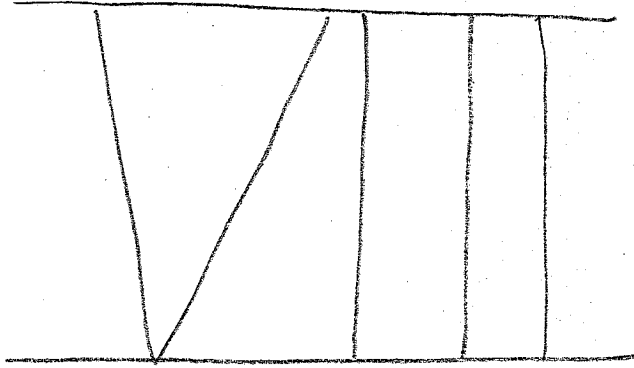
Respectfully Submitted,

Jamal A. Amin, M.D.
Jamal A. Amin, M.D.
Psychiatrist

VII a



7/23/74 Editorial page



a

Summary of Article in Miami Herald, 3/27/83

"Deadly Force in Dade: Surprising Trends"

Blacks comprise about 17.3% of Dade County's general population, yet 47% of all police shooting victims since June, 1980, have been black.

During the past 27 years (1956 - 1983) the majority of victims of fatal police shootings in Dade County, Florida was black. 102 black men and 90 white men were killed by police officers during that period.

Fatal police shootings in Dade County more than doubled in 1979 and 1980, coinciding with increased racial conflict in the area.

Four black men -- Nevell Johnson, Jr., Ernest Kirkland, Donald Hay and Anthony Nelson -- were killed by white police officers in Dade County in a single six-month period during 1982-83.

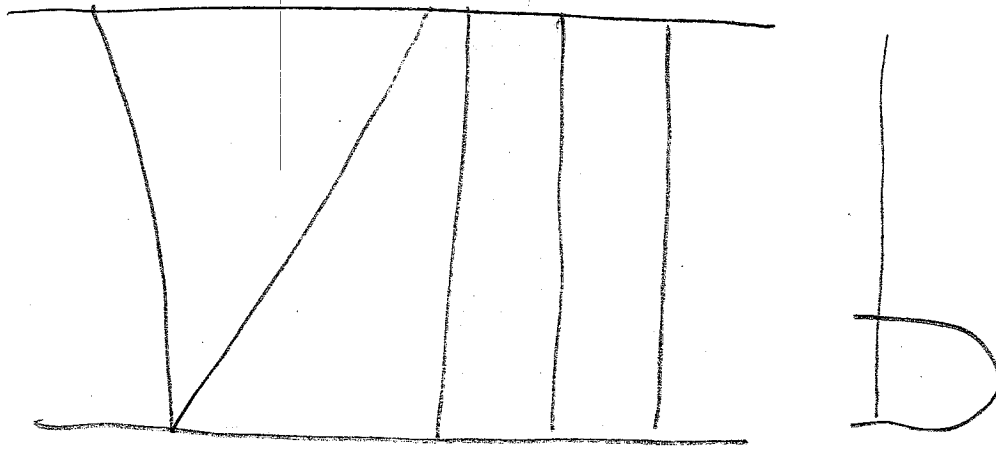
Police researcher James Fyfe stated that, until recently, prosecutors and grand juries "generally maintained a hands-off policy" regarding fatal police shootings of civilians. Prosecutions did not begin until the black community pressured county and city officials to do so. Even then, most police officers who were actually tried were acquitted of any criminal wrongdoing.

In 1971 Miami police officer David Waud was charged in the shooting death of a former mental patient. It was the first such indictment in Dade County in 45 years. Officer Waud was acquitted.

In 1977 Opa Locka police officer Thomas Mitchell was convicted of manslaughter in the shooting death of a civilian, but his conviction was overturned on appeal.

Four Miami Metro and Dade County police officers were indicted in the beating death of black insurance salesman Arthur McDuffie in 1979. All were acquitted.

The most recent Dade County indictment of a police officer in a fatal shooting was that of Luis Alvarez in 1983. Alvarez was tried before an all-white jury for the shooting death of Nevell Johnson, Jr., a young black man from the Liberty City area. Alvarez was acquitted in March, 1984.



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The Miami Herald

Final
Edition

8 pages

Sunday, March 27, 1983

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Deadly force in Dade: Surprising trends

ARI HAASEN and SUZANNE SPRING
Staff Writers

A robbery suspect suddenly wheels on a Liberty street, his hand a blur with "something shining." In Southwest Dade, a getaway car spitting machine-gun bullets leads police on a harrowing chase. And in North Miami Beach, a troubled man repeats shoots at police officers and cries, "Kill me! I want

This is how people get shot by police in Dade County: robberies, burglaries, kidnappings, knife fights, double brawls, high-speed auto chases, traffic stops, slayings and accidents.

Each case is unique — a split second of fear and

Let patterns emerge from a detailed study of Dade County police shootings — patterns that surprise some police and community leaders sensitized by the contro-



versial killings of four black men by white police officers during the last six months.

Records compiled from the county's 26 police de-

Renewed concern may stem less from the frequency of police shootings than from the disputed circumstances surrounding four recent cases.

partments, the Medical Examiner and the State Attorney's Office show that:

- More whites than blacks have been shot by local

police in recent years. Since June 1980, a case-by-case study shows, 51 whites and 45 blacks have been shot by police. Of those, 30 victims died of their wounds — 15 blacks, 15 whites.

But blacks still make up a disproportionate number of police shooting victims — a pattern also reflected in national statistics. While blacks represent only about 17.3 per cent of the county's population, about 47 per cent of all those shot by police since June 1980 have been black.

This trend is further dramatized by a 27-year survey of fatal police shootings. Since 1956, 192 people have been killed by police officers in Dade County. Of those, 90 were white, and 102 were black.

- While recent killings and the unprecedented indictments of four white officers have brought public

Please turn to SHOOTINGS/15A

Surprising trends found in shootings

SHOOTINGS / From 1A
 scrutiny to "deadly force" policies. statistics show no discernible increase in the rate of fatal shootings by police here.

In fact, the rate of shootings has not kept pace with the county's population growth — a 20-year expansion that otherwise has brought huge surges in homicides, rapes and other violent crimes.

Although some have suggested that shootings are increasing because more young officers are patrolling Dade streets, the Herald survey shows that youth or inexperience was not a prevailing factor in most police shootings.

A majority of those police officers involved in shootings since June 1980 — 57 — had more than six years' experience. Only 12 listed less than one year's experience, while 43 officers had spent one to five years on a police roster.

Since 1936, fatal police shootings have followed a ragged, unpredictable pattern — high in some years, low in others. Police killed more people between 1969 and 1971 — 18 — than they did from 1980, the year of the Liberty City riots, through 1982, when 16 were killed.

Another puzzle is why the rate of shootings has not climbed with population growth. Between 1961 and 1970, 63 people were shot and killed by local police. Between 1971 and 1980, 82 were killed.

So, while Dade's population expanded by nearly 64 per cent, the rate of police killings over these two decades rose by only 30 per cent.

"No matter what the statistics say, there are a small minority of police officers who, if you just look at them, they'll blow you away. They're giving the police department a black eye," says Leroy Thompson, president of the Opa-locha chapter of the NAACP.

Disputed circumstances

The survey findings indicate that renewed concern over the use of deadly force may stem less from the frequency of police shootings than from the disputed circumstances surrounding the deaths of Nevell Johnson Jr., Ernest Kirkland, Donald Harp and Anthony Nelson — all blacks shot by white policemen.

The perception of the public has been shaped by the very controversial or questionable shootings. People have come to conclusions that are completely unwarranted," says Bobby Jones, director of Metro police.

Some police officials say that, statistically, blacks are more likely to be shot by police because they are involved in a disproportionate number of arrest situations.

Jones says he is surprised that the rate of all fatal shootings has not accelerated, his department has added 600 officers during the last three years. "It shows," he says, "our officers are using good judgment in the discharge of their firearms."

Yet the recent white-on-black killings have reinforced the perception of many blacks that shootings are often unprovoked and racially motivated.

What we are talking about is the racism that some of the policemen are allowed to exemplify without reprimand," says Ray Fautroy, president of the Southern Christian Leadership Conference.

In 44 per cent of the cases studied by The Herald, white officers shot black victims. In 49 per cent of the cases, white officers shot white victims.

And black officers, who represent about 9 per cent of all Dade police, were involved in 7 per cent of the shootings.

Says Fautroy, "I can assure you that no white person who was unarmed HAS ever been shot. I am sure no white person who was doing what he was told was ever shot."

Yet that is precisely what happened in the early morning hours of Nov. 19, 1981, when Miami police officer John Sprague killed 21-year-old security guard Rosendo Saavedra.

Saavedra was being searched standing against his car when Sprague's shotgun discharged. The State Attorney's Office ruled the killing accidental.

And the shooting of an unarmed white Columbian drug suspect in Hialeah drew little attention compared with to the killing of Nevell

Johnson Jr. in a video arcade, and most recently the fatal shooting of Donald Harp as he sat in a hit-and-run car.

"Isolated incidents," says Wesley Dallas, a black former Metro-Dade patrolman who is now a human resources coordinator for the department. "I don't think there's anything wrong with our system. The training is good and the quality of the officers is good."

Two years ago Dallas shot and killed an armed robbery suspect who had stabbed him. "People don't realize these things happen in a split second," he says. "You're so close you can smell each other. You've got to do something and do it fast."

The fastest way to get shot by a policeman in Dade County is to point a gun at him, shoot at him, try to run him down with a car, or run from the scene of a crime.

For example, in 25 of 96 shootings examined by The Miami Herald reported that the victim fired first. In 20 other cases the victim reportedly aimed or pointed his weapon at police before being shot.

Since June 1980, 19 police have been shot by assailants. Four died. Fear of the same fate is what frequently causes police to pull the trigger.

Some cases seem indisputably justified. Mike Womser, stuck up a Burger King and was gunned down after shooting at two Metro officers. Pedro Morales shot up a barroom, stole three cases of Heineken beer and opened fire on police when they tried to arrest him. He was shot dead where he stood.

Of those 30 persons shot and killed by police since June 1980, at least 12 had felony arrest records in Dade County.

While public attention rivets on fatal shootings, statistics show that fewer than one of three police shootings ends in the death of the victim.

'A shiny object'

In some cases the facts are muddy — a nighttime chase in an alley, a multiple traffic stop and a sudden move for the waistband. "We had one last year where a

guy went for a shiny object in his back pocket and the officer shot and killed him," recalls Metro-Dade Homicide Capt. Don Matthews.

"The shiny object turned out to be a pair of pliers. In that split second, the officer didn't know."

Leroy Thompson of the NAACP calls it "the sudden movement syndrome." He says police use it as an alibi to explain suspicious shootings, especially of young blacks.

Last year Opa-locka patrolman David Adlet told investigators he shot and wounded 15-year-old Clinton Banks when the youth spun suddenly and punched him. Adlet later resigned when officials decided he had lied about the shooting, and his gun had gone off by accident.

Blacks say most police departments are reluctant to investigate cases like this. Police say such episodes are rare.

In excess of 65 per cent of those shot are involved in a felony at the time of the shooting," Matthews says.

How do fatal police shootings in

Dade compare with those around the country?

Based on the number of fatal shootings per 100,000 population, Dade police killed at a rate of 0.70 in 1982. That's more often than police in New York (0.55) and Chicago (0.50), but less than police in Houston (1.13) and Atlanta (0.95).

Though most shootings are provoked, there are exceptions — an innocent bystander hit in the nose by a wild bullet, a policeman shot while playing with his own gun.

But the use of deadly force usually is deadly serious — and that is how a worried black community regards it.

Leroy Thompson says it will take more than numbers to convince the community that blacks are not being shot without reason. "We perceive it as such, and that's what we react on," he says.

Says Metro's Jones, "We are living in a time when violence is prevalent. Many, many citizens are armed. That doesn't help."

Herald Staff Writer Eric Kleber also contributed to this report.

Indictments reveal dramatic shift in scrutiny of police shootings

By ERIC RIEDER

When a Miami policeman was indicted in 1971 for shooting to death a former mental patient, it marked the first time in 45 years that an officer had been charged for a fatal shooting in the line of duty.

In March 15, when Metro Police Officer Robert Koenig was indicted for killing a black man after a Liberty City auto chase, he became the fourth Dade policeman indicted for a fatal shooting in the past five months.

The contrast points to the unprecedented nature of the recent series of indictments. It also illustrates a dramatic change over the last 10 years in how police shootings are viewed.

Indictments for shootings by police have "been literally unheard of until very recently," says Kenneth Mitchell, senior staff analyst for the International Association of Chiefs of Police.

Until recently killings by Dade police were rarely investigated vigorously. Between the 1971 case and a series of four indictments over the past five months, only one other policeman was indicted for a fatal shooting.

And up to five years ago, Dade officers were given great discretion

in shooting. They could gun down fleeing pickpockets. Now they operate under more restrictive rules.

Whether the scrutiny of police shootings is adequate remains disputed.

Many blacks and civil liberties advocates say it isn't, as evidenced by the recent fatal shootings of blacks and the disproportionate number of black victims. The Dade County Grand Jury is now investigating police deadly-force policy and training.

But even some critics of law enforcement agree controls on police shootings are improved. "It's incredible that the system operates at such a poor level," says Dade Public Defender Bennett Brummer, "but it's much better than it was."

"I think we're getting more enlightened police," adds Garry Mendez, a staff member of the National Urban League.

"The last 10 years have seen a major revolution in police departments," says Mike Cosgrove, an assistant Miami police chief. "We are much more accountable in our use of deadly force today."

While much has changed, the Florida law on police shootings hasn't. It says an officer can use deadly force if he reasonably believes it's needed to defend himself

or another, or if it's necessary to arrest a felon.

That's basically the same as the centuries-old "any-felon" rule, adopted at a time when all felonies were punishable by death. It means an officer can shoot a fleeing felon in the back, armed or unarmed, murderer or house burglar.

In 1978, as other states began to reform their laws, the Florida Legislature reined in that broad discretion — and then gave it back to police the next year.

Despite that, the Metro force in 1978 adopted a stricter policy. Most important, it said officers could shoot fleeing felons only if they posed a danger to life.

In 1980, on the second day of the Liberty City riots, the city of Miami police adopted a similar policy against shooting looters.

And in 1981, Miami, Metro and the 24 smaller-city departments represented in the Dade County Chiefs of Police Association adopted a unified policy with the same basic restrictions. It also prohibits warning shots, and shooting that might endanger bystanders.

The change in how the criminal justice system treats police shootings has been dramatic.

In the past, prosecutors and grand juries "generally maintained

a hands-off policy" on shootings by police, writes James Eyle, a leading police researcher.

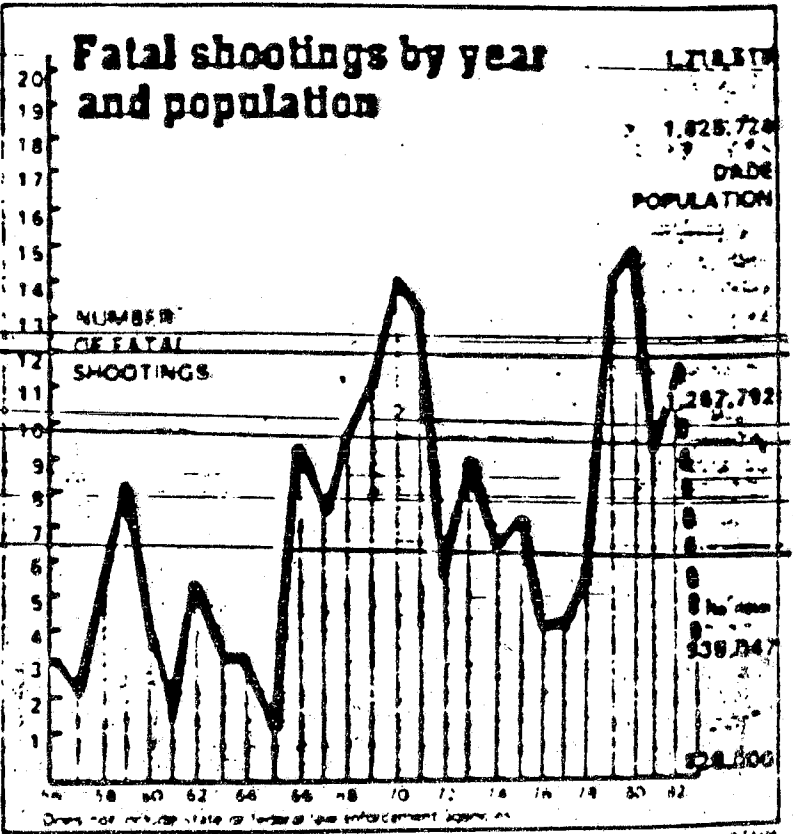
That was true in Dade County. Until seven years ago, police shootings usually were investigated at inquests, informal hearings before judges with limited cross-examination that almost invariably cleared the officer.

Critics called them whitewashes. David Goodhart, who as a senior prosecutor in the late 1960s and early '70s presented cases at inquests, defended them against public attacks. Today he says, "The criticism was probably just."

The only policeman charged during Goodhart's tenure was David Waud, a Miami officer who in 1971 shot a black former mental patient he was trying to arrest, and then planted a toy gun on the dead body. It was the first such indictment in 45 years.

Waud's attorney admitted the gun was planted, but said his client shot justly and then panicked. A Circuit Court jury agreed and acquitted him. Later Waud was indicted for violating the man's civil rights; a federal court jury acquitted him again.

In 1977, Opa-locka policeman Thomas Mitchell was convicted of manslaughter after shooting a man



Although there is no year-by-year trend in fatal police shootings, the rate has not kept pace with the growth in Dade's population. While the county experienced a 64 per cent growth between 1961 and 1980, the rate of police killings rose from 6.3 per year between 1961 and 1970 to 8.2 per year from 1971 to 1980, a rise of about 30 per cent.

he had stopped for questioning. The conviction was overturned on appeal. Mitchell was accused of a particular type of manslaughter applying only to killings of people engaged in felonies, and the appeals court ruled the man he killed

wasn't committing one. The only other Dade police officer charged with killing on the job since Mitchell was the Metro and Miami officers accused of the fatal beating of Arthur McDuffie in 1979. They too were acquitted.

Fatal police shootings since 1956

During the past 27 years, most victims of fatal police shootings in Dade County have been black — despite the fact that blacks have composed less than 18 per cent of the population.

YEAR	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983				
NUMBER	3	2	5	8	4	6	3	5	3	3	9	5	14	9	7	9	11	14	13	6	9	6	7	4	4	5	14	15	9	12	4	192
WHITE MALES	0	2	3	3	1	0	3	1	1	0	5	6	6	6	8	3	0	5	3	3	3	2	2	4	8	7	3	2	2	90		
BLACK MALES	3	0	2	5	3	6	0	2	2	3	4	0	8	3	9	10	14	8	7	3	4	2	2	0	6	7	9	10	2	102		

no woman has ever been killed by police gunfire.



Gregory Crum

Different stories, same tragic result

By SUZANNE SPRING
Herald Staff Writer

Sunday morning, June 29, 1992, Gregory Crum kissed his wife and told her he was driving to a nearby convenience store to relax with friends.

In an apartment a few miles away, Metro Police Officer John Kelly quietly rolled out of bed, careful not to wake his wife. He slipped on his uniform and cooked a fast breakfast.

At 9:30 a.m., Crum and Kelly crossed paths at the Pak 'n Sak at the corner of 207th Street and NW 31st Avenue, where Kelly had stopped on routine patrol.

Fifteen minutes later, Kelly, his back badly bruised, collapsed on Crum's front lawn in Carol City. Crum lay inside the house, his groin pierced by a bullet from the officer's .357 Magnum.

For one reason this case is like dozens of police shootings: The officer and the victim tell different stories of what took place.

Whatever happened that Sunday morning, Gregory Crum and John Kelly say they will never be the same.



Officer John Kelly

CAROL GUEY Herald Staff Writer

A HE MURDER: It was jus crazy

He calls the shooting "unprovoked — just crazy." Gregory Crum, a 24-year-old father of three daughters, shakes his head and dusts the flour off his hands as he stands outside the Hollywood bakery where he works while on furlough from jail.

"I didn't do anything to deserve this bullet," he says pointing to where the slug is still lodged. "Now, I'm what they call a felon. I'm no criminal. I'm somebody. I make \$17,400 a year."

Crum recalls Kelly approaching him in the Pak 'n Sak parking lot and asking his name. He figured the cop was just hassling him.

"I didn't answer him. I admit it," Crum says. He has disliked cops, he says, since one clubbed him in the back of the head with a shotgun and called him a "nigger" in 1978.

During that incident, Crum was arrested for aggravated battery on a police officer. The charges were dismissed, he says. The juvenile court records are confidential.

Crum says he and Officer Kelly exchanged no other words that June morning.

"I wouldn't swear at a cop — I know that will get you shot," he says. "I'll take 1,000 polygraph tests and swear on my

mother's grave, I didn't call that guy any names. I wasn't violent."

When Crum realized the patrolman was checking his car's license tag over the radio, he decided to leave.

"Real easy. I just get into my car, crank it up real slow and I look over and see the cop is pointing his service revolver at my head," Crum says.

Crum says he shifted his car into reverse and tried to back out of the lot at about 10 miles per hour. He says he didn't realize his open car door had knocked the officer to the ground.

The next thing he felt was a bullet ripping into his side, he says. He kept driving. Kelly followed on foot for two blocks, calling for help on his radio.

While Crum lay bleeding on his living room carpet, police arrived to arrest him. He was convicted of resisting arrest and aggravated battery on a police officer.

Doctors decided not to operate because the bullet was lodged too close to Crum's reproductive organs.

Crum is serving 184 days. He sleeps at jail. He works six afternoons a week.

He says he wants to sue the police and clear his name. "Every day I have this bullet inside to remind me that I was wronged," he says. "Totally wronged."

The cop: 'I thought I'd die'

Officer John Kelly, the son, grandson and nephew of policemen, says he shot Gregory Crum to save his own life.

"I really believed I was going to be killed," he says. "How would you feel if you were pinned against the door of a car moving 40 miles an hour? He was trying to shake me loose and run me over."

Kelly, 24, remembers his encounter with Crum this way: Driving through the neighborhood on routine patrol, he saw Crum sitting on the hood of a car in the Pak 'n Sak lot. The store was closed. Kelly decided to investigate.

"It's my job — my duty — to be suspicious," says the officer, who worked as a foot patrol policeman in suburban New York for five months before joining Metro two years ago.

Kelly says he introduced himself and asked Crum his name.

"He was very abusive and belligerent. He called me a mother . . . several times," Kelly says. "When I asked for his identification, he got in his car, put it in reverse and said, 'Bye, mother . . .'"

Then he floored it. "I'd say he dragged me 100 feet," Kelly says. "I thought I was going to die. I felt if I did not shoot, he would have dragged me further and finished me off."

The officer drew his gun with his right hand and fired three times.

"I don't like violence. All I wanted to know was his name and what he was doing there," Kelly says. "If he had answered, I would have been on my way. I did everything to avoid confrontation with this man."

Kelly was interviewed by a Metro homicide detective and two internal security investigators, according to police procedure. His case was reviewed by the State Attorney's Office. The shooting was ruled justifiable and Kelly returned to the road.

He says the feelings of fear remain. The shooting cost him his year-old marriage, Kelly says.

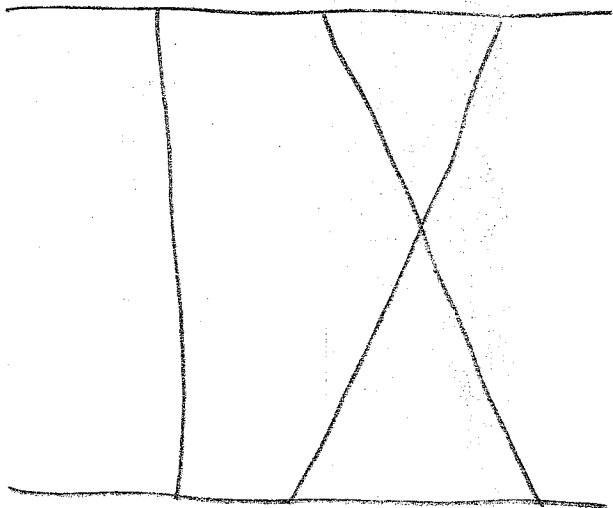
He would talk about the episode constantly, and would awake in the middle of the night after dreaming about it. His wife, Kelly says, couldn't stand the

They were divorced recently.

These days on patrol, John Kelly says he doesn't get out of his car unless there is another officer nearby.

"I didn't want to shoot that man," he says. "He forced me to."

"I'm more cautious now. I hope and pray I never have to use my gun again."



a

EXECUTION

Derivation:

Laws 1970, c. 70-339, § 132.
Laws 1967, c. 67-241, § 1.
Laws 1961, c. 61-108, § 1.
Laws 1959, c. 59-72, § 1.

922.06. Stay of execution of death sentence

The execution of a death sentence may be stayed only by the Governor or incident to an appeal.

Derivation:

Laws 1970, c. 70-339, § 133.
Comp. Gen. Laws Supp. 1940, § 8663(277).
Laws 1939, c. 19554, § 267.

Cross References

Stay upon taking appeal, see § 921.14.

922.07. Proceedings when person under sentence of death appears to be insane

(1) When the Governor is informed that a person under sentence of death may be insane, he shall stay execution of the sentence and appoint a commission of three psychiatrists to examine the convicted person. The Governor shall notify the psychiatrists in writing that they are to examine the convicted person to determine whether he understands the nature and effect of the death penalty and why it is to be imposed upon him. The examination of the convicted person shall take place with all three psychiatrists present at the same time. Counsel for the convicted person and the state attorney may be present at the examination. If the convicted person does not have counsel, the court that imposed the sentence shall appoint counsel to represent him.

(2) After receiving the report of the commission, if the Governor decides that the convicted person has the mental capacity to understand the nature of the death penalty and the reasons why it was imposed upon him, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.

(3) If the Governor decides that the convicted person does not have the mental capacity to understand the nature of the death penalty and why it was imposed on him, he shall have him committed to the state hospital for the insane.

(4) When a person under sentence of death has been committed to the state hospital for the insane, he shall be kept there until the proper official of the hospital determines that he has been restored to sanity. The hospital official shall notify the Governor of his determination, and the Governor shall

For Annotative Materials, see West's Florida Statutes Annotated

appoint another commission to proceed as provided in subsection (1).

(5) The Governor shall allow reasonable fees to psychiatrists appointed under the provisions of this section which shall be paid by the state.

Derivation:

Laws 1970, c. 70-339, § 134.
Comp. Gen. Laws Supp. 1940, § 8663(278).
Laws 1939, c. 19554, § 268.

Cross References

Proceedings to determine mental condition of defendant, see § 917.011 et seq.; Criminal Procedure Rule 3.210 et seq.
Sentence, insanity as cause for not pronouncing, see Criminal Procedure Rule 3.740.

922.08. Proceedings when person under sentence of death appears to be pregnant

(1) When the Governor is informed that a person under sentence of death may be pregnant, he shall stay execution of the sentence and appoint a qualified physician to examine the convicted person and determine if she is pregnant.

(2) After receiving the report of the physician, if the Governor determines that the convicted person is not pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.

(3) If the Governor determines that a convicted person whose execution has been stayed because of pregnancy is no longer pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.

(4) The Governor shall allow a reasonable fee to the physician appointed under the provisions of this section which shall be paid by the state.

Derivation:

Laws 1970, c. 70-339, § 135.
Comp. Gen. Laws Supp. 1940, § 8663(279).
Laws 1939, c. 19554, § 269.

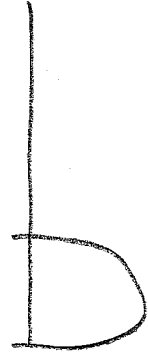
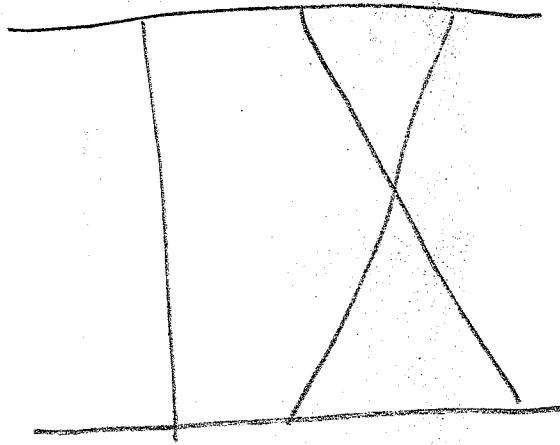
Cross References

Pregnancy, procedure for delay of pronouncement of sentence, see Criminal Procedure Rule 3.770.

922.09. Capital cases

When a person is sentenced to death, the clerk of the court shall prepare a certified copy of the record of the conviction and sentence, and the sheriff shall send the record to the Governor. The sentence shall not be executed until the Governor issues a warrant, attaches it to the copy of the

§ 922.09



Excerpt from Goode v. Wainwright on constitutional prohibition against executing the insane and the right to due process in sanity proceedings.

A. Federal And Florida Law Prohibit Execution Of Prisoners Who Are Presently Insane.

Federal and Florida law, as well as the law of the other forty-nine states, recognize that execution of a prisoner insane at the time of execution is repugnant and represents a fundamental, universally recognized wrong. See Note, The Eighth Amendment and the Execution of the Presently Incompetent, 32 Stan.L.Rev. 765 (1980); Note, Insanity of the Condemned, 88 Yale L.J. 533 (1979). Accordingly, execution of presently insane prisoners violates fundamental rights long known to the common law, as well as rights to due process and to be spared "cruel and unusual punishment" under the Fourteenth and Eighth Amendments to the U.S. Constitution. See Solesbee v. Balkcom, 339 U.S. 9 (1950) (Frankfurter, J., dissenting); Gray v. Lucas, 710 F.2d 1048 (5th Cir. 1983); Perkins v. Mayo, 92 So.2d 641 (Fla. 1957); Ex Parte Chesser, 111 So. 720 (Fla. 1927); Hysler v. State, 187 So. 261 (Fla. 1936); See generally, Note, The Eighth Amendment and the Execution of the Presently Incompetent, supra.

1. Execution of presently incompetent prisoners is cruel and unusual punishment under the Eighth Amendment.

Execution of this Petitioner, who is presently insane, is punishment which is cruel and unusual under the Eighth Amendment to the U.S. Constitution. Specifically, executing the Petitioner at a time when he lacks the mental capacity to understand his fate and to challenge its ultimate imposition fails to satisfy the U.S. Supreme Court's two part Eighth Amendment analysis, since it violates "contemporary standards of decency" as reflected by our cultural mores and is repugnant to "concepts of

human dignity" as reflected by applications of substantive and procedural components. Gregg v. Georgia, 429 U.S. 153 (1976), see generally Note, The Eighth Amendment and the Execution of the Presently Incompetent, 32 Stan.L.Rev. 765 (1980).

Execution of the Petitioner while he is insane violates these constitutional standards. Contemporary moral values do not tolerate execution of the presently insane; such a practice has been consistently rejected for centuries. Moreover, placing an insane person in the irrevocable process towards execution, while that person is unable to meaningfully pursue any "last minute" opportunities to forestall his execution by reason of his insanity, is facially inconsistent with any concept of "human dignity" as reflected in decisions of our courts.

(a) Contemporary values abhor execution of the presently insane.

Contemporary values reject outright any notion of execution of the insane. In fact, the idea has been repugnant to the common law for centuries. The execution of a mentally disordered person offends the most basic human precepts embodied in our legal history. In 1644, Coke wrote that in earlier years it had been provided that:

"... if a man attainted of treason become mad, that notwithstanding he should be executed which cruel and inhuman law lived not long, but was repealed, for in that point also it was against the common law, because by intendment of law the execution of the offender is for example ut poena ad paucos, metus ad omnes perveniat, as before is said; but so it is not when a mad man is executed, but should be a miserable spectacle, both against law and of extreme inhumanity and cruelty, and can be no example to others."

COKE, THIRD INSTITUTE (1644), 6.^{1/} The British Royal Commission on Capital Punishment concluded that:

"It has for centuries been a principle of the common law that no person who is insane should be executed"

ROYAL COMMISSION ON CAPITAL PUNISHMENT 1949-1953, REPORT (H.M.S.O. (1953) [Cmd. 8932] 13.

^{1/} See also, 1 HAWKINS, PLEAS OF THE CROWN (1716), 2; BLACKSTONE, COMMENTARIES (1803), 24; Hawles, Remarks on the Trial of Mr. Charles Bateman, 11 Howell State Trials 474, 476 (1816); CHITTY, CRIMINAL LAW (Earle Ed. 1819), 525; 1 HALE, PLEAS OF THE CROWN (1678), 35, 370.

have been varied. They include the notions that an insane person cannot bring evidence on his own behalf to defeat the sentence,^{2/} that the execution of an insane person cannot reasonably be thought to deter others,^{3/} that an insane person is not legally "present,"^{4/} that an insane person is not mentally fit to make peace with his maker,^{5/} that he has already been punished sufficiently by God or by the devil,^{6/} and that the execution of an insane person would not satisfy the extreme judgment inflicted on him.^{7/} However, "[w]hatever the reason of the law is, it is plain the law is so." Hawles, Remarks on the Trial of Mr. Charles Bateman, 11 Howell State Trials 474, 477 (1816).

When we seek the purpose of the rule we are met with divers explanations of varying persuasiveness. The very multiplicity of explanations suggest that the rule may have been devised to meet an earlier theoretical or practical need or special consensus and has survived the obsolescence of the original cause."

Hazard & Louisell, Death, the State and the Insane: Stay of Execution, 9 U.C.L.A. L. REV. 381, 383 (1962). Its survival manifests a common and unwavering recognition of Coke's basic observation that the execution of the mentally ill constitutes "a miserable spectacle," smacking of "extreme inhumanity and cruelty."

The Fifth Circuit recently observed that "the law in all American state jurisdictions, as well as the ancient common law, does not permit the execution of a person who is presently

2/ See, e.g., 4 BLACKSTONE, COMMENTARIES (1803), 24-25 Hawles, Remarks on the Trial of Mr. Charles Bateman, 11 Howell State Trials 474, 476-477 (1868).

3/ See, e.g., COKE, THIRD INSTITUTE (1644) at 6.

4/ See, e.g., Thomas v. Cunningham, 313 F.2d 934, 938 (CA 4 1963).

5/ See, e.g., Hawles, Remarks on the Trial of Mr. Charles Bateman, 11 Howell State Trials 474, 477 (1868): "[It] is inconsistent with religion, as being against Christian charity to send a great offender quick, as it is stiled, into another world, when he is not of a capacity to fit himself for it."

6/ Ehrenzweig, A Psychoanalysis of the Insanity Plea -- Clues to the Problems of Criminal Responsibility and Insanity in the Death Cell, 1 CRIM. L. BULL. (No. 9) 3, 21 (1965).

7/ See, e.g., Musselwhite v. State, 215 Miss. 363, 367, 60 So.2d 807, 809 (1952): "it is revealed that if he were taken to the electric chair he would not quail or take account of its significance." See also Ehrenzweig, at 14-15, note 15, supra.

Execution of the insane was in fact forbidden at the time the Eighth Amendment was added to the Constitution. Clearly, the framers believed such to be cruel and unusual; such values accordingly translate freely into a finding that the Eighth Amendment proscribes such executions. Solesbee v. Balkcom, 339 U.S. at 20 (Frankfurter, J., dissenting); Furman v. Georgia, 408 U.S. at 329-33 (Marshall, J., concurring); McGautha v. California, 402 U.S. at 226 (Black, J., concurring). A survey of present legislative enactments reveals that "virtually every state that authorizes the death penalty has adopted by case law, statute, or implication, the common law rule prohibiting the use of that sanction against an insane prisoner." Note, Insanity of the Condemned, 88 Yale L.J. 533, 533 (1979).

(b) Execution of the presently insane is repugnant to the U.S. Supreme Court's "concepts of human dignity".

In addition to being a practice which society has abhorred for centuries, execution of the presently insane is repugnant to basic "human dignity", as that is construed by the U.S. Supreme Court. Two major factors support this conclusion. First, Petitioner's insanity prevents him from pursuing any available "last minute" remedies. Fundamental indicia of basic human dignity in our legal system include the rights to defend one's "life interest" from forfeiture only while competent, as well as the right to meaningful access to the judiciary. Second, basic concepts of human dignity require the punishment as meted out to serve recognized penological interests. Execution of the insane serves no such interest, and is accordingly afoul of the Eighth Amendment's requirements.

Throughout the criminal law, our Constitution requires that defendants and convicted persons be competent to understand their risks of forfeiting life, liberty or property and have the capacity to defend those interests against forfeiture. A person may not be forced to stand trial who is mentally incapable of

him, and of assisting counsel in preparing his defense. Drope v. Missouri, 420 U.S. 162, 172 (1975); Pate v. Robinson, 383 U.S. 375, 378 (1966). And, as a matter of law, one cannot be sentenced if he is insane. See, e.g., Rule 3.720(c)(1), Fla.R.Crim.P. By analogy, allowing the execution process to proceed while the condemned is insane also offends the Constitution: if the state cannot constitutionally proceed against a person when incapacity deprives him of meaningfully pursuing his rights before trial, during trial and through sentencing, the state also is forbidden from proceeding to execution of a death sentence while the condemned is incapable of understanding if he is entitled to challenge the legality of his sentence. Condemned prisoners have federal and state statutory rights of direct and collateral review of sentences protected by the due process on equal protection clauses. See e.g. Wolff v. McDonnell, 418 U.S. 539 (1974) (due process); Griffin v. Illinois, 351 U.S. 12 (1956) (equal protection). As noted by one commentator, the special (and final) nature of a death penalty mandates a "super due process" consideration to make certain the penalty is lawfully carried through. See Ruben, Cruel, Punishment and Respect for Persons: Super Due Process for Death, 53 So.Cal.L.Rev. 1143 (1980). The constitutional rights of an insane condemned prisoner are thus fatally compromised, since an insane prisoner cannot meaningfully pursue available rights to defend against improper execution of his death sentence.

Moreover, meaningful "access to courts" by prisoners is a right of constitutional dimension. Bounds v. Smith, 430 U.S. 817 (1977). Bounds recognizes that inmates have a federal constitutional right to "adequate, effective, and meaningful" access to courts to pursue available judicial relief. Since a person incapable of understanding his fate and of defending himself cannot meaningfully have access to available rights, executing the presently incompetent is a deprivation of constitutional significance, and thus repugnant to "concepts of human dignity".

Execution of the insane is also unconstitutional because it serves no valid societal interest. The death penalty is constitutional only because it serves specifically identifiable goals of punishment. The Supreme Court in Gregg v. Georgia found that "the death penalty is said to serve two social purposes: retribution and deterrence of capital crimes by prospective offenders." 428 U.S. at 183. The Court in Edmund v. Florida, 458 U.S. 782 (1982) recently reminded us that unless the death penalty as applied "measurably contributes to one or both of these goals, it is 'nothing more than the purposeless and needless imposition of pain and suffering', and hence an unconstitutional punishment." Edmund v. Florida, 458 U.S. 782 (1982) quoting Coker v. Georgia, 433 U.S. at 592.

Execution of the presently insane does not measurably contribute to "deterrence". Petitioner's insanity does not absolutely relieve him of his fate, and in fact remains under a sentence of death, irrespective of his insanity. Petitioner's "deterrence" role remains an example to others that they too might suffer a death sentence if they take human life is not diminished. Whether Petitioner's ultimate fate is delayed by his insanity does not vitiate the deterrence value of the sentence; a prospective murderer who would be deterred by the death penalty would not become more eager to murder because ultimate execution of the death sentence may be delayed if he is found insane.

Retribution is similarly not materially served by execution of the insane. Again, the presently insane prisoner under a death sentence remains condemned. His ultimate "debt" to society remains unchanged; he remains under punishment. See generally Radin, Cruel Punishment and Respect for Persons: Super Due Process For Death, supra, at 1164-1169. To the extent society's need for retribution or "vengeance" may be served by execution of murderers, society clearly has sent a different message when it comes to execution of insane condemned prisoners. As noted previously, society consistently has not permitted the execution of the insane, despite the historical role of retribution in punishment.

Execution of the presently insane is both repugnant to contemporary values as expressed in our history and by the legislatures of each state in the Union. Moreover, execution of the death sentence where the condemned is insane does nothing to contribute materially to the "goals" of punishment. Because of this, execution of Petitioner while insane would violate his rights under the Eighth Amendment to be spared cruel and unusual punishment.

2. Florida law prohibits execution of presently insane prisoners.

Irrespective of the federal infirmities associated with execution of the insane, Florida law clearly prohibits execution of insane prisoners. That Florida grants condemned inmates a substantial right not to be executed while insane is clear both from Florida statute and case law. The relevant statute, Section 922.07 of the Florida Statutes, uses mandatory language: a condemned prisoner lacking capacity "shall" be committed to a mental institution until his capacity is restored. Similarly, under the common law of Florida, "one cannot be . . . executed while insane." Perkins v. Mayo, 92 So.2d 641, 644 (Fla. 1957). See also Ex parte Chesser, 111 So. 720, 721 (Fla. 1927) (a person condemned to die, "if found to be insane", shall be "committed until his return to sanity is duly determined"); Hysler v. State, 187 So. 261, 262 (Fla. 1936) (if prisoner is "found to be insane, an appropriate order should be made for his custody until his return to sanity is appropriately adjudicated when the sentence should be executed").

Thus, Florida law recognizes a right not to be executed while insane. This right is cognizable under the Fourteenth Amendment of the Constitution of the United States, which must be satisfied whenever the government places in jeopardy a substantial interest in life, liberty or property. Although the present nature of the condemned prisoner's interest may be uncertain, it may properly be categorized as an interest in "life", due to the expectation created under Florida law.

Because The Determination Of Whether He Is Insane Was Made Without Recording Petitioner Procedural Due Process.

1. Procedural due process must be accorded Petitioner in the process of determining whether he is insane

By virtue of the state created right not to be executed while insane, see Perkins v. Mayo, supra; Hysler v. State, supra, Florida recognizes an interest which warrants protection under the due process clause of the Fourteenth Amendment. See Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979); Board of Regents v. Roth, 408 U.S. 564 (1972); cf. Solesbee v. Balkcom, 339 U.S. 9 (1950). Due process protections no longer depend upon a determination of whether a "right" or "privilege" is extended by the state, Goldberg v. Kelly, 397 U.S. 254, 262-263 (1970); Shapiro v. Thompson, 394 U.S. 618, 627 n.6 (1969); and see Wolff v. McDonnell, supra, 418 U.S. at 555-556; Goss v. Lopez, supra, 419 U.S. at 573. The mere expectation of benefit is enough to vest due process protections; whether such a rule is a "right" or a "privilege" is irrelevant. "[W]hether any procedural protections are due depends on the extent to which an individual will be 'condemned to suffer grievous loss.'" Morrissey v. Brewer, 408 U.S. 471, 481 (1972).

Irrespective of whether it be a right or a privilege not to be executed while insane, for the purposes of procedural due process, "the magnitude of a decision to take a human life is probably unparalleled in the human experience of a member of a civilized society," Marion v. Beto, 434 F.2d 29, 32 (5th Cir. 1970). The Supreme Court of the United States has recently emphasized that "the penalty of death is qualitatively different from a sentence of imprisonment, however long . . . [and] there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case." Woodson v. North Carolina, 428 U.S. 280, 305 (1976) (footnote omitted) (opinion of Mr. Justice Stewart, announcing the judgment of the Court). As such, the due process to be accorded in death cases is what one commentator describes as

2. Petitioner has not been accorded procedural due process in the determination of his sanity to be executed.

Chapter 922 provides no due process for Petitioner or other condemned persons who are insane. More particularly, the Governor, in determining whether Petitioner is insane under Chapter 922, applied his public policy of excluding all input from or on behalf of the condemned person. Thus the Governor refuses to permit any evidence, argument, or cross-examination by or on behalf of Petitioner. Bluntly, the Governor's "process" of determining Petitioner's sanity is a total absence of procedural due process for Petitioner. Thus,

1. Petitioner was prohibited by the Governor from questioning, criticizing, or commenting upon the manner in which the "commission" "examined" Petitioner. Thus, Petitioner was unable to explain to the Governor why the 30-minute examination before an audience of people whose presence is prohibited by Section 922.07(1), Florida Statutes (1983) was insufficient, incomplete or otherwise unlawful.
2. Petitioner was prohibited from even knowing the "results" of the "commission's" examination until after the death warrant was signed. Thus the validity of the commission members' findings and conclusions went unquestioned; indeed were undisclosed until after the Governor determined Petitioner to be sane. For Petitioner, through counsel, to have any meaningful input into the determination of his sanity, it must be before the Governor makes that determination.
3. Petitioner was not permitted to hire his own psychiatrist whose report would be considered by the Governor prior to the Governor's determining Petitioner's sanity. In this case, the Governor advised Petitioner's counsel he "might" consider Dr. Barnard's report.
4. The Governor refused to afford Petitioner any hearing - evidentiary or otherwise - at which Petitioner could:
 - (a) present evidence of his insanity,
 - (b) cross-examine the commission members, or

in validity and other deficiencies in the findings and conclusions of the commission appointed by the Governor.

These procedures are arbitrary, and "[t]he touchstone of due process is protection of the individual against arbitrary action of government," Wolff v. McDonnell, supra, 418 U.S. at 558. Where the loss a citizen may suffer due to the action of the State is as "grievous" as the loss of life, there is a need for "extreme caution in factfinding," In re Winship, 397 U.S. 358, 365 (1970). See also Johnson v. New Jersey, 384 U.S. 719, 729 (1966). Moreover, "[f]airness can rarely be obtained by secret, one-sided determination of facts decisive of rights," Goss v. Lopez, supra, 419 U.S. at 580. The process employed by the Governor could not be more "secret" and "one-sided". The safeguards against the execution of the insane surely cannot be less stringent than those against the wrongful suspension of a high school student for ten days. cf. Goss, supra.

Fundamental fairness is denied unless "[n]otice and opportunity for a hearing appropriate to the nature of the case," are afforded. Boddie v. Connecticut, 401 U.S. 371, 371 (1971). See also Goss v. Lopez, supra, 419 U.S. at 579. A condemned defendant must have notice of the standards and evidence to be relied upon in making the determination of his sanity, Armstrong v. Manzo, 380 U.S. 55 (1964); Morgan v. United States, 304 U.S. 1, 18-19 (1938), an opportunity to respond "at a meaningful time and in a meaningful manner," Armstrong v. Manzo, supra, 380 U.S. at 552. The Governor would have this Court hold it is "fundamental fairness" to have no notice or opportunity to be heard. He freely admits he refuses even to disclose the reports upon which he finds sanity until after he makes his determination and signs the death warrant. Petitioner had no notice, no opportunity to be heard, and no opportunity to respond in any manner, much less "at a meaningful time and in a meaningful manner". See Armstrong, supra.

The Supreme Court of the United States permits no room for error in its cases construing application of the death sentence. It has systematically scrutinized fact finding processes

to maximize the presentation of all facts to the factfinder, especially facts of mitigation or which mandate a result other than death. See Furman v. Georgia, 408 U.S. 238 (1972); Gregg v. Georgia, 428 U.S. 153 (1976); Lockett v. Ohio, 438 U.S. 586 (1978).

"[D]ue process is flexible and calls for such procedural protections as the particular situation demands," Morrissey v. Brewer, supra, 408 U.S. at 481, and see id. at 489. Petitioner submits that the following minimal due process safeguards are required to be afforded by the Governor or anyone else in determining whether a condemned inmate is sane and can therefore be executed:

(i) a right to effective assistance and participation by counsel at all stages of the determination process;

(ii) a right of access to the commission members' reports prior to the Governor making his determination as to sanity, with a corresponding right to comment on, challenge, or present rebuttal evidence to those reports;

(iii) a right to retain his own psychiatrist whose report will be considered by the Governor prior to the Governor making his determination as to sanity;

(iv) an evidentiary hearing before the Governor at which the condemned person is given the opportunity upon adequate notice to present evidence, cross-examine adverse witnesses (including commission members), and obtain a decision with findings of fact that are adequate to provide the basis for meaningful judicial review; and

(v) judicial review.

CONCLUSION

For the foregoing reasons, this Court should enter an order staying Petitioner's execution until such time he be shown to be competent. In the event the Court declines to rule that Petitioner is insane based upon the record, this Court should

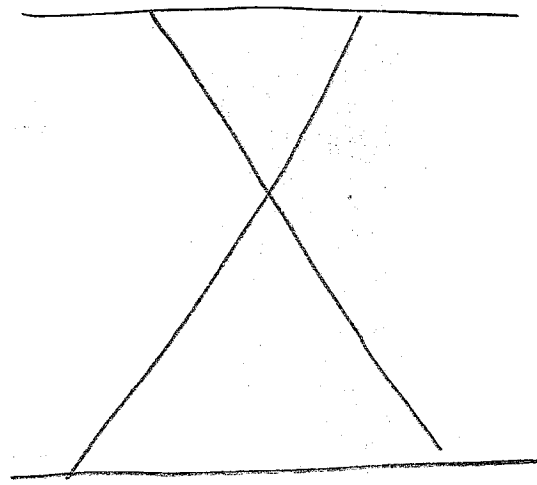
order that the petition be granted on respondent's sanity,
before the Governor, upon notice, together with the minimum due
process rights enumerated herein.

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2040-T



BEFORE THE GOVERNOR
OF THE STATE OF FLORIDA

In re

ALVIN BERNARD FORD

PROCEEDINGS PURSUANT TO FLA. STAT.
§922.07 TO DETERMINE SANITY

MEMORANDUM
FROM COUNSEL FOR MR. FORD

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INTRODUCTION

On December 9, 1983, the Governor ordered the psychiatric examination of ALVIN BERNARD FORD pursuant to Fla. Stat. §922.07, to evaluate whether Mr. Ford was sufficiently sane to be executed. That examination has now been completed. It still remains, however, for the Governor to decide "whether [Mr. Ford] understands the nature and effect of the death penalty and why it is to be imposed upon him...." §922.07 (emphasis supplied).

Significantly, the statute leaves to the Governor the decision concerning sanity after he has received the report of the commission of psychiatrists whom he has appointed. He is thus not bound by the report but is encouraged to evaluate all the facts independently, while obviously giving the report the deference it is due under the circumstances of a particular case. In Mr. Ford's case, it is crucially important that the Governor carry out his statutory duty and view the commission's report in the context of all the facts bearing upon the sanity issue, for the commission's report provides no easy answers. Two of the three psychiatrists comprising the commission found that Mr. Ford suffers from psychosis, a serious mental illness that could cause "insanity," as that term is defined in Section 922.07. The two psychiatrists who previously evaluated Mr. Ford, at the request of counsel for Mr. Ford, also reached the same conclusion. Moreover, one of these psychiatrists, Dr. Harold Kaufman, concluded as well that Mr. Ford's psychosis caused him to be insane under the test provided by 922.07. (The second of these psychiatrists was not asked to provide his opinion concerning 922.07 sanity, because he had already rendered his opinion before Mr. Ford's 922.07 sanity became an issue.) Despite their views that Mr. Ford was psychotic, however, the two members of the psychiatric commission nevertheless concluded that Mr. Ford was sane under Section 922.07. Thus, while there is near unanimity that Mr. Ford suffers from psychosis, there is sharp conflict about the consequences under Section 922.07 of this illness. Only

by carefully reviewing all the available facts in light of these varying expert opinions, therefore, can the Governor fairly determine Mr. Ford's sanity.

In this memorandum, counsel will provide an analysis of the material facts and varying expert opinions which guarantees a fair resolution of the question of Mr. Ford's sanity. In summary, counsel will demonstrate not only that Mr. Ford is psychotic, but that the nature of his psychosis compels the conclusion that he is insane. The psychosis, from which four of the five psychiatrists who have evaluated Mr. Ford have concluded he suffers, has caused Mr. Ford to be severely delusional -- i.e., to entertain "false personal belief[s] about external reality [which are] firmly sustained in spite of what constitutes incontrovertible and obvious proof or evidence to the contrary."¹ One of Mr. Ford's delusions is that he no longer is under sentence of death and thus, cannot be executed, as was strikingly demonstrated during the evaluation of Mr. Ford on November 3, 1983, by Dr. Kaufman:

Q [Dr. Kaufman] Are you going to be executed?

A [Mr. Ford] I can't because of the landmark case. I won. Ford v. State will prevent executions all over.

Q Are you on death row?

A Yes.

Q Does that mean that the State intends to execute you?

A No.

Q Why not?

A Because Ford v. State prevents it. They tried to get me with the FCC tape but when the KKK came in it was up to CBS and the Governor. These prisoners are rooming back there raping everybody. I told the Governor to sign the death warrants so they stop bothering me.

Because Mr. Ford's psychosis has given rise to this delusion --which fundamentally impedes his ability to understand why he is to be executed (since he does not believe that he can be executed) -- the Governor must ultimately determine that Mr. Ford

¹ American Psychiatric Association, Diagnostic and Statistical Manual (Third Edition, 1980), at 356 [excerpted in relevant part in the Appendix submitted herewith] [hereafter referred to as "DSM-III"].

is insane. All of the known material facts point to this conclusion. Dr. Kaufman has reached this conclusion. And the reasons why the commission members -- erroneously -- did not reach this conclusion will be fully explored, and satisfactorily explained, herein.

THE TEST OF INSANITY UNDER SECTION 922.07

As a preliminary, but critical matter, before considering the facts and opinions material to the 922.07 decision, the Governor must first have clearly in mind the standard which will govern his determination upon the facts. The standard seems simple enough: "whether [the condemned person] understands the nature and effect of the death penalty and why it is to be imposed upon him...." However, the critical term in this standard -- what the condemned person "understands" -- is not so simple to apply. The traditional meaning of "understand" is "to know; to apprehend the meaning of; to appreciate....," Black's Law Dictionary (4th Ed. 1968). On one level, however, a condemned person might "know" or "appreciate" the nature and effect of the death penalty and why he is to be executed, but on another level, due to a defect in his ability to reason accurately, he might believe that an intervening event has made it impossible for him to be executed. For example, as in Mr. Ford's case, a person can "know" that he is to be executed because he was convicted of murder and sentenced to death, but he can also believe that the state cannot lawfully execute him, because he believes (however erroneously) that his death sentence has been overturned by the courts. Does such a person "understand" why death is to be imposed? It depends upon whether that person's "knowledge" must be measured against an objective standard of accuracy in order to assess whether he or she "understands" why the sentence is to be carried out.

There has been no judicial interpretation of Section 922.07 to assist in the application of the test of sanity set forth therein. By analogy, however, Florida law does require such an objective measure. In the analogous area of sanity at the time of the offense, Florida's Standard Jury Instructions in Criminal

Cases define "understand" as to "reason accurately." Instruction 3.04(b). If this more precise meaning of "understand" is applied to the foregoing example, the condemned person there clearly does not "understand" why death is to be imposed, for he does not "reason accurately" concerning that matter due to his erroneous belief that his death sentence has been overturned. Accordingly, since the rule of Florida law most analogous to the rule of Section 922.07 requires an objective measure of a person's "understanding," that objective measure should inform the Governor's application of the term "understands" in Section 922.07.

On this basis, therefore, if Mr. Ford genuinely believes that his death sentence has been overturned, he does not "understand" or "reason accurately" that his death sentence can still be carried out.

THE FACTS MATERIAL TO THE 922.07 DETERMINATION

The facts concerning Mr. Ford which must be taken into account in the 922.07 determination come from eight sources: testimony in Mr. Ford's trial; Mr. Ford's written correspondence over the last two-and-one-half years; a series of psychiatric interviews and evaluations of Mr. Ford by Dr. Jamal Amin, from July, 1981 through August, 1982; a psychiatric interview and evaluation of Mr. Ford by Dr. Harold Kaufman on November 3, 1983; an interview with Mr. Ford by his attorney Laurin Wollan and paralegals Gail Rowland and Margaret Vandiver on December 15, 1983; the interview with Mr. Ford on December 19, 1983 by the commission of three psychiatrists appointed by the Governor pursuant to Section 922.07; the commission's reported observations concerning Mr. Ford's cell; and the commission's report of the comments of correctional officers concerning Mr. Ford. The facts presented by these eight sources are set forth comprehensively in the pages that follow.

A. Trial Testimony

Mr. Ford was sentenced to death in January, 1975. At trial there was some evidence presented of an underlying mental or emotional disturbance, but the psychiatrist who presented this

evidence, Dr. David Taubel, found no identifiable disorder other than dyslexia. Dr. Taubel nonetheless found it significant that up until a few months before the capital crime, Mr. Ford had lived a very productive life, which Dr. Taubel found unusual for a young black man faced with the family, economic, and social hardships Mr. Ford faced. Just a few months before the crime, however, Dr. Taubel noted a dramatic reversal of this life-long pattern. Mr. Ford quit his job, began to use drugs like cocaine and PCP in heavy quantities, and adopted an "I could care less" attitude about the future. While Dr. Taubel was unable to determine why Mr. Ford had changed so abruptly, he nonetheless found this change significant from a psychiatric perspective. [The transcript of Dr. Taubel's testimony is included in the separate appendix accompanying this memorandum.]

B. Mr. Ford's Correspondence

During Mr. Ford's period of incarceration on death row, he has been a prolific correspondent -- with his attorneys, his family, his friends, his newly-developed (sometimes by correspondence only) acquaintances. His letters reveal a very bright, caring, principled person who is concerned not only about the events in his life -- pertaining to his case and to the conditions and treatment of prisoners at Florida State Prison --but also about the events in the lives of the people with whom he corresponds and the major events that shape the lives of people collectively. His letters also reveal, and dramatically document, his gradual decline into the serious mental illness from which he now suffers. Because Mr. Ford has spent so much of his time writing and has written so articulately, his letters thus provide an extraordinary window into his mental and emotional state and how it has changed over recent years. Accordingly, a great deal of time and attention must be given to Mr. Ford's letters. They are a unique source of material facts which show the gradual but unrelenting deterioration of Mr. Ford's mental health, and of equal importance, which show that Mr. Ford's illness is genuine, not merely a contrivance to avoid his fate.

Prior to December 5, 1981, Mr. Ford's letters revealed a seemingly healthy, "normal" human being. For example, on August 7, 1981, he wrote to Gail Rowland, a staff member of the Florida Clearinghouse on Criminal Justice (who served as a paralegal on his case and in the course of her work with Mr. Ford became a close and trusted friend), as follows:

Dear Rowland:

Content in knowing you and members of the Clearinghouse, had a safe trip to and back, from South Carolina. Relieved to know, we are still friends. Well I wasn't sure, after, all I've said, but it was only the truth.

Yea, I did receive your letter explaining you and members of the Clearinghouse, would be in a week of meetings, in South Carolina. You should have gotten, my last letter, showing I understood, you would be busy.

Content in knowing the meetings went well. I can understand your missing your family, happy you're home. Also, and you were able, to be at the beach.

Will be looking forward, to seeing you. I'm still not sure, about some things, especially if I should write, about what happens, inside the Prison Walls. Think I'm more lazy, than anything else, think a lot of times, how easy this would be, if I had a tape recorder. I still stress, the point. No one, should read anything I write, about the Prison. I'm still not sure, if I should, though. Hope to talk to you, if I feel better, about this. I may have started, but I won't promise.

Well you need a car, if you don't have one. Do be sure to inform me, when you think you'll be back at Florida State Prison. I am not unreasonable, even if I seem, so.

Haven't received any word, on the Parole Commission Interview of 31 July 81, from relatives, but will inform you, as soon as I do. My sister had mentioned, talking with Wollan, by phone earlier, in July. I'm sure the interview had them, somewhat, not knowing what to think.

Thanks for sending the Amnesty Newsletter, back. I will most likely write Williamson, sometime soon.

Will truly be content, in seeing this summer end. Hope those days are over, wherein it was near or over 100°.

Know you'll be busy, at home as well as work. Hope you'll be able to visit your family in New York, in December.

You are a good friend, so stay in touch. Will think about writing about some of the things we discussed.

So take care.

Sincerely, Alvin B. Ford.

Appendix (submitted herewith), Letters, A. Another, longer letter, dated August 31, 1981, to Gail Rowland was quite similar -- sharing Mr. Ford's feelings about various events in his life, discussing the stresses and the boredom of life on death row, expressing his concern for various friends and acquaintances, and mentioning his fondness for Dr. Jamal Amin, who was conducting an ongoing psychiatric evaluation for use in Mr. Ford's clemency and post-clemency proceedings. Appendix, Letters, B. Again several months later, on December 1, 1981, three weeks after Mr. Ford's death warrant had been signed and less than one week before his scheduled execution, Mr. Ford wrote Gail Rowland a letter typical of all his correspondence to that point -- expressing his gratitude for the hard work people were putting into his legal efforts, his special gratitude for Ms. Rowland and her daughter, and his happiness that Ms. Rowland had a good Thanksgiving holiday. Appendix, Letters, C.

On December 5, 1981, however, health and normalcy began to give way. The first sign of Mr. Ford's break with reality appeared: he wrote in a letter to Ms. Rowland on this date that the staff of a radio station in Jacksonville, WJAX-FM (often referred to by Mr. Ford as "95X"), "have been talking to me, the pass few weeks," not by visiting in person or on the telephone, but in their broadcasts.

Dear Rowland:

Thought I would write about WJAX, and the staff at 95X-FM, who I had informed you, have been talking to me, the pass few weeks.

I wrote and informed them, their names will go in my file, so send Fins Esq., Hill Esq., a copy of this letter. Plus send Hill Esq. a copy of the letters, concerning death watch.

Well a friend Clyde Holmes, use to call 95X (WJAX) and ask Otis Gamble to play different songs for me. This went on for months.

I would tell Holmes, to give Otis Gamble a message (he calls himself, "the Greatest," the name I gave him, but usually Gambini) which would be, a message in a joking manner.

Then Gambini would get on the radio, and tell me, what he would do to me, by his being 6'4", and 230 pounds. So I would send a message I lift 400 pounds, easy. So this is how it started.

Then the guy who does the news, Scott, would get on and talk about 400 pounds. So for whatever, I had sent the message, they would let me know, they got the message. All this was in kidding.

I never wrote the radio station until a few days after the death warrant was signed. This guy Scott got on the radio, and was asking could I talk, "What's the matter with you, you can't talk," so I wrote.

From the time prison officials gave me the radio, Scott has been selling out, so much so. I couldn't let him get the last word in. So Scott and Gambini, has kept me laughing.

The guards know, they talk to me over the radio. Scott gets on the radio 5:30 A.M. in the mornings, and says, "is he up, wake him up," and the guard wakes me up, and I say, "Damn Scott is talking that crazy shit, this early in the morning."

The lady who does the news, Peggy, kids me because I kid her. Then while doing the weather, tell me no good news. She calls Bob Graham, the "gritch" (spell wrong) that stole X-mas. They tell me, all sorts of stories. Funny ones.

Then there's a lady name Destiny. Who takes over where they leave off, she said her name was Gail Adams, the other night.

The people at the radio station has really, made the situation more easier. They told me good luck, before the hearing Friday. Peggy, the newlady, said she hadn't heard anything about 5:00 P.M., asked had I one day I could hear them, turning the pages of the newspaper, someone would ask, "any good news," the other, "I don't see anything."

They the four people have said, so much over the radio, to me. They told me it was (11) secretaries typing the weekend the after the hearing was denied in Fort Lauderdale, and so many other things I can't even begin to write.

So I thought I would like in the file, they were special people to me. They say, they will be with me, until 8 December 81. So I would like to have this in the file, if ever its read, by others.

Thank you. Alvin B. Ford.

Appendix, Letters, D.

In a letter to Ms. Rowland nearly three months later, February 24, 1982, Mr. Ford again discussed his developing relationship with the staff of WJAX. In the intervening period since the December 5 letter, it is clear that Mr. Ford's delu-

sional relationship with WJAX had become much more complex and more central to his ongoing life. Moreover, this letter introduced what was to become an overriding obsession: Mr. Ford's preoccupation with, and personal battle against the Ku Klux Klan.

Dear Rowland:

The leader of the Jacksonville NAACP was on the noon news, on Channel 4 (of Jacksonville) 23 February 82.

He asked that no one, show up at the Klan rally 25 February 82. The Klan will feel real strange.

On 21 February 82, I sent the radio station the article that was in the February 82 issue of Matchbox (Amnesty International). Also an article on this lady from Ireland, who won the Nobel Peace Prize, five years ago.

Candy Markman of Nashville, Tenn., mailed the articles, or article her father writes sometimes. He lives in St. Petersburg, Florida.

Mailed the article to Big "O" (Otis Gamble). That's what I call him. I saw him on television once. He runs the opinion line. So guess I'll start back writing.

I don't think Jacksonville, is ready to know, I've been writing most of the topics for the opinion line.

All except for three programs, this month. The reason, missed two this week, because I told the staff, at the radio station, I wouldn't be around this week, to hear the people call, and talk of hate, for the Klan, and people because of the races.

Destiny was crying Monday night. Guess Big "O" showed her the picture by Doug Magee, of the Gas Chamber.

I have a plan, in this opinion line, if the station keeps using the ideas which leads to votes, and gun control. But it will take months of the opinion line....

Will be in touch.

Sincerely, Alvin B. Ford.

Appendix, Letters, E.

By February 28, 1982, just four days later, Mr. Ford's delusional system had taken a quantum leap. On February 25, 1982, two events occurred in Jacksonville which took on extraordinary significance for Mr. Ford: the Ku Klux Klan held a rally; and fire destroyed the house and lives of a black family, killing the father and six children and leaving only the mother alive, because she was pushed out a window by her husband to run

for help. In a very long letter to "Destiny," one of the staff members of WJAX, Mr. Ford explained the significance and inter-relationship between these two events -- the Klan started the fire -- and explained how God had revealed these facts to him. Because this delusion is of central importance to the subsequent development of Mr. Ford's delusional system, and because the way in which Mr. Ford reports having discovered that the Klan started the fire is so revealing of his increasingly psychotic state -- in which delusions, loosening of associations, and hallucinations are manifest² -- the letter is reproduced here in substantial part.

Destiny:

Please read my letter of 24 February 82, again. Then make copies, of both, that letter, and this one.

Then I want Ed Austin, to read the letter of 24 February 82. Also this letter. Make him a copy of both. I'll need him at the end of this letter. I always call him, Ed.

The letter of 24 February 82, was a thought, question, answer, letter in a sense. I will just go over it. Now that you have read that letter of 24 February 82.

I didn't get the 25 February 82, newspaper, Florida Times Union. So guess something was there. Then have the feeling, more people are waiting for this letter, than in the pass.

Even heard Reagan over 95X talking about the light by the plant. That light, is something I can only see it, when he is ready. I'm waiting on it now. Have saw many things, and didn't start understanding until the newscast 4:20 P.M. by Peggy 95X PM, on 25 February 82.

There's times when I write about things, as to when, or what date, they will happen. If I can't see the light from the sun, I'm lost. Then it's not the sun, someone much Stronger. Those who read this letter will see the light

² See DSM-III, at 182-183. See also the definitions of these terms:

"Delusions" are, as previously noted, "false personal belief[s] based upon incorrect inferences about external reality [which are] firmly sustained in spite of what almost everyone else believes and in spite of what constitutes incontrovertible and obvious proof or evidence to the contrary." DSM-III, at 356.

"Loosening of associations" is a form of "[t]hinking characterized by speech in which ideas shift from one subject to another that is completely unrelated or only obliquely related without the speaker's showing any awareness that the topics are unconnected." DSM-III, at 362.

"Hallucinations" are "sensory perception[s] without external stimulation of the relevant sensory organ." DSM-III, at 359.

I'm talking about, and know, this is the light, I see by, when he wants me to, I have no control, it's only when he wants me to see.

....

I never forget, what has happened this pass week, to ten days.

I was very content in hearing, the leader of the Jacksonville, NAACP (on Channel 4) ask that no form of protest be given to the Klan Rally 25 February 82. (This was aired 23 February 82, on Channel 4 noon).

I wondered how the Klan members would feel, with no one, there to hate. Also was content, some television stations, showed little coverage of the Klan members, up until 25 February 82.

Was more concerned, as to, how the young students and children, would react, to such hate. I learned about love, and people, in my own way, and had the best teacher. Everyone, will see that teacher, who reads, this letter.

The light, that shines, through the window, to the floor, you'll see it, it's in the light. It's no one, but God. That's how, I see things, in the outside world. It may seem strange, but he, is much powerful, than any of us have ever, conceived, or rather much more powerful, than any man, ever conceived.

He showed me, the past seven days, and I will tell you how. It really frightens me, once I begin to remember.

This all started, when Destiny asked, if I knew her age, 95X, the night of 24 February 82. Then asked how, I knew, there was a living plant, in the room, (at her apartment) with the Bird.

I informed her, the light was shining, on the floor, she must have turned, and saw the light while on the phone, when she called the radio station, 95X, that morning. Guess she didn't know, he was there, in the light. Don't know, the reason, for her calling, but that's why he was there (God). That's how, I saw the plant. She is a special friend. As all the members of the staff at 95X.

In the 24 February 82, letter, I tried, to explain, to Destiny about the light, without mentioning God, was the light, because he knows, I know. Already.

In my trying to explain, I mentioned a few things. As how sometimes, I can see things, days, sometimes weeks ahead, of time. There's times, when I'm wrong. That's God's, not with me, or rather I'm not with God, because he, is always there.

....

4:20 P.M. 25 February 82, Peggy's first news story was of the Klan rally. But she sound, so frightened, I'll never forget the cold chill, I got as if she was talking to Death, itself, her voice never has ever sound, so frightening, and chilling.

During the second story on the fire (the man and six children) I saw three black images, standing behind her, in or black images as the outline of someone, in the Klan hood and gown. The chill was so cold, that it frightened me.

After the newscast, I thought of the letter of 24 February 82 and somehow, just hoped, Peggy wasn't afraid of me. I didn't understand what had happened, until later that evening about 6:00 P.M. matter of fact, I didn't understand what had happened, until about 6:00 P.M. 25 February 82 (Friday), and still didn't know, everything, until I saw the sunlight, the morning of 27 February 82, with Sandy.

He showed me everything, and left something, so you'll know, how great he, is. He only let me look in the window once, I wanted to look again, but he said it's there. Soon you'll see what I saw, and know.

I know the Klan members, burned that house.

.....

Rather than tell someone, what I was thinking, I wrote 95X, and asked Peggy to let me know, if she, hear the news, on the cause of the fire. The morning of 25 February 82.

Watched the 6:00 P.M. news on Channel 4, then saw the faces of the Klan members, who, burned the house (on pages eleven and twelve). [Mr. Ford is here referring to the two newspaper articles, infra.]

They were Bill Wilkson, the leader, Robert McMullen, and the Klan member, with the reddish brown beard (holding the two signs) with the wood part in his hand. That's in the 6:00 P.M. Channel 4, newscast, 25 February 82.

I was wondering, who I could inform. But I see now, someone's waiting on this letter.

Peggy made some type noise, in her throat, while mentioning, the gun law, had pass, as stated in the 28 February 82, paper, and letter of 24 February 82. This made me take a closer look at everything. As far as what I had written, in the letter of 24 February 82, and what had happen.

1 February
25 February '32
Page 11

The Florida Times Union 2/26/32

6 children, man die in house fire on Southside

By Otis Perkins
Times-Union Staff Writer

When Daniel Leroy Hagin and his three sons were joined at their small clapboard frame house on the Southside by Joanne Crabtree and her three children, it appeared that the hard times that had befallen both families were about over.

Both were divorced, and both had been unemployed. But Hagin, 31, had found a job as a carpenter, his regular trade, and Mrs. Crabtree, 29, had gotten a job as a receptionist. After a couple of paydays, they would marry.

They would continue to live in the small house at 5107 Thorden Road, on a quiet, tree-shaded tract off Atlantic Boulevard five minutes from downtown Jacksonville.

Four generations of Hagins still live as neighbors on the land that has been in the family since the turn of the century.

The future the couple planned together ended abruptly early yesterday.

Fire swept through the small house, killing Hagin, his sons and Mrs. Crabtree's three children. Mrs. Crabtree survived because Hagin pushed her through a window so she could get help.

Dead with Hagin were his sons James, 12, Steven, 10, and Timothy, 9, and the Crabtree children, Patricia, 9, Steven, 7, and Andrew, 5. Fire investigators said all appeared to have died

of asphyxiation.

The Hagin children's grandmother, Mrs. L.T. Hagin, said that the younger boys attended Love Grove Elementary School and that James went to Crown Point Elementary in Mandarin.

The two older Crabtree children also went to Love Grove, said their father, Charles Steven Crabtree. He was at the bedside of his former wife last night at Baptist Medical Center, where she was being treated for smoke inhalation. Her condition was reported as fair.

Mrs. Hagin said that Mrs. Crabtree and her children had moved in with her son only three days ago. They had spent Wednesday moving Mrs. Crabtree's belongings from an apartment, where she had gotten behind in rent, Mrs. Hagin said.

"They were going to get married in two weeks after he got a couple of paydays," Mrs. Hagin said.

She said that her son had been out of work for some time and only Tuesday had gotten a job as a carpenter. She said that Mrs. Crabtree, a receptionist, also was due to report to a new job.

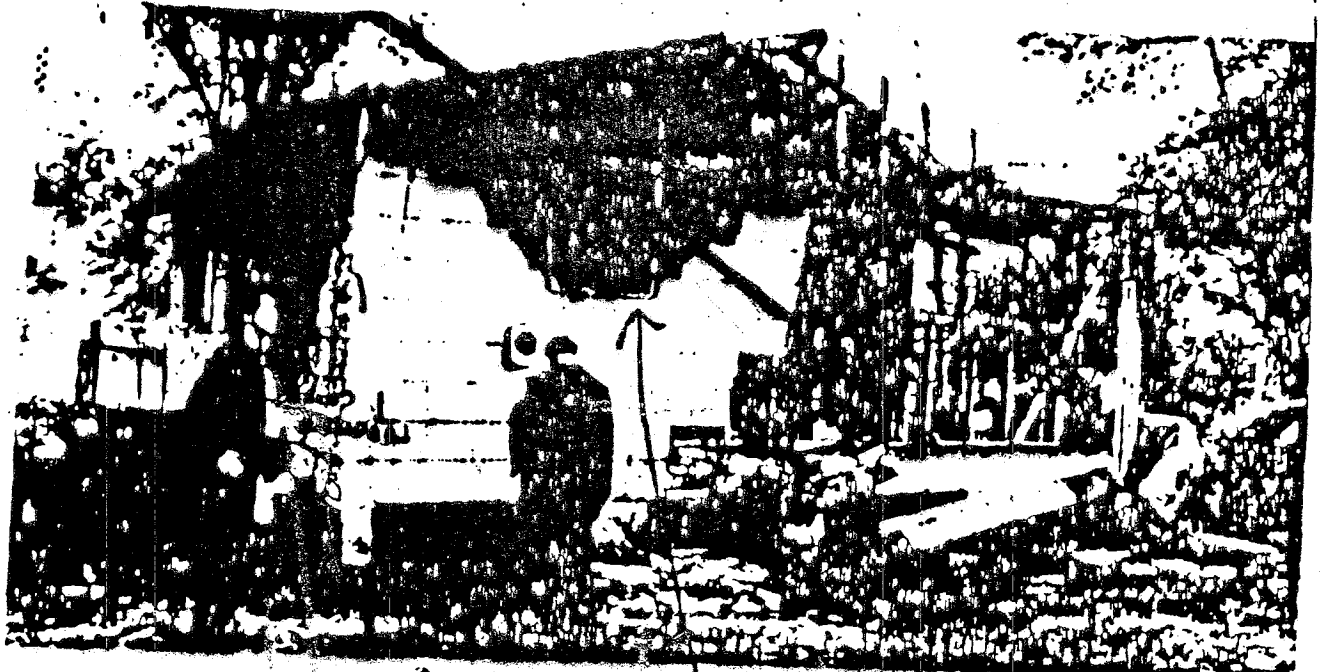
Mrs. Hagin said that the mother of the Hagin children had married again, and she did not know her whereabouts.

She said that her son had made

(See MAN. Page A-2)

at the
T.S.U.

col. 24
rel. 24
6/11/32



— Don Ray/Staff

3 - (circle) Only three outside walls were left standing after fire was extinguished.

Man, 6 children are killed in Southside fire

(From Page A-1)

some money by trapping small game, which had been a family sideline. The charred carcasses of two animals near the burned house served as reminders of Hagin's part-time work. Cages at a nearby shed held two live raccoons. There were many empty cages on the ground. Two family dogs were in a backyard pen.

There was other evidence of lives that were — of children at play.

A wire-rope swing dangled from a tall, spreading oak on one side of the house. A steel cable, stretching between two tall trees, was equipped with a pulley and rope in sky-ride fashion. Bicycles and tricycles were scattered about. A jump rope was lodged in a tree inside the dog pen.

Yesterday, Jacksonville fire investigators searched the charred remains of furnishings and the house

that had included two bedrooms, living room, kitchen and a built on family room.

"We're not sure how it started," said grim-faced fire investigator W.E. Earle. "This is an awful tragedy."

Only Monday, a 72-year-old woman and her two young grandchildren died in a house fire on Jacksonville's Northside.

Earle said that the bodies of the Hagin and Crabtree children were found in the rear bedroom next to what had been the family room. Three were on double-deck bunk beds and three others were on the floor, Earle said. Hagin's body was on the floor in the front bedroom.

Earle said that the fire appeared to have started in the family room, which contained a couch, two easy chairs, a television and an oil heater. Firemen at the scene said that as far as could be determined, the heater

was not in use. The weather was unseasonably warm.

The investigators were trying to determine whether smoking was to blame, but they would not speculate on the cause of the fire.

The fire department was called at 12:27 a.m. yesterday, but the house was burning out of control when firemen arrived.

The fire consumed the family room and spread throughout the house.

Mrs. Hagin said that her son came to her house about 10:30 p.m. Wednesday. She gave him food, and they watched television for a while. She said she went to bed sometime after he left but was awakened about midnight because of the fire.

She said that by the time other family members reached the house the flames were out of control.

"There was nothing we could do," she said.

How many kids on NBC news?

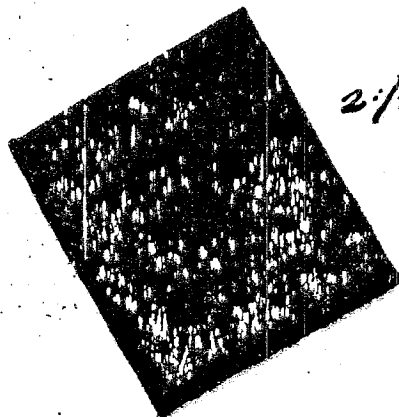
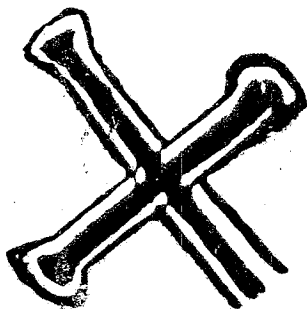
only 600!

I sat and looked at that picture on page twelve [the picture reported in the Florida Times Union edition of February 26, 1982, supra], and went over it many times. I saw the man, Robert McMullen, pouring something on the roof of the house on page twelve. The man with the reddish beard, through fire, in the first window on the corner of the house, where the meter is, it's marked (X).

There was a man inside the house, this is why "the little girl, said the noise frightened her."

The man pushed the lady out the window, nearest to the meter, so she get help, and she called God. As I did, after seeing, all this. I asked God to help me, with the light, I had saw, by the plant because, the investigators couldn't find the evidence.

Then the sunlight, arrived, in the window, by the meter, I saw something in the ashes, I still don't know the name of it, because seemed, as one corner, was in the ashes, I wanted, to move it, but couldn't touch, it, to get a better look, it looked like this:



2/27/82

The brown picture, is the first one I put on paper, so I wouldn't forget what I saw. This was the only thing, I saw with the light through the window.

I didn't know, what either of the pictures, on page fifteen [the diagrams, supra] was, because it looked silver, around the edges, and black engrave, with one edge in the ashes, covered, looked as though.

I looked and looked, this is the only thing that looks close to it. (on page seventeen) [Mr. Ford is referring here to page seventeen of his letter, which contains the picture of the Klan member, infra.] Turn the drawing on page fifteen [diagrams, supra], see how it fits, there's only one thing missing, the last corner (as in the house on page twelve).

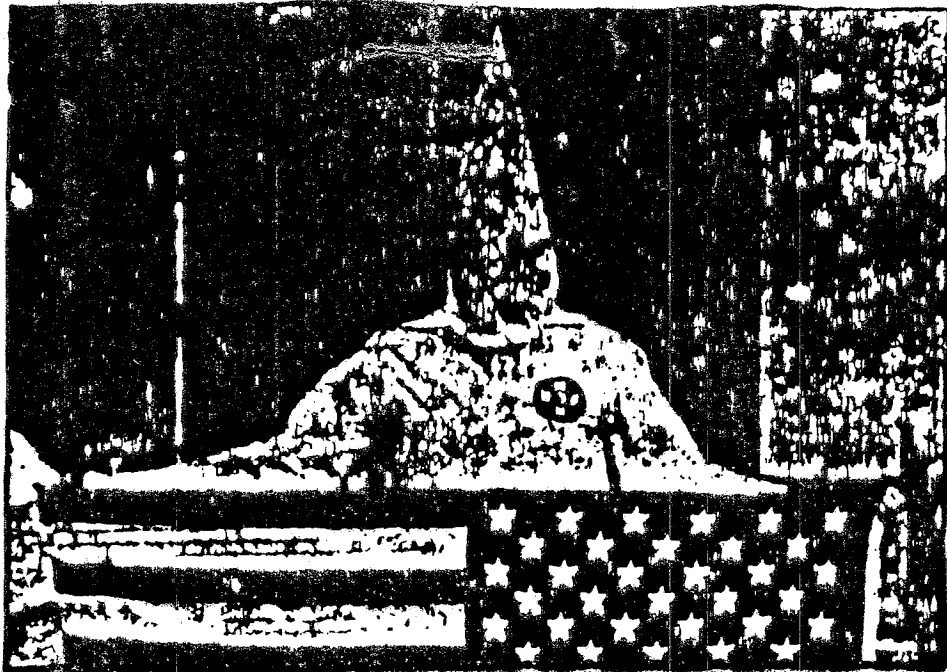
The lady in the newscast, 6:00 P.M., on Channel 4, is the other corner.

The evidence, is in the path, of the light, on the floor mark the path of the light, from the window on the floor.

I only saw in the window once, and would like to see, what the window, showed.

He said, the lady, in the blond or with the blond hair, who was in the Klan outfit, go get her (only) for now.

*Destiny
28 February 82
Page Seventeen*



Then let her read the letters, of 24 February 82,

Then take her to the house, to see what God left, as his mark. Then give her the money, and make sure, she is safe, and free to go, wherever she wish to go.

She will see the light, also, and she will continue to, until she does the right thing. That will be the only way she can stop his power.

I don't know you, but saw you at the Klan Rally, pretty blonde hair. God, will be talking to you, so don't be afraid. Be still listen, and think, that's how he talks, when you see the light, look at it, spinning, on the floor.

Look at your feet, when you get inside, he will make you remember, standing right at the fourth end of the picture you saw, I saw the light through the same window.

The lady, pushed through the window, called God, as the house was burning, and he answered. I don't know what you'll see inside that house, when you get there.

But don't be afraid, you will see what I saw, through the window, but you'll see the light God only allowed me to look in the window on page twelve once.

Ed Austin, you may know me, I met you in the Fourth Judicial Circuit, Nassau County, Fernandina Beach, in 1980.

You remember, in the case of the young white kid, who killed the convenient store worker. Judge Adams, I know you fear God, this five days pass, I learned, how great he is.

He said, give you a copy of this letter, and get one of the 24 February 82. Then know, he is God, writing this, for me.

He said, go get the lady, in the Klan outfit, and bring her back alone. Her picture is in the Channel 4 newscast 6:00 P.M., 25 February 82. Blonde hair.

Let her read the letters, then take her to the house, and let her, see his mark.

To tell you the truth, I wanted to see it again, but I'm frighten of the glow.

I don't know, what you'll see, but God help you. He also said, to mark the area, whatever it is he wants you to see, also. So be there early, and wait on him, he will come in the window, by the meter, slowly in the light.

Whatever is there, no matter what, they are to look, and mark the light. I saw something, in the ashes, in the light, looks like on page fifteen (the drawing).

He said, to tell you to look at the light, as it comes through the window, then come back, when the lines are marked, from the light on the floor, from the windows.

Then know, she went for his help. Also, no matter, what's there, go get the girl (blond hair, Klan gown) and let her read these letters. Then take her to the house. He will do the rest.

He said, give her the money, and make sure, she is safe, and give her, a little time, to think, after she, see whatever, he left there in the house. Also make sure she is free to go.

God bless the staff at 95X, and those who saw this, work of God.

Sherlock.

["Sherlock" is Mr. Ford's nickname in the prison.]

During the month that followed the writing of this letter, Mr. Ford seemed to return to a relatively healthier state. His loosening of associations and hallucinations, so clearly evident in the February 28 letter, seemed to have subsided. As evidenced in his letters to Gail Rowland of March 8, 9, and 13, 1982 (Appendix, Letters, G, H, and I), Mr. Ford continued to believe his delusion about the Ku Klux Klan -- e.g., "[t]he letters concerning the Klan has bothered me some what, because I want the Grand-Wizard" (Appendix, Letter, G) -- and his delusion about his ability to interact with the WJAX staff, but he also seemed to be communicating in the "normal" style and about the "normal" subjects he formerly wrote about.

Mr. Ford continued to communicate in this fashion until April 17, 1982, when a letter to Ms. Rowland on that date showed some further advance in his delusional systems, accompanied by the injection of paranoia into his delusions as well as the re-emergence of his loosening of associations. In the first half of this letter, Mr. Ford wrote matter of factly and "normally" about Ms. Rowland's family and associates, the decision by the panel of the United States Court of Appeals in his case, and an upcoming meeting with one of his attorneys. Then abruptly, he wrote:

....

I saw Graham on television, with water in his eyes, talking about that letter I sent the lady D-Miami, with the words, unlined. Wait until you read the letters, Destiny has at WJAX.

....

The people at the radio station, Destiny, has information, on some things that happen, the following day, after I had written her. I haven't been writing for their opinion line, because trying to keep up, with the Ku Klux Klan, has gotten me tired.

Thank you for nice Easter card. I have stop writing about anything, as to when or where, it will happen, because this whole thing, leaves me very tired, and the people at the radio station, keep asking for more, when I haven't rest.

Haven't wrote Candy Markman's father, yet because the talk about war, scares me. So I just stop, writing anyone, who may seem to ask some strange or unusual question.

all-encompassing. Because of his work against the Klan, he believed that he had become the target of a complex scheme of torture ultimately designed to force him to commit suicide. Although this delusion has undergone some change from September, 1982 to the present, this is the central delusion which has governed Mr. Ford's daily existence since its onset in September, 1982. There have been no remissions -- from the grip of the delusion, the loosening of associations, and the hallucinations -- since then. Because this delusion has been so dominating, Mr. Ford's entire September 11 letter has been reproduced, for it is the critical stepping stone from the past to the present in Mr. Ford's life.

Dear Fins Esq.:

Thank you for your letter of 22 July 82, as of this date, I still want my files closed to Doug Magee, and no one is to have access other than lawyers.

Also I do not in any way, want Dr. Amin, or Gail Rowland, associated with my case in any manner, as of this date.

I'm sorry I haven't replied to your letter, until this date. I have had a number of problems, at Florida State Prison, over the past three months, with guards, the KKK, and Owl Society or organization.

I really wanted to see you, it's been such a long time, Deborah. I wasn't able to leave the cell, hopefully you got the refusal slips, and the messages, I wrote on them, to you.

If you receive any affidavits concerning what has been going on inside the prison, do hold them, and make sure all persons, attorneys, etc...receive copies. Do excuse, my saying you were missing, this was the only way I could get the prisoners interested enough to write, wherein I could get some help.

Dennis Balske of the Southern Poverty Law Center, should be sending copies of letters written prison officials, and lawyers, concerning the problems, I've had here over the past months, mailed them, to the Poverty Law Center, because of their Klan-Watch. Then asked that they send letters, to or copies, to the lawyers.

My situation needs a solution, as soon as, humanly possible. I have been threatened 24 hours a day, for the past three months, by guards and Bill Wilkinson of the KKK. He has been working here, under the name of Officer McKenzie, Q-Wing.

When you do, visit again bring a tape which can play six to eight hours. There's so much has happened, until I don't know where to start.

I have to see what Destiny has done, with all the letters. Doug Magee [a writer from New York who has published books about death row] is at that radio station saying his name is Dale Taylor. I haven't received a letter, from him, so I'm about ready to stop writing that station.

Well hope to see you soon. Think I'll just rest some. Tell Geoff and Tao [Ms. Rowland's husband and child] hello for me. I don't know much about the book, but whatever, I write, I don't plan on sending to WJAX, until I find out, what happened to the other things I have written so far.

So take care, and hope to see you soon.

Sincerely, Alvin B. Ford.

Appendix, Letters, J.

Over the next three months, Mr. Ford again seemed to have "gotten better," as evidenced in his letters. Appendix, Letters, K and L. To be sure, his delusion about the Ku Klux Klan remained intact, and he reported devoting much effort to seeing that Bill Wilkinson (the leader of the Klan) would eventually be prosecuted and convicted for the arson-murders in Jacksonville. He also took care to be sure that Ms. Rowland and her colleague, Scharlette Holdman, knew about what he was doing and understood the "evidence" he had against the Klan. And his concern for his "Klan work" was so pervasive that he reported little concern about anything else, even the legal proceedings related to his conviction and sentence:

I have the letters from the lawyers, Miss [redacted] and Miss Esq. I've been so busy I haven't had the chance to read them, but will this weekend. I don't worry too much about the ruling that will be from the 11th Circuit, on the re-hearing. Have many other things to keep me busy.

Appendix, Letters, L. However, he also was able to communicate about everyday matters concerned with his and Gail Rowland's friendship, Appendix, Letters, K, and his manner of writing was more coherent, reflecting another remission of his loosening of associations.

By July 8, 1982, Mr. Ford's remission ended. On that date, he wrote Scharlette Holdman (Florida Clearinghouse on Criminal Justice) a letter reporting a significant advance in his delus-

all-encompassing. because of his work against the Klan, he believed that he had become the target of a complex scheme of torture ultimately designed to force him to commit suicide. Although this delusion has undergone some change from September, 1982 to the present, this is the central delusion which has governed Mr. Ford's daily existence since its onset in September, 1982. There have been no remissions -- from the grip of the delusion, the loosening of associations, and the hallucinations -- since then. Because this delusion has been so dominating, Mr. Ford's entire September 11 letter has been reproduced, for it is the critical stepping stone from the past to the present in Mr. Ford's life.

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I'm sorry I haven't replied to your, letter, until this date. I have had a number of problems, at Florida State Prison, over the pass three months, with guards, the KKK, and Owl Society or organization.

I really wanted to see you, it's been such a long time, Deborah. I wasn't able to leave the cell, hopefully you got the refusal slips, and the messages, I wrote on them, to you.

If you receive any affidavits concerning what has been going on inside the prison, do hold them, and make sure all persons, attorneys, etc...receive copies. Do excuse, my saying you were missing, this was the only way I could get the prisoners interested enough to write, wherein I could get some help.

Dennis Balske of the Southern Poverty Law Center, should be sending copies of letters written prison officials, and lawyers, concerning the problems, I've had here over the pass months, mailed them, to the Poverty Law Center, because of their Klan-watch. Then asked that they send letters, to or copies, to the lawyers.

My situation needs a solution, as soon as, humanly possible. I have been threatened 24 hours a day, for the pass three months, by guards and Bill Wilkinson of the KKK. He has been working here, under the name of Officer McKenzie, Q-Wing.

When you do, visit again bring a tape which can play six to eight hours. There's so much has happened, until I don't know where to start.

My life is in danger, by these guards and the KKK, and Owl Society, or organization, plus this labor union, you should be receiving, copies of letters, to this effect.

Other than threats, I have been, okay. Have been more less, trying to gather information, and review the situation.

Please call Wollan, and Dennis Balske of the Poverty Law Center, to get a full report. Wollan, Burr III, and Craig Barnard with Vandiver, was at Florida State Prison on 11 September 82.

I've been hounded by Bill Wilkinson and the KKK, 24 hours a day, the guards, in the labor union, and Owl Society.

They put me on DC for quite some time, for no reason. Just got some stamps and Wollan, brought some. Just got some pens and paper to write with.

Things have been the same continuous hounding. They are at my door now and in the pipe alley at the cell, vent.

The story is too long to write, but it's the truth. A lady is being held in the pipe alley on Q-Wing, third floor, behind the cell, I'm in.

I'm told the man holding her name is Crooks, the only Crooks I know of is one who works at WJAX 95X, 4:00 P.M. to 6:00 P.M. Sundays.

While waiting to see, the lawyers 10 September 82, the Counselor, Harrington, said I'll be moved to R-Wing, the working week of 9/13-17/82. While in the Cage, by the Control Room.

As soon as I got back to Q-Wing, I was told Crooks, is to murder me on R-Wing or S-Wing, and either make it look as a suicide, or murder. This lady has been held in the pipe alley since, well about two months, being raped by guards as well as prisoners. This is the reason, I haven't gotten very much help. Guards are allowing prisoners to rape this lady, to keep things quiet, and no one knows she is in this prison.

I hear her now, asking this man, "Please don't kill me." I have been on Q-Wing since 2 August 82, and hounded every day for 24 hours, by the KKK and guards. Can't even eat, without them at the doorway and cell vent saying they put, "Semen in the food, by having this lady, perform oral sex," this is every day, for the pass three months.

While on S-Wing, guards have tried to ease my door open in the A.M. hours. Luckily, I was not asleep, 3:30 A.M., because this plantigraph was waiting to enter the cell with a knife and hatchet, this is the truth, whole truth, and nothing but the truth, so help me God.

Doug Magee, published a book, and changed the authors sold for \$680,000. I wrote that book. Paul Robeson, All American, author Dorothy

But Dr Gilliam. He nor Destiny said a word about it, but I found out, the plan was to try to run me insane, and make me commit suicide.

This why I don't want Dr. Amin, on my case, and Gail Rowland. No one can get the money from the book unless, I'm dead. As soon as possible I'll write the whole thing. I had but being threatened by the KKK, in prison, I had to pass the evidence.

I've never told you a lie, and this is the truth. Deborah, I think these guards, have been killing people, and putting the bodies, in these concrete enclosures, used for beds, on Q-Wing. Deborah, this is the truth.

These concrete enclosures are used for beds, about six feet long, four feet wide, and three feet high, just a concrete block. The one inside the cell, I'm housed in was open from the pipe alley I think, and the smell was awful, decomposed bodies.

Do know I've never lied to you. While I was out to see Wollan, Burr III, Craig Barnard, and Vandiver, I was afraid they may try to clean these things out. I don't know what happened, but the lady is still in the pipe alley, and at this very moment someone outside my cell door, with threats, the voice sounds as Bill Wilkinson of the KKK.

Before I moved to Q-Wing to DC, 2 August 82, I was on DC on S-Wing-1-North-17. There was a gun on the floor, that was pointed at me, told guards. No one, did a thing, was a shake down 17 July 82, led by Bill Wilkinson.

Got a UCI-666 (Form)(sent to Dennis Balske of the Southern Poverty Law Center, asked he send all the lawyers copies, notarized) which was written by Bill Wilkinson, which said, one altered ink pen, and 5 bundles of paper.

That five bundles of paper was evidence on the book, mentioned on page five [of this letter], and on the KKK, and the hounding by this Destiny at WJAK 95X Radio Station. The five bundles of paper was going to Jim Smith, State Attorney General. They were trying to get me, to throw them, away, because guards names were mentioned. I wouldn't throw these papers away, so they gave me a DR, for having a knife, when do you know of me having a weapon, since being in prison. 17 July 82.

15 July 82, the lady who does ABC radio news, told me not to give those same bundles of paper (letters) to Classification Officer Dan. I gave them to him, after some thought asked for them back. As soon as I did, you need a haircut, another DR (the letters were four brown envelopes to Jim Smith on the KKK, the book, and guards, and hounding by this Destiny).

This lady in the pipe alley said, Sergeant Combs, had a gun to her head telling her, she better never tell, she was beaten and raped, with Officer Adams. In the stairwell of S-Wing I heard them, and told her, she can tell anyone, because they had no business, with her in the pipe alley.

When I said that, they cut off my water to the sink and commode. Orders of Bill Wilkinson, on S-Wing. Then I was given a DR, saying, I threatened to kill a guard, by Officer Adams.

So Deborah, I've been on DC, quite a while. They have been trying to kill me. Their plan was to do so on Q-Wing, took everything I owned 2 August 82. Had no stamps, pens, paper or envelopes, until September, although I borrowed a pen and paper. Had no stamps, but found some reusable ones on old envelopes and mailed a letter out.

Didn't get a slip concerning my property until 8 September 82. Had over \$25.00 stamps, 400 envelopes, 500-600 sheets of paper, 30 pens. Not sure where my personal property is, but guess I'll find out when they take me off DC. More than likely will have to file suit, under High Risk Management.

These people who have been threaten me, told me, they murdered all my family. Hopefully you can, get back down here, and bring a full tape, that will play six to eight hours, each day. No haven't heard a word from my relatives.

Channel 4 of Jacksonville has been helping. Keeping the guards from killing me. The evidence, I wrote to Jim Smith, State Attorney General, concerning that book was written over the cell walls of Q-3-West-3, the cell I'm in now. (That evidence on the book, was removed from my cell, from S-Wing in the month of July 82.)

Bill Wilkinson says he has my address book, and is killing everyone in there, by address. So I wouldn't have anyone to help me. Guards wouldn't mail my letters, only beat this lady whenever I tried to write the outside, for help.

So I've had to fight the KKK, guards, and prisoners. Also, because the KKK, and guards, has been using the prisoners against me, as well allowing to rape this lady, being held hostage.

So my life is in danger, and need help. Please send a copy of this letter to the FBI, as soon as possible, and contact, other lawyers.

Please be in touch as soon as possible.

Sincerely, Alvin B. Ford.

cc: CIA-FBI
Directors
Washington, DC.

Appendix, Letter N.

In Mr. Ford's letters which followed this letter in September, 1982, the same information was presented. But in a letter dated September 12, 1982, to Ed Austin, President Reagan, the United States Attorney General, and the directors of the FBI

and CIA, three new aspects to the delusion emerged. First, Mr. Ford noted that he had been in direct communication with President Reagan about the Klan's crimes in Jacksonville from the very beginning:

The President of the United States of America, should remember well, this case. He was at Camp David, the night, I was writing those letters, concerning the KKK, and mentioned, the "Light by the Plant." He said in the early A.M. hours, this was a "grace period," over the air, live broadcast. I have Mr. Reagan as my witness, and these members of the CIA, along with the radio tape, of 27 February 82 (A.M. hours) over the world news, in the last four minutes on the hour on the above date.

Appendix, Letters, O. Second, Mr. Ford indicated that messages had been passed between him and various media representatives "through this book, I've been writing from, the Second College Edition, Webster's New World Dictionary of the American Language, William Collins Publishers, Inc., 2080 West 117th Street, Cleveland, Ohio 44111, Copyright 1979 by William Collins Publishers, Inc." Id. Third, Mr. Ford reported that the women who were being tortured and sexually abused in the prison might be his mother, Connie Ford, and Angela Estelle, of Channel 4 in Jacksonville. In another massive letter written in September, on September 26, Mr. Ford implored Deborah Fins and the Attorney General of the United States to undertake legal proceedings to expose what was going on at the prison and to require his transfer to another state prison. For nearly twenty pages in that letter Mr. Ford listed the investigative steps which needed to be undertaken in connection with those proceedings. See Appendix, Letter, P.

Just one month thereafter, on October 22, 1982, Mr. Ford began to report yet another new development in his delusion --one that, over the course of the next year and beyond would become the most significant element in his world of delusions: the taking of hostages by the persons who were already tormenting him at Florida State Prison. In a letter to counsel, Mr. Ford reported,

The same thing has been going on daily, since I saw you.

I found out more, this Gail Rowland, along with Dr. Amin, is holding my sister, Gwendolyn Louise Ford Shaw Williams, and Connie Ford (mother) hostage in this prison.

Appendix, Letters, Q.

Less than two months later, on December 5, 1982, Mr. Ford's belief that members of his family were being held hostage in the prison had solidified. Moreover, during this time, he had come to believe that an increasing number of hostages -- to this point all family members -- were being held. When he would receive mail from these relatives, he would not at all be shaken from his belief that the relatives were nonetheless being held hostage. Indeed, because of the loosening of associations in connection with his psychosis, the logic governing his world had little to do with the logic governing the rest of the world. On December 5, he wrote,

Dear Grandmother,

I received your letter and card. I haven't written because of a number of reasons. I hope you will be well, feeling okay when this letter reaches your hand. I have been okay. But I want to tell you don't, ever be afraid, of my dying, because this will happen one day.

You mentioned your being 73 years old, well don't let anyone threaten you into doing anything, at all. If anyone can, hurt a 73-year woman, they have to be really sick, so try to understand, and just believe in God, and ask him to forgive those, that do you wrong.

I know you are inside, this prison, behind my cell. I have been wondering, how you got in this prison, also with mother, Gwen, and the other relatives.

I have been more surprised, in your not telling me, from the first day you were, brought in this prison.

God, put your trust in God, don't write, and tell me lies. This is the reason, I had such a time, finding out about all the family, from this prison cell. So don't do anything, against your will, you are not to be held hostage, in this prison, by these people. God, is the answer, so take care of yourself as well as humanly possible.

Hopefully your knee is better. Also you were able to have the X-ray. Tell Uncle Henry hello, also he must be held hostage here, also. Tell him, he should write.

I won't be having any visits, until all my relatives, are safely out of this prison, one way or the other. I know now, about the relatives, as well as the outside world, so trust in God.

I've given these people, every chance, possible, to let you, and the relatives go, but looks as though, they refuse. So if they hurt anyone, the crimes, will surely, have a lasting effect.

Thank you for the stamps and God bless you, and keep you safe. Trust in no one, but God.

Sincerely, Alvin B. Ford A/K/A Sherlock.

Appendix, Letters, R.

As time wore on in 1983, Mr. Ford's delusional system remained very much the same. Gradually, however, more people became hostages, and as more people became hostages, Mr. Ford's role as the only one who could help the hostages, began to develop. As this role grew, Mr. Ford became increasingly angry -- righteously angry -- and increasingly grandiose. On March 28, 1983, for example, Gail Rowland received the following angry barrage:

Dear Rowland:

I received your 16 March 83, 21 March 83, letter. Sorry in my delay, in this reply. Since you have been in the pipe alley, behind my cell, with my lawyers, family, and prison officials, since July 82, even death row, inmates, I decided, I would not write, until now.

Also I note all the people, who was working at 95X, WJAX, are also inside the pipe alley, behind my cell.

You know the story too well. I know very well, you have told quite a few lies on my family and me, since the first day you had my relatives, brought to the prison, back in July 82. Whatever reason, you brought them here for, possibly, you will explain it, later, in a letter or in person.

As far as your leaving this prison, going to Tallahassee, to write for that newspaper, I won't comment on that point, as of yet.

You know, all too well, my problems, and the problems, of those people you have told lies on. Also you know or have known, full well, the attitudes of prison officials, since your first visit here in 1981, when that death warrant was signed.

Also I want an explanation, as to why you have my relatives, lawyers, etc...here. Then the reason, all these death row prisoners, are out their cells, bothering my family and lawyers.

Then about the book, I was writing, why didn't you, tell me, your name, was the Destiny of 95X, WJAX.

Also why was the book given a different title, and author, and why didn't you send me, a copy of my own book. Then why was it put in a will.

Then the reason all the people are here from 95X, WJAX, also Doug Magee, who I sent, to New York, to come to Florida, to write the book. Dale, of 95X, also, why wouldn't he, tell me his name.

The book is written, now 18 August 82. Destiny, is dead. Why was this in the newspaper. Who should I write at WJAX 95X about all my material, since Destiny is dead. Also since Dale, Doug Magee, who never told me, his name.

Guess all that's lost, and Destiny is dead. The book sold for \$680,000, and was put in a will to Gilbert. I know the whole story.

I told you long ago, I would give you that book. Where is it, you had it, all the letters. What are you, pulling on me, and my family.

First I want you to know, I am a man, possibly, the best you ever knew. You will not treat me as some dumb-ass nigger.

You had no friends, you don't even know, where my book is. Never gave me one penny, since I've known you. Not sent one package, or anything.

Then you treat my family like they are no one, in front of people, who could give less than, a damn about you. When there is no money, no drugs, see where they go.

I will write any lady, I want, this jack-off shit, you can take to someone else. This talk about Leper, etc....want you to understand. I can call any woman, and I demand respect. If you want someone, else, go ahead.

Greatest man on this earth or what. There's quite a few things I have to say. First I've joined the Ku Klux Klan, to get my family out of this prison. Because looks as you won't stop your lies.

The whole while, since July 82, I've been trying to get my family out of here, you have been trying to keep them here, why. Then my lawyers.

The crime watch on Channel 4, what happened to all those letters. Was there ever any money, from the letters. No, I don't guess, you never told me, if I was ever right on the crime watch.

Since July 82, I've sent teletypes, as you know. The talk has been on my case on appeal. Now that I've dismiss, my case, there's nothing to talk about.

My family know, nothing of the Ku Klux Klan, why do you have them talking this foolishness, scaring them, with these guards. Whatever lies, you told get them straighten out.

Now all these punks, on death row, you have out these cells. I'm trying my best not to hurt anyone, all of them are punks.

This asking the guard for a cigarette, shit. Trying to keep me, from purchasing things from the store is some shit. Who is guard Ortagus is he Scott of 95X, is Willis, "CC", and what's "Steve Fox." I hear all their voices, but neither has come, out and gave me their name.

You know, I've been on DC, since July 82, and all these DR's these guards have written, even those on the Disciplinary Committee.

You know, very well your lies have hurt, my family. I don't know, how many have been told, by others, but it's pass time, you stopped lying.

So I joined the Ku Klux Klan. Now what there's no money. I need some. Have you been telling people, I have money.

The lawyer will be years, getting the book back. Well what now, since I joined the Ku Klux Klan.

I read some on Bill Wilkinson, he no damn fool. From what I've read he knows of business, and is not no small-minded person. Even though these people, who are bothering my family treat both him and me like, damn fools. And I'm tired of it.

This shit, streak all night, is a bunch of shit, these guards don't know a damn thing, and keep bothering my family. I'm tired of it.

Scott, knows the messages, and I damn sure will not let, any these punks, snitches, know what he has told me. Because now, is the time to move.

These guards and inmates, don't know a damn thing, and I'm tired of this shit from these bastards, bothering my family.

This is not for them to know, and they won't know. These motherfuckers are going, to get from behind my damn cell, and my family is going home.

I'm tired of these petty-minded bastards, these inmates, it's more than enough to try to save their lives.

I have too much work to do, than this bullshit, you're throwing at me. I expect anything I want or need.

Also to talk to each person from 95X, later. I have many people, I need to contact, you know all, my problems, so won't discuss them.

Will have you contact some, missing property, DC, lawyers, family, visits, schedule, them all, packages, stamps, etc....

Be sure to write.

Sincerely, Alvin B. Ford.

Appendix, Letters, 5. And only five days later, on April 2, 1983, Scharlette Holdman received a letter, in which Mr. Ford recounted the growing magnitude of what he, by then, was referring to as "the hostage crisis," and the critical, world-historical importance of his role in trying to resolve the crisis:

Dear Holdman:

I've heard your voice in the prison in Q-Wing, since August 82, when I was housed on Q-3-W-3, and Holly Morris, ~~also~~ Margaret Vandiver, Professor Wollan, Gail Rowland, Deborah Gianoulis, Tom Wills, Julian Bond, Rev. Jessie Jackson, Senator Edward Kennedy, all my family members, Dr. Amin, Susan Cary, Esq., Richard Burr, III, John Middleton, Esq., William Sheppard, Dr. Gwendolyn Tucker, PBS Channel 7, Honorable Arnette Girardeau, Honorable Haben, just to name a few of the names.

I've written many people, from the Superintendent of Florida State Prison, to the former Superintendents, prison inspectors, Wainwright, the Attorney General, Joy Shearer, the Assistant Attorney General, United States Attorney General, FBI Director, even President of the United States, Southern Poverty Law Center, and many others.

All concerning my family being held, hostage inside the prison walls, at Florida State Prison, by the Ku Klux Klan.

You know, all too well about this, and these mind readers. I was very disappointed you didn't or couldn't do anything in December, other than join the Ku Klux Klan, along with others, who were held hostage. It's been about 263 days, my family has been here. I understand you, Rowland, Fins, Esq., Carey, Hill, Esq., are ladies, Morris, Tucker, M.D., Gianoulis, Jefferson, Silberstein, are women, which makes, this much tougher, along with others.

I went ahead and joined the Ku Klux Klan, to save the lives of my family. This man holding them hostage, is the one in the crime watch of 26 February 83, you haven't saw those letters.

So far the government hasn't done a thing. The lawyers won't say, one word, other than, behind my cell in the pipe alley Q-2-W-5.

I would guess the whole world knows about this, crisis, because it's been on radio, for months now. I'm okay. Just trying to get my family out this prison. Thought Gail had gone crazy, bothering my family, lawyers, with these people, and prison guards.

I've written every prison official, in Tallahassee, and not one thing has been done. Even the governor and Jim Smith.

Stamps and paper, running very low, the problems with legal packages regular packages, pass X-mas packages, items from the store (prison), television, radio, newspapers, magazines, etc... is the same.

Also DC, Disciplinary Confinement, but as well as ever. Schedule an interview, whenever you can, "Reaching out," "Amnesty International," asked if I had written the Clearinghouse, just decided to do so. Tell the staff, hello and everyone else. Have written quite a few people the pass time. I try to work on my death case, in which, I'm finding out some interesting facts. Just learned.

Very difficult, to show a positive outlook, on the capital punishment, situation. With the death row inmates, committing crimes, in prison, testifying to the public, destroying that image, I've tried to maintain, in showing, the state should not kill, these inmates, on death row.

For the first time, we have the lawmakers, take a look at death row, and look at what we get. Rape, attempted extortion, assault, among other crimes, which will make it that much difficult, for these stays of execution.

God knows, I've tried my level, best, to show, lawmakers, they shouldn't kill me. Then try to protect the others, by giving the State of Florida, my life, to show the world, how wrong this death penalty is.

God has blessed me, in this crisis, to have known, some great people. I would not, otherwise, have known. Pray God they will remain, in our cause.

People are real strange, even though who work at this prison. As you can see, I never lied, to you, or Middleton, Hill, Esq., Fins, Esq., or Rowland.

All I can do now, is pray God, everyone will make it out of this crisis safe. Don't ever worry about me, my God is too strong.

Do give my regards to everyone, I'll just wait around, and see what happens, this is all I can do, at this point.

Write as many people as possible, about this crisis, my God has brought help, in attention, in our cause, in fighting capital punishment.

Content in knowing, my name will be, left in some respect, of the shame, I've cause others, including my family, in my being on death row.

Have very little paper, but will try to write more often. God bless you, and the staff of the FCJ, give everyone my regards, including Rowland.

Sincerely, Alvin B. Ford.

Appendix, Letters, T.

Gradually, in the days and weeks that followed these letters, anger gave way to grandiosity. For example, less than one month after Mr. Ford wrote Ms. Holdman, Mr. Ford wrote an attorney in Miami, Randall Berg,

Dear Mr. Berg:

I was given your name as a source to contact concerning the hostage crisis, by Beryl N. Jones of the ACLU Washington, DC.

I'm sure you have information on the hostage crisis, at Florida State Prison, this is day 287, the Ford family, lawyers, news reporters, senators, Senator Kennedy and many other leaders.

This crisis has to end, it is causing the racial unrest in your city, namely Liberty City. To curve the crime rate, we will need your help.

Please do not disregard this letter. Your national political leaders, are here inside the walls, of Florida State Prison.

Please brief yourself, by contacting CBS Channel 4, Eyewitness News, WJXT, Jacksonville, Florida. Also Jerri Hamilton, ABC Radio News, Dave Barret, Rita and staff. Also President Reagan.

You will have to bring someone, with you a lawyer, call CBS Channel 4 WJXT.

Do not disregard this letter, you will have to schedule an interview with Alvin Bernard Ford No. 044414.

This is day 287. Do reply by United States mail.

Sincerely, Alvin Bernard Ford A/K/A Sherlock.

cc: U.S. Attorney General
President Reagan

Appendix, Letters, U. As this letter made clear, the hostage crisis was still growing worse by the end of April, 1983. Moreover, the hostages by then included "senators, Senator Kennedy, and many other leaders," and the crisis was of such global importance that it was shaping the events of history. Indeed by May 8, 1983, the list of hostages included some 135 people, many of whom were nationally-known public figures. See Appendix, Letters V.

As Mr. Ford's delusions became increasingly grandiose, a new element entered the delusions: Mr. Ford felt that he was becoming powerful enough that he himself could end the crisis and

force the release of the hostages and hereafter, punish those responsible. The development of this element was apparent in a letter to Jim Smith on May 10, 1983.

Dear Mr. Smith:

I know the Department of Corrections is well aware of this hostage crisis, as well as your offices. We have spoken over the FCC in November at the FSU football game (1982) concerning this crisis. You were with Joy Shearer and Governor Graham, some six months ago.

This is day 317, my family and lawyers have been held hostage. The Department of Corrections has endangered the lives of my family, lawyers, and news reporters, from the institution level to the state level.

Please schedule an interview with Alvin B. Ford, Florida State Prison No. 044414. Report all findings to President Reagan, and the United States Attorney General and Ed Austin, District Attorney, Jacksonville, Florida.

....

As you know, Gwendolyn Louise Ford Shaw Williams RN had a baby inside the prison walls in these pipe alleys. The baby's at the clinic. Also my sister-in-law, Elsa Maire Perkins Ford (United States Army) had a baby while living in these pipe alleys. Thank God they were pregnant before being kidnapped.

....

I have fired a number of officials at the institutional level and state level, with the final approval, from the Governor, and President of the United States. Also your offices.

There will be a number of lawsuits, criminal charges, all listed on the Federal Communication Commission. Also there will be testimony before a Presidential Subcommittee, on this hostage crisis.

Also please note, I write crime watch on CBS Channel 4, Eyewitness News. Please note the crimewatch of 26 February 82. I wrote these letters on these murders for President Reagan, he called a "grace period," will please try under these same persons have, my family, lawyer, reporters and our country's leaders hostage, inside Florida State Prison, Q-Wing, in these pipe alleys.

I'm not sure, how many persons, are inside these pipe alleys, through the prison, but I think there, is others, on other wings, although, I'm not sure, because I'm inside the cell.

I have request prison officials to call the FBI. Hopefully we know (government) how many persons, have been taken hostage. Some have been here since August of last year.

I have been in solitary confinement, since July 82. The President of the United States, Mr. Reagan and the United States Attorney General, know everything about this case.

Each person at the institutional level know, full well, the rules of DOC, being employed by the State of Florida. I have fired everyone, I've written, the final approval, will be from the President of the United States, Mr. Reagan, and the United States Attorney General, at DOC both the institution level and state level.

.....
Sincerely, Alvin B. Ford A/K/A Sherlock

cc: U.S. Attorney General
President Reagan

Appendix, Letters, W. As this sense of his own power grew, Mr. Ford summoned national and international leaders to Florida State Prison "to help end this hostage crisis." For example, on May 19, 1983, Mr. Ford wrote Justice Sandra Day O'Connor as follows:

Dear Madam Justice O'Connor:

I have been waiting on your reply, to my pass correspondence. Please give all Justices a copy of my 11 March 83, letter and 23 April 83 letter.

Please each Justice follow, the directions of this letter, Steward, Blackman, Powell, Stevens, Marshall, Brennan, Burger, White, Rehnquist.

Each will have to travel to Jacksonville, Florida. The mayor of Jacksonville, will meet each at the airport, with CBS, ABC, NBC television stations.

All this nation's leaders, have assembled in Jacksonville, Florida. CBS Channel 4 Eyewitness News, will bring you. We need you to help end this hostage crisis. Also contact ABC radio news.

Then each of the following, Senator John Glenn, Walter Mondale, Senator Gary Hart, Senator Ernest Hollings, Senator Cranston, President Reagan, Senator Edward Kennedy, Julian Bond, Rev. Jesse Jackson, Reubin Askew, Benjamin Hooks NAACP, Ted Koppel ABC Nightline.

There are kings and queens, Prime Minister Margaret Thatcher, many of our nations leaders, each Justice. Please reply by United States mail.

Sincerely, Alvin B. Ford A/K/A Sherlock

cc: U.S. Attorney General
President Reagan

Appendix, Letters, X. See also Appendix, Letters, Y (similar letter to Judge Joseph W. Hatchett, United States Court of Appeals for the Eleventh Circuit).

By July 27, 1983, the hostage crisis seemed to be nearly over. Mr. Ford wrote Gail Rowland on that date, reporting much success in resolving the crisis. Significantly, Mr. Ford's view of his own power and national/international esteem was also continuing to grow. Mr. Ford began to refer to himself as "Pope John Paul, III." In this "resolution phase" of the hostage crisis, Mr. Ford for the first time was also beginning to allow himself to think about other matters -- some of which were clearly delusional and some of which were not.

Dear Rowland:

I am replying to your 12 May 83 letter on the above date. Thank you for the legal supplies, I did, in fact, receive them. Sorry I didn't write. Since you have been standing outside my door, I pass, the writing.

I have been in the need for legal supplies, for months. You know, very well of the problems you have created. This hostage crisis is in day 377.

I've written Counselor Harrington for 1061 forms for legal supplies, and he refuses to send them. So he is fired and under arrest, as the others.

This investigation has been very successful, and to the exact point of my pass letters. It's unfortunate so many prison personnel will be cast in prison.

Thankfully the CIA/FBI was in fact able to investigate UCI, the Attorney General's Office, all level of state and federal court. The Florida State Supreme Court, I've appointed new Justices, I appointed nine.

Especially UCI's investigation of the Fort case, of the pass 60 minutes, we even have the staff of UCI thinking with all intentions, they are holding my family hostage, for extortion.

Thank God they did the things they, because no human being will ever forget, the shame and mental suffering. Each their arrest, excuse, will seek their arrest.

The questions I asked you about my family you state, "You can't answer," well explain, "Why you can't answer." How could could you be confused, about what's going on in the prison. I am still on DC, this is the 352 day, I have been in the need for many things, but passed. I'll survive this crisis.

Do you know Patti Reagan? What kind of wife do you think she will make. Thinking about asking her to marry me. You may see it in the newspaper, magazines, on the news each day. Be sure to look at the gifts I'm leaving, daily at the White House, 100 each day, for 100 days.

Hopefully she will say "yes," send her a teletype, for me.

I need the 1983-1984 football schedule, college and pro. Also I need you to get a weekly copy of "Doc's Football Sports Journal," send it in the mail. Use regular mail. Each week.

Then a copy of point wise, and the weekly newspaper column, on college and pro lines. Point spreads. Also gold sheet. This will be in regular mail. This is too important, for you not to fill this request.

Do be in touch.

Sincerely, Alvin B. Ford A/K/A Sherlock, Pope John Paul, III

Appendix, Letters, 2.

In the last letter which we have available from Mr. Ford, dated November 28, 1983, the hostage crisis appeared to have been resolved and was referred to only in passing. Mr. Ford was still grandiose, referring with irritation to his "aides'" failure to review his letter, but his delusional system seemed to have changed significantly in content. For example, he seemed to have picked up ten wives in recent months. Moreover, his form of communication was becoming quite esoteric and incoherent, as commonly occurs in severely psychotic individuals.³

Dear Mother,

Its been a while, since I wrote, but there was no need, with this government, or rather this state, having so many problems.

Couldn't imagine this state, and the U. S. Government could be so, corrupt. Also the other countries of this, universe. Excuse the above mistakes, rushed and making notes for the service. If my aides, were at hand, the mistakes would have been cleared. So overlook them.

Expect some lawsuits about this letter so, to all, concerned, be well informed.

If you can send some money and stamps, say whatever, you can, I have asked Wife 1, Britian, she said \$400.00, Wife 2 \$500.00, Sandra Wife 3 said \$1.00, Wife 4 said \$300.00, Wife 5 \$600.00, Wife 6 said \$200.00, Wife 7 \$100.00, Wife 8 (no reply) Wife 9 said (it's a damn insult) Wife 10 said, (No comment)..

Also send some stamps, they're 30 cents so, listen you take care. Laugh God won, Daniel won, page 7 one 2 one, 6 one fort note D won, right one wrong one, wrong one right one. D one 3 one 1/2 one, years one.

³ See DSM-III, supra, at 183 ("Where loosening of associations is severe, incoherence may occur, that is, speech may become incomprehensible. There may be poverty of content of speech, in which speech is adequate in amount but conveys little information because it is vague, overly abstract or overly concrete, repetitive, or stereotyped.")

Can't imagine people can try, what they have.
Need anything. No never, as long as my family
and wives are safe.

Rushed so the letter, shall be review by
reporters, mistakes? Note private. Aides
tapes, etc...Take care.

Love you, Sherlock.

Appendix, Letters, AA.

C. The Interviews By Dr. Amin

Counsel for Mr. Ford initially arranged for Dr. Jamal A. Amin, a psychiatrist from Tallahassee, to evaluate Mr. Ford in July, 1981, in connection with pending clemency proceedings. Even after clemency had been denied, counsel asked Dr. Amin to continue seeing Mr. Ford, for therapeutic purposes, because of the deterioration of Mr. Ford's mental health which began in December, 1981. Dr. Amin continued to see Mr. Ford until August, 1982. At that point Mr. Ford came to believe that Dr. Amin was conspiring against him, in concert with Gail Rowland and the Ku Klux Klan, and would no longer see Dr. Amin. On the basis of his four "in-person evaluations" of Mr. Ford over this fourteen-month period, together with his review of Mr. Ford's letters, a taped conversation between Mr. Ford and his attorneys, reports of various persons who had the opportunity to observe Mr. Ford's behavior directly, and Mr. Ford's prison medical records, Dr. Amin reported the following "SIGNIFICANT FINDINGS RELATED TO MENTAL STATUS":⁴

(1) During the last psychiatric evaluation - the examiner was impressed with the feelings of "emotional distance" and an inability to establish a previously on-going empathic rapport.

(2) Affect and moods are no longer appropriate or adequate to Mr. Ford's present situation indicating some disturbance in the regulation of his affect or emotions.

(3) The content of Mr. Ford's speech increasingly leans toward the symbolic, the esoteric, and the abstract.

(4) Episodes of the abrupt blocking of the stream of thought when Mr. Ford ceases to speak in the middle of a sentence.

(5) Mr. Ford has difficulty in organizing his thoughts by the usual rules of universal logic and reality. His associations are loose, his

⁴ These findings are excerpted from Dr. Amin's report of June 9, 1983, a copy of which is included in the Appendix.

attention span is diminished, and he appears unable to prevent the intrusion of irrelevant material into his thought processes. Also, he has difficulty in maintaining appropriate levels of abstractness as he accentuates obscure features while ignoring central issues. This decrease in his abstract attitude has been accompanied by an increase in his concrete thinking.

(6) Mr. Ford is unable to differentiate fantasy from reality and his fantasies become part of the basis for his delusions. He relates fantasies which indicate that he feels his thoughts are being controlled or influenced by "outside forces" such as a female disk jockey in Jacksonville, Florida.

(7) Mr. Ford has developed complex, yet logical paranoid and delusional systems usually after the false interpretation of some actual occurrence. His paranoia and delusional thinking have centered around "the Ku Klux Klan", nonexistent love affairs with any female showing interest in his predicament, and secret messages from the radio, television, and books.

(8) There are convincing and consistent indications that Mr. Ford suffers from auditory and visual hallucinations. He has consistently maintained that he sees and hears incidents on his cell block involving his mother's murder; an unidentified inmate threatening to kill him with a gun, knife, or cleaver; and an unidentified woman repeatedly being beaten and raped. Reality testing does nothing to shake Mr. Ford's faith in his hallucinations which were first reported approximately twenty months ago. Prison guards and other Death Row inmates have reported episodes of Mr. Ford speaking out loud and angrily to seemingly nonexistent persons.

(9) There is strong evidence of suicidal ideation both past and present.

(10) Florida State Prison Medical Records indicate that Mr. Ford has been treated for "Peptic Ulcer Disease" since 1978 and that there was one instance of treatment for an "Agitated Depression" in 1982. His medical records also reflect numerous stress related somatic complaints such as chest pains, joint pains, and skin reactions.

(11) There is a documented history of severe drug abuse of substances such as Cocaine, LSD, Alcohol, and Amphetamines.

(12) Mr. Ford appears to have very little insight into the fact that he has any emotional problems and goes to great lengths to deny mental illness.

D. The Interview by Dr. Kaufman

In January, 1983, counsel for Mr. Ford asked Dr. Harold Kaufman, of Washington, D.C., to consult with us concerning Mr. Ford's progressively deteriorating mental health. There were three reasons for the consult at that point in time. First, Mr.

Ford was beginning to say with some frequency that he wanted to dismiss his appeals and be executed. Because we believed that his desire to do this was the product of his mental illness, we did not believe he was competent to make such a decision. However, we needed expert opinion to support our views in the event that Mr. Ford insisted on pursuing this course. Second, because by that time, Dr. Amin was perceived by Mr. Ford as a coconspirator against him, and for that reason, Mr. Ford would not see Dr. Amin, we decided that we must engage a psychiatrist other than Dr. Amin. And third, Dr. Kaufman is highly respected in forensic psychiatry and came highly recommended. See Dr. Kaufman's curriculum vitae, included in the Appendix.

Even though Dr. Kaufman was available to evaluate Mr. Ford in January, 1983, he was not able to do so then, or for a number of months thereafter, because Mr. Ford would not agree to see him. Indeed, between January and October, 1983, Mr. Ford refused to see nearly everyone who tried to see him -- counsel, family members, and friends. By mid-October, however, Mr. Ford again seemed willing to see whoever wished to see him, and at this time, agreed to see Dr. Kaufman. By the time Dr. Kaufman conducted his in-person interview with Mr. Ford, therefore, he had known about Mr. Ford for ten months and during that time, had reviewed much of Mr. Ford's correspondence and had listened to approximately three hours of taped interviews between Mr. Ford and counsel. Accordingly, Dr. Kaufman approached the interview with a good deal of knowledge about Mr. Ford.

Dr. Kaufman interviewed Mr. Ford for three hours on November 1, 1983, and reported the content of the interview as follows:

Mr. Alvin Ford entered the interview room in apparent high spirits and bantered for about fifteen minutes with you [Richard Burr] and Professor Wollan. He generally ignored me and my occasional questions. It should be noted that your and Professor Wollan's presence was deemed necessary by me to allow the interview to progress at all because of Mr. Ford's previous (and I understand subsequent) extreme reluctance to be interviewed. I also suggested your presence in order to set him more at ease so that he would be more inclin[ed] to be trustful, open and relaxed with me, whom he had never before met.

Aft about fifteen minutes of questioning by him and answers by the two of you he turned to me and said, "You a good guy? You OK?" I replied that I thought I was "OK."

Up to this point his questions had been disjointed, and had ranged from personal details ("food's OK - how you eat") to delusional questions ("When's CBS comin' in here."). But after 15 minutes the incoherence of his mental associations and the almost totally delusional nature of anything to do with his case emerged as his facade crumbled. One thought led to another with no seeming relation to the previous one with such rapidity that I have come to the conclusion that there is no reasonable possibility that Mr. Ford was dissembling, malingering or otherwise putting on a performance to induce me to believe him to be psychotic or incompetent to be executed.

It is unfortunate that no tape, especially a videotape, exists to preserve for concerned observers the obvious fact that he was not "acting" for my benefit--or for his own. I think the best way to convey the spontaneous and psychotic nature of his ramblings is to simply record them (see below). These are not selected passages, but a stream of consciousness, either spontaneously rendered, or spoken in response to a previous question. It is to be noted that there was very little animation or feeling in Mr. Ford's voice as he spoke, only a kind of "flatness" or lack of intensity of affect.

Mr. Ford: The guard stands outside my cell and
** reads my mind. Then he puts it on tape and sends it to the Reagans and CBS...I know there is some sort of death penalty, but I'm free to go whenever I want because it would be illegal and the executioner would be executed...CBS is trying to do a movie about my case...I know the KKK and news reporters all disrupting me and CBS knows it. Just call CBS crime watch...there are all kinds of people in pipe alley (an area behind Mr. Ford's cell) bothering me --Sinatra, Hugh Heffner, people from the dog show, Richard Burr, my sisters and brother trying to sign the death warrants so they don't keep bothering me...I never see them, I only hear them especially at night. (Note that Mr. Ford denies seeing these people in his delusions. This suggest that he is honestly reporting what his mental processes are.) I won't be executed because of no crime...maybe because I'm a smart ass...my family's back there (in pipe alley)...you can't evaluate me. I did a study in the army...alot of masturbation...I lost alot of money on the stock market. They're back there investigating my case. Then this guy motions with his finger like when I pulled the trigger. Come on back you'll see what they're up to--Reagan's back there too. Me and Gail bought the prison and I have to sell it back.

State and federal prisons. We changed all the other countries and because we've got a pretty good group back there I'm completely harmless. That's how Jimmy Hoffa got it. My case is gonna save me.

** Comments in parentheses are my own.

At this point I should comment that none of this "idea salad" is out of context. Indeed there is no apparent context for these rambling, disorganized delusional bits of ideational material.

I asked, "Are you going to be executed?" Mr. Ford replied, "I can't be executed because of the landmark case. I won. Ford v. State will prevent executions all over."

Dr. Kaufman (Q): Are you on death row?

Mr. Ford (A): Yes.

Q Does that mean that the State intends to execute you?

A No.

Q Why not?

A Because Ford v. State prevents it. They tried to get me with the FCC tape but when the KKK came in it was up to CBS and the Governor. These prisoners are rooming back there raping everybody. I told the Governor to sign the death warrants so they stop bothering me.

Appendix, Kaufman Report, at 1-3.

E. The Interview By Wollan, Rowland, and Vandiver

Following the interview with Dr. Kaufman on November 3, 1983, Mr. Ford again entered a period of time when he refused to see anyone seeking a visit with him. Mr. Wollan attempted to see Mr. Ford on November 18, and Mr. Ford abruptly and angrily left the interview after only ten minutes. Again on December 8, Mr. Wollan, accompanied by a paralegal (and friend of Mr. Ford), Margaret Vandiver, attempted to see Mr. Ford, but Mr. Ford refused to come to the visiting area. And again on December 15, Mr. Wollan, accompanied this time by Margaret Vandiver and [redacted] and, attempted to see Mr. Ford. On this occasion, Mr. Ford did come to the visiting area and stayed for a few minutes. However, the content of this interview was quite different from any that had gone on before. While Mr. Ford's associations had

become increasingly "loose" (see DSM-III in the Appendix) during the course of his illness, in the interval between November 3, and December 15, 1983, his loosening of associations became "severe" (see DSM-III, at 182), in much the same way as Mr. Ford's letter of November 28, 1983 to his mother (supra, at pages 36-37) demonstrated a severe loosening of associations. The interview on December 15, 1983, transcribed from a tape recording, consisted entirely of the following:

Mr. Wollan.....How are you Alvin?

Mr. Ford.....(no response)

Mr. Wollan.....Do you mind if I sit a little closer with this mike?

Mr. Ford.....(no response)

Mr. Wollan.....What's the matter, Alvin? Are you going to sit there and not talk? What's troubling you? Alvin, it seems to me there's a lot in there you need to say and just sitting here and glowering at us is not going to help.

Mr. Ford.....(no response)

Mr. Wollan.....What would you like us to know? What would you like us to do?

Mr. Ford.....(kicks foot toward Mr. Wollan, showing bottom of flip flop)

Mr. Wollan.....What's that mean?

Mr. Ford.....(no response)

Mr. Wollan.....What's the trouble?

Mr. Ford.....(no response)

Ms. Rowland....You have your jacket on. Are you cold? It's a little cool today. Are your feet cold in just the flip flops? I know I was pretty cold outside. We had to wait a few minutes outside before we could come in and it was chilly.

Mr. Ford.....Code one.

Ms. Rowland....I'm real glad to see you. It's been a long time. I'm so glad you were able to come out. Are you still angry with me?

Mr. Ford.....No one.

Ms. Rowland....No? It's been so long, I'm glad I was able to come here today and see you. I hope that we can talk some because I know you've been having a real hard time and I want so badly to be able to help. I haven't heard from you in a long time.

Mr. Ford.....Code one.

Ms. Rowland....You need to tell me a little more than that because I'm not sure what you mean.

Mr. Ford.....Killed one.

Ms. Rowland....I still don't understand.

Mr. Ford.....Killed one. Break one.

Ms. Rowland....Killed one, break one?

Mr. Ford.....No one. Dead one.

Mr. Wollan.....Alvin, what does that mean?

Mr. Ford.....(no response)

Ms. Rowland....I'm not sure what you mean. Can I sit a little bit closer? Will that bother you?

Mr. Ford.....No one.

Ms. Rowland....Okay. I'll move my chair, my stuff...I brought my notebook in case you had anything you wanted me to write down. So you just tell me if you have something you want me to write down.

Mr. Ford.....State one. Electric one.

(pause)

Code one, take one.

Ms. Rowland....Do you want me to write this down?

Mr. Ford.....Take one, off one. Code one, take one, say one, threaten one. Code one, off one.

Mr. Wollan....Alvin, who should we tell this to?

Mr. Ford.....(no response)

Mr. Wollan....Is there somebody who will know what this means?

Mr. Ford.....(spits in Mr. Wollan's direction, but not on him)

(pause)

Ms. Rowland....Do you have anything else? I know there's something you'd like to say. Did you get my Christmas card?

Mr. Ford.....Seen one.

Ms. Rowland....Did you get your birthday card, too? I sent you a birthday card.

Mr. Ford.....No one.

Mr. Wollan....Have you been getting letters from your mother, Alvin?

Mr. Ford.....Jesus one.

Mr. Wollan....Did you get my letter this week?

Mr. Ford.....No one.

(pause)

Write one.

(pause)

Ms. Rowland....You've lost a lot of weight since I saw you last. Have you not been very hungry?

Mr. Ford.....Yes, one.

Ms. Rowland....Don't you like the food here?

Mr. Ford.....No one.

Ms. Rowland....Well, it doesn't always look too good.

Mr. Ford.....Certainly one.

Ms. Rowland....You should eat a little, though, so you don't get sick.

Mr. Ford.....Say one.

(pause)

Ms. Rowland....I'm glad that you came out. I was worried that you might not because I knew Larry and Margaret were here about a week ago...

Mr. Ford.....(grunts)

Ms. Rowland....But you came out today. I'm glad. I'm real glad to see you.

Mr. Ford.....Night one.

(pause)

Today one.

Ms. Rowland....Do you have any two's? Or is everything one's today?

Mr. Ford.....Hands one, face one. Mafia one. God one, father one, Pope one. Pope one. Leader one.

Ms. Rowland....I have to turn the page.

Mr. Ford.....Leader one. Now one, say one, crazy one. Track one.

(pause)

God one. Kill one.

Ms. Rowland....Have you seen any newspapers or anything in awhile?

Mr. Ford.....Yes one.

Ms. Rowland....Did you read about the Pope?

Mr. Ford.....Looking one.

Ms. Rowland....And Bob Sullivan and the Pope...

Mr. Ford.....Looking one.

Ms. Rowland....He made a nice statement. You saw it. I was very moved.

Mr. Ford.....Hello one, need you one.

(pause)

Gail one, threaten one, kill one.

(pause)

Remember one, letter one? Say one, God one, blind one, klan one, Destiny one?

(pause)

Mr. Ford.....Mine one. Stab one, say one crazy one.

(pause)

Need one, love one.

(pause)

But one, starve one, damn one.

(pause)

Damn one, say one.

Ms. Rowland....I see...

Mr. Ford.....Excuse one, need you one.

(pause)

Tell him one. Hello one.

Ms. Rowland....I see what you're saying and...

Mr. Ford.....Review one, law one. Dead one.

(long silence)

Ms. Rowland....I do remember all your letters and I've read them, but sometimes it's hard for me to understand what's happening with you.

Mr. Ford.....Need one. Love one.

Ms. Rowland....I care about you. I love you, Alvin. I love you like my brothers, like my own family.

Mr. Ford.....Time one.

(stands up)

Ms. Rowland....Where are you going?

Mr. Ford.....Little one.

Mr. Wollan....You ready to go?

Ford.....(opens door for guards to get him)

Ms. Rowland....May I say goodbye?

Mr. Ford.....Yes one.

Ms. Rowland....I'm sorry you weren't able to see us any longer. Goodbye.

Mr. Ford.....Little one.

(leaves with guards)

F. The Interview By The Commission of Psychiatrists

On December 19, 1983, just four days after Mr. Ford's interview with Mr. Wollan, Ms. Vandiver, and Ms. Rowland, the commission of psychiatrists appointed pursuant to Section 922.075 interviewed Mr. Ford. Based upon the individual commission members' reports, confirmed by the observation of all those present for the commission's interview, Mr. Ford responded in the same manner to questions on December 19 as he had responded on December 15 in the Wollan, Vandiver, Rowland interview. As reported by Dr. Ivory, the interview included such exchanges as the following:

Q "Are you aware they can electrocute you?"

A "Nine one, C one, hot one, die one"

A "Die one, gone one"

Q "Are your attorneys trying to prevent your death?"

A "Assasinate one, Bob Graham liable one, Jim Smith liable one, Senate one"

Q "What happens if you die?"

A "Hell one, Heaven one"

Q "Which?"

A "Hopefully it'll be Heaven, but if I listen, it'll be Hell"

And later:

A "If I die - no more fat cats
-no more homicide
-no more racism
-in Heaven with God"

Q "Are you crazy?"

A "Are you crazy?"

....

Appendix, Ivory Report (emphasis in original).

Members of the commission were Dr. Peter Ivory (Chattahoochee), Dr. Umesh Mhatre (Lake City), and Dr. Walter Afield (Tampa).

G. The Commission's Observation of Mr. Ford's Cell

Because Mr. Ford appeared so disorganized in his thinking during the commission's interview, the commission members decided they would examine Mr. Ford's cell on death row. According to Dr. Ivory, "The rationale for this course of action was dictated by the reasoning that if the inmate was truly as disorganized as he would have one believe, there would be ample signs of it in his environment." Appendix, Ivory Report. However, no disorganization was found:

- 1) the cell was spotlessly clean and in order
- 2) his toilet articles were neatly arranged around the sink
- 3) his personal papers were all stacked neatly in the cell bars, arranged by category
- 4) his writings were extensive, and the choice of vocabulary showed a good intelligence
- 5) the arrangements were all logical, and there was nothing in the cell that seemed bizarre, as if he was out of contact with the real world.

Id. Accord, Appendix, Mhatre Report.

H. The Reported Observations of Correctional Officers

Finally, in the course of the interview with Mr. Ford and the examination of Mr. Ford's cell, the commission members solicited the views of correctional officers who apparently had contact with Mr. Ford. In reporting the views of the officers, the commission members provided somewhat divergent accounts. Dr. Mhatre reported that

[t]he conversation with the guards at Florida State Prison who have been working with Mr. Ford, furnished the following information. His jibberish talk and bizarre behavior started after all his legal attempts failed. He was then noted to throw all his legal papers up in the air and was depressed for several days after that. He specially became more depressed after another inmate, Mr. Sullivan, was put to death and his behavior has rapidly deteriorated since then. In spite of this, Mr. Ford continues to relate to other inmates and with the guards regarding his personal needs. He has also borrowed books from the library and has been reading them on a daily basis.

Appendix, Mhatre Report. Dr. Ivory's report was in agreement with Dr. Mhatre's account of the officers' views concerning Mr. Ford's ability to care for himself and to utilize the prison library. However, his report disagreed with the view reported by

Dr. Mhatre of the way in which Mr. Ford's bizarre speech pattern developed: "he talks normally to the guards but during the last week they have heard him practicing the strange speech from lists of words he had written in nonsensical order." Appendix, Ivory Report.⁶

THE EVALUATIONS OF MR FORD'S SANITY

The assessment of Mr. Ford's sanity under Section 922.07 must proceed through two steps. First, there must be a determination whether Mr. Ford suffers from a major mental disorder that could affect his "understanding" of the nature and effect of the death penalty and why it is to be carried out against him. Second, if Mr. Ford does suffer from such a major mental disorder, there must be a determination whether Mr. Ford's mental disorder does affect his "understanding" of these matters. In making this assessment, the Governor must apply the 922.07 standards, supra, pages 3-4, to the available, material facts, supra, pages 4- 48, while taking into account the opinions of the various experts who have expressed opinions on the two issues to be determined (whether there is a mental disorder, which affects Mr. Ford's 922.07 "sanity"). In the remainder of this memorandum, we demonstrate how this assessment should be made.

A. Mr. Ford Suffers From A Disorder That Could Affect His 922.07 Sanity

The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (Third Edition 1980), better known as "DSM-III," is recognized in the field of mental health as the only generally agreed-upon reference source for the diagnosis of mental disorders.⁷ Because of the status of DSM-III, therefore, its diagnostic criteria should be utilized in determining the first issue posed by the 922.07 inquiry: whether Mr. Ford suffers from any major mental disorder which could affect his "sanity" as

⁶ It should be noted that most of the commission's conversations with correctional officers occurred out of the presence of counsel for Mr. Ford -- during the visit to Mr. Ford's cell, in which counsel was not allowed to participate. Counsel assumes, therefore, that different officers held different views as might be expected, given the difficulty of assessing mental illness in a prison environment.

⁷ For an explanation of the method by which DSM-III was produced, see the "Introduction" to DSM-III, which is included in the DSM-III excerpts reproduced in the Appendix.

defined in the statute. If such criteria are utilized, Mr. Ford unquestionably meets the criteria for a "Schizophrenic Disorder," as that disorder is described in DSM-III. Further, that disorder unquestionably could make him "insane" under the test of Section 922.07.

DSM-III defines the criteria for a Schizophrenic Disorder as:

A. At least one of the following during a phase of the illness:

(1) bizarre delusions (content is patently absurd and has no possible basis in fact), such as delusions of being controlled, thought broadcasting, thought insertion, or thought withdrawal

(2) somatic, grandiose, religious, nihilistic, or other delusions without persecutory or jealous content

(3) delusions with persecutory or jealous content if accompanied by hallucinations of any type

(4) auditory hallucinations in which either a voice keeps up a running commentary on the individual's behavior or thoughts, or two or more voices converse with each other

(5) auditory hallucinations on several occasions with content of more than one or two words, having no apparent relation to depression or elation

(6) incoherence, marked loosening of associations, markedly illogical thinking, or marked poverty of content of speech if associated with at least one of the following:

(a) blunted, flat, or inappropriate affect

(b) delusions or hallucinations

(c) catatonic or other grossly disorganized behavior

B. Deterioration from a previous level of functioning in such areas as work, social relations, and self-care.

C. Duration: Continuous signs of the illness for at least six months at some time during the person's life, with some signs of the illness at present. The six-month period must include an active phase during which there were symptoms from A, with or without a prodromal or residual phase, as defined below.

Prodromal phase: A clear deterioration in functioning before the active phase of the illness not due to a disturbance in mood or to a Substance Use Disorder and involving at least two of the symptoms noted below.

Residual phase: Persistence, following the active phase of the illness, of at least two of the symptoms noted below, not due to a disturbance in mood or to a Substance Use Disorder.

Prodromal or Residual Symptoms

- (1) social isolation or withdrawal
- (2) marked impairment in role functioning as wage-earner, student, or homemaker
- (3) markedly peculiar behavior (e.g., collecting garbage, talking to self in public, or hoarding food)
- (4) marked impairment in personal hygiene and grooming
- (5) blunted, flat, or inappropriate affect
- (6) digressive, vague, overelaborate, circumstantial, or metaphorical speech
- (7) odd or bizarre ideation, or magical thinking, e.g., superstitiousness, clairvoyance, telepathy, "sixth sense," "others can feel my feelings," overvalued ideas, ideas of reference
- (8) unusual perceptual experiences, e.g., recurrent illusions, sensing the presence of a force or person not actually present

Examples: Six months of prodromal symptoms with one week of symptoms from A; no prodromal symptoms with six months of symptoms from A; no prodromal symptoms with two weeks of symptoms from A and six months of residual symptoms; six months of symptoms from A, apparently followed by several years of complete remission, with one week of symptoms in A in current episode.

D. The full depressive or manic syndrome (criteria A and B of major depressive or manic episode), if present, developed after any psychotic symptoms, or was brief in duration relative to the duration of the psychotic symptoms in A.

E. Onset of prodromal or active phase of the illness before age 45.

F. Not due to any Organic Mental Disorder or Mental Retardation.

DSM-III, at 188-190. On the basis of the data known about Mr. Ford, he clearly suffers from a Schizophrenic Disorder as these criteria define that disorder.

First, Mr. Ford has suffered from all of the symptoms set forth in criterion "A" at some point during the two-year period between February, 1982 and February, 1984. He has suffered "bizarre delusions (content is patently absurd and has no possible basis in fact)," including among others, his beliefs

that he and the staff at WJAX-PM and ABC Radio News have talked to each other over the radio; that he has written the topics for WJAX-PM's opinion line; that he has won his case and that his victory in "Ford v. State" will prevent executions all over; and that he has ten wives. He has suffered "somatic, grandiose, religious, nihilistic or other delusions without persecutory or jealous content," including among others, his beliefs that God allowed him to see into the window of the house destroyed by fire in Jacksonville in order to show him that the Ku Klux Klan started the fire; that he had the power and esteem to summon national and international political leaders and judges to Florida State Prison; that the hostage crisis at Florida State Prison was causing racial unrest in Miami and other problems of national and international import; that he had the power to dismiss people from their jobs in the Department of Corrections and to replace the justices of the Florida Supreme Court (and in the process to add to their number); that he was Pope John Paul, III; that he was the best man in the world to whom any woman, including Pattie Reagan, would give herself if he provided the opportunity; and that he had authored a book about Teddy Pendergrass which was published, in coded form, under another title and by another author. He has suffered "delusions with persecutory...content...accompanied by hallucinations..." as evidenced by his long-held belief that the Ku Klux Klan has conspired with others to push him to suicide -- because of his knowledge of the Klan's involvement in the Jacksonville arson --by torturing and raping women in his presence, by putting semen in his food and dead bodies in his cell, by permitting other prisoners opportunities to kill him, and by holding his family, lawyers, and many others hostage inside the prison. This belief has been constantly supported by auditory, visual, and olfactory hallucinations. He has suffered "auditory hallucinations in which...two or more voices converse with each other" in connection with his central persecutory delusion -- he hears the voices of the Klansmen and the women they are raping and torturing. Finally, he has suffered "incoherence, marked loosening of associations, markedly illogical thinking [and]

poverty of content of speech...associated with...blunted, flat, or inappropriate affect [and] delusions...." Since his letter of February 28, 1982, Mr. Ford's written correspondence has frequently shown loosening of associations in connection with his delusions. Further, both Dr. Amin and Dr. Kaufman have noted in their interviews with Mr. Ford incoherence, marked loosening of associations, and markedly illogical thinking associated with a flattened affect and delusional state. See Appendix, Amin Report and Kaufman Report. And most recently, the interview with Mr. Ford by the 922.07 commission has strikingly confirmed the presence of this symptom. See Appendix, Ivory Report, Mhatre Report, and Afield Report.

Second, Mr. Ford has "deteriorat[ed] from a previous level of functioning in such areas as work, social relations, and self-care." DSM-III, at 189 (criterion "B"). Mr. Ford has suffered deterioration primarily in two areas since the onset of the "hostage crisis" component of his delusional system in July, 1982. Since then, he has committed numerous disciplinary offenses -- often involving the possession of weapons or assaultive or abusive behavior toward officers -- which have resulted in his continuous commitment to disciplinary confinement from July, 1982 through the present. Prior to this time, Mr. Ford's disciplinary record was relatively clear of offenses, with no terms of extended disciplinary confinement and only infrequent offenses. The second area of deterioration has involved Mr. Ford's social relations. Since the onset of the hostage crisis, Mr. Ford has cut himself off from, and aggravated, nearly every death row inmate with whom he previously was friendly. Moreover, he has cut off all relations with his family, who previously had visited and written frequently. And he has turned into his arch-enemy the person who previously was his most supportive, frequent visitor and correspondent, Gail Rowland.

Third, Mr. Ford has had "[c]ontinuous signs of the illness for at least six months at some time during [his] life, with some signs of the illness at present[,] [t]he six-month period [having included] an active phase during which there were symptoms from A...." DSM-III, at 189 (criterion "C"). Since February, 1982

and continuing to the present, Mr. Ford has suffered continuously from delusions and loosening of associations of the sort referred to in criterion A. Moreover, he has repeatedly during this period suffered from auditory, visual, and olfactory hallucinations.

Fourth, the onset of Mr. Ford's illness was before he reached the age of 45. DSM-III, at 190 (criterion "E"). Mr. Ford was 27 years old at the onset of the active phase of his illness in February, 1982.

Fifth, Mr. Ford's illness is "[n]ot due to any Organic Mental Disorder or Mental Retardation." DSM-III, at 190 (criterion "F"). To the extent known, Mr. Ford's illness is not due to an Organic Mental Disorder, for no psychiatrist who has evaluated him has found evidence of any such disorder. It clearly is not due to mental retardation, for Mr. Ford has consistently been evaluated as "bright" and at least of average intelligence. See, e.g., Appendix, Taubel Testimony, at 1330-1332.

Accordingly, if the DSM-III diagnostic criteria are utilized, Mr. Ford's symptoms squarely meet the criteria for a Schizophrenic Disorder.⁸ Moreover, additional confirmation that Mr. Ford should be found to suffer from this disorder is provided by the nearly unanimous opinion of the psychiatrists who have undertaken forensic evaluation of Mr. Ford over the period of his illness. Dr. Amin concluded on June 9, 1983, that Mr. Ford suffers from "Paranoid Schizophrenia with Suicidal Potential." Dr. Kaufman concluded on December 14, 1983, that Mr. Ford suffers from "schizophrenia, undifferentiated type, acute and chronic." Dr. Mhatre concluded on December 28, 1983, that Mr. Ford suffers from "psychosis with paranoia." Dr. Afield concluded on January 1, 1984, that Mr. Ford suffers from a profound emotional illness that "forces me to put a 'psychotic' label on the inmate."

⁸ One of the criteria, "D", has not been discussed, for Mr. Ford has never shown evidence of suffering from the "full depressive or manic syndrome" referred to in criterion "D". Since criterion "D" is concerned with distinguishing that syndrome from a Schizophrenic Disorder, the absence of the symptoms of this syndrome in Mr. Ford's illness bolsters the diagnosis of Schizophrenic Disorder.

That Dr. Anatre and Dr. Afleld have called Mr. Ford's disorder "psychosis" instead of "schizophrenia" is of no consequence, for "schizophrenia" is but a form of psychosis, the essential features of which -- certainly those relevant to the Governor's determination here -- are the same. As explained in DSM-III, at 367-368, the term "psychotic" is

[a] term indicating gross impairment in reality testing. It may be used to describe the behavior of an individual at a given time, or a mental disorder in which at some time during its course all individuals with the disorder have grossly impaired reality testing. When there is gross impairment in reality testing, the individual incorrectly evaluates the accuracy of his or her perceptions and thoughts and makes incorrect inferences about external reality, even in the face of contrary evidence. The term psychotic does not apply to minor distortions of reality that involve matters of relative judgment. For example, a depressed person who underestimated his achievements would not be described as psychotic, whereas one who believed he had caused a natural catastrophe would be so described.

Direct evidence of psychotic behavior is the presence of either delusions or hallucinations without insight into their pathological nature. The term psychotic is sometimes appropriate when an individual's behavior is so grossly disorganized that a reasonable inference can be made that reality testing is disturbed. Examples include markedly incoherent speech without apparent awareness by the person that the speech is not understandable, and the agitated, inattentive, and disoriented behavior seen in Alcohol Withdrawal Delirium.

In DSM-III the psychotic disorders include Pervasive Developmental Disorders, Schizophrenic and Paranoid Disorders, Psychotic Disorders Not Elsewhere Classified, some Organic Mental Disorders, and some Affective Disorders.

(Emphasis supplied.)

Of the five psychiatrists who have undertaken forensic evaluation of Mr. Ford's illness, therefore, four are in agreement that he suffers from psychosis of some form. Only one, Dr. Ivory, has found no evidence of a psychotic disorder or any other disorder which could affect his sanity under Section 922.07. See endix, Ivory Report. For a number of reasons, however, Dr. Ivory's conclusion is unreliable and should be rejected -- not only because the other four psychiatrists have disagreed with

him, but because the reasons underlying their disagreement powerfully demonstrate the flawed process of evaluation undertaken by Dr. Ivory.

The primary and essential difference between Dr. Ivory's process of evaluation and Drs. Amin's, Kaufman's, Mhatre's, and Afield's process of evaluation is this: only Dr. Ivory ignored and refused to take into account the two-year-long history of Mr. Ford's illness and the symptoms of illness documented during that time by Mr. Ford's letters and by Dr. Amin's and Dr. Kaufman's evaluations. Unquestionably, Dr. Ivory could have taken these matters into account. On December 16, 1983, three days prior to the psychiatric commission's evaluation of Mr. Ford, counsel for Mr. Ford made available to each commission member Mr. Ford's letters and the reports of Dr. Amin and Dr. Kaufman, as well as a narrative summary of the major features of Mr. Ford's illness. Both Dr. Mhatre and Dr. Afield received this material and expressed their appreciation of its importance to their evaluation of Mr. Ford. Dr. Ivory, however, expressly refused to accept the material when they were hand-delivered to him by Mr. Ford's counsel, noting that he did not want to know any of the matters contained therein prior to the interview with Mr. Ford. Following the interview on December 19, 1983, Dr. Ivory asked for and was provided the materials. However, his report sent to the Governor on December 20, 1983, made absolutely no reference to any of the materials or to the subjects contained therein.⁹ Accordingly, there can be no inference but that Dr. Ivory ignored and refused to consider any symptomatology that he did not observe -- or have reported to him by correctional officers -- on December 19, 1983.

Without considering Mr. Ford's documented history of psychosis, Dr. Ivory was at a distinct disadvantage, for the interview with Mr. Ford on December 19 presented only a very small part of a much larger picture. The only symptom of illness presented there was marked incoherence of speech. Because of his

⁹ By contrast, the reports of Dr. Mhatre and Dr. Afield relied expressly upon those materials. See Appendix, Mhatre Report and Afield report.

self-imposed blindness to matters not presented on December 19, rather than evaluating this symptom in the context of all of Mr. Ford's other previously documented symptoms of illness, Dr. Ivory treated this symptom as the only one. Within this framework, when he observed that Mr. Ford's alert and appropriate non-verbal behavior during the interview, his well-organized cell, and his apparent ability to function independently on a day-to-day level, were in sharp conflict with the "pervasive disorganization" suggested by Mr. Ford's verbal behavior during the interview, Dr. Ivory quite naturally concluded that Mr. Ford's "disorder, although severe, seems contrived and recently learned." The pervasiveness of the disorder suggested by his verbal behavior simply was not confirmed by anything else Dr. Ivory observed.¹⁰

In light of the discussion, supra, of Mr. Ford's additional, solidly documented symptoms of psychosis, it should be obvious that Dr. Ivory's self-imposed ignorance of the array of other symptoms of psychotic illness presented by Mr. Ford thoroughly invalidates his conclusion that Mr. Ford suffers only from a "contrived illness." By ignoring Mr. Ford's prominent persecutory, grandiose, and bizarre delusions, his increasingly (over time) incoherent speech and loosening of associations, his impaired level of functioning since the onset of his illness, and

¹⁰ Dr. Ivory also seemed to find some support for his "contrived illness" analysis on the basis of unnamed guards' accounts that Mr. Ford "talks normally to the guards, but during the last week they have heard him practicing strange speech from lists of words he had written in nonsensical order." Appendix, Ivory Report. While there is no reason to doubt that such a comment was made to Dr. Ivory, there is substantial reason not to give the same meaning to this statement which Dr. Ivory seemed to give it. In the first place, there is no indication that the guards who observed this (if it happened) knew what they were observing. We know that at least three weeks before this statement, Mr. Ford was writing letters in the same nonsensical manner. See Appendix, Letters, AA. The guard(s) could well have observed Mr. Ford reading that letter. Moreover "practicing" is in the eye of the beholder, and it would be quite easy for a lay person to misperceive as "practicing" Mr. Ford's psychotic muttering to himself. Indeed, Dr. Mhatre's account of the same statements by the guards made Mr. Ford's strange speech seem much more like spontaneous outbursts. See Appendix, Mhatre Report. In short, there simply are too many other explanations for this behavior -- if it did occur -- to conclude that it supports a hypothesis of contrived illness. In the second place, we have no way of knowing whether the guards' statements are even remotely true. We do not know who the guards are who made these statements, whether they observed the behavior first-hand, whether their view of the need for executions to take place colored their reported "observations," etc. Accordingly, this matter has little relevance to any of the issues to be decided by the Governor.

the two-year duration of his illness, Dr. Ivory ignored virtually all of the documented symptomatology concerning Mr. Ford. Had he taken all of these facts into account -- as Drs. Amin, Kaufman, Mhatre, and Afield did -- he simply could not have reached the same conclusion. As the other four psychiatrists implicitly recognized, a person can very well be psychotic yet still be alert and responsive to non-verbal or verbal stimuli, and also appear well-organized in the day-to-day matters of life.¹¹

Accordingly, Dr. Ivory's conclusions are the result of a flawed process of analysis and cannot be accepted. Since, therefore, a DSM-III-based analysis of the material facts and all of the reliable psychiatric opinion concerning Mr. Ford point to the same conclusion -- that Mr. Ford is psychotic -- the finding should be made by the Governor that Mr. Ford is psychotic.

With this finding, there can be no doubt that Mr. Ford suffers from a disorder that could affect his sanity under Section 922.07. As previously noted, a person who is psychotic suffers from a disorder characterized by

...gross impairment in reality testing....
When there is gross impairment in reality testing, the individual incorrectly evaluates the accuracy of his or her perceptions and thoughts and makes incorrect inferences about external reality, even in the face of contrary evidence

DSM-III, at 367. Since Section 922.07 is concerned with whether a person "understands" or "reasons accurately" concerning the nature and effect of the death penalty and why it is to be imposed, it follows that if a particular person suffers from a disorder which causes him to reason inaccurately about external reality -- as psychosis does -- he could very well not "understand" the nature and effect of the death penalty and why it is to be imposed.

See DSM-III at 184 ("[t]ypically, no disturbance in sensorium is evident, although during a period of exacerbation the individual may be confused or even disoriented, or have memory impairment"), and at 191 (if the schizophrenic disorder is of the paranoid type, "[t]he impairment in functioning may be minimal if the delusional material is not acted upon, since gross disorganization of behavior is relatively rare[;] [s]imilarly, affective responsiveness may be preserved[;] [o]ften a stilted, formal quality, or extreme intensity in interpersonal interactions is noted").

B. Mr. Ford's Disorder Has Caused Him To Be Insane Under Section 922.07's Test Of Sanity

In the previous section of this memorandum, we have established that Mr. Ford suffers from a form of psychosis which, by its nature, could cause him to be insane under the test of of sanity prescribed by Section 922.07. In this section of the memorandum, we will show why Mr. Ford's psychosis has caused him to be insane under the 922.07 test.

The process of analysis necessary to determine whether Mr. Ford's psychosis has made him insane involves two steps. First, the content of his delusions must be examined to determine whether he has "ma[de] incorrect inferences about external reality" concerning the nature and effect of the death penalty or why it is to be carried out against him. Second, if his delusions do extend to either or both of these matters, the genuineness of the particular delusion must be re-examined to determine whether there is any reason to find that, despite his otherwise psychotic state, he does genuinely know what reality is with respect to both of these matters.

With respect to the first step, while Mr. Ford's delusions have not caused him to make incorrect inferences about the nature and effect of the death penalty, they have caused him to make incorrect inferences about why the death penalty is to be carried out against him. There is nothing in Mr. Ford's delusions to suggest that he does not understand the nature and effect of the death penalty. Dr. Kaufman found nothing, and the psychiatric commission found nothing. To the contrary, even in Mr. Ford's most incoherent presentation of himself -- in the interview with the commission on December 19, 1983 -- Mr. Ford appeared to understand that if the death penalty were carried out, he would die. See Appendix, Ivory Report, Mhatre Report, and Afield Report.

There is, however, striking evidence that Mr. Ford's delusions have fundamentally impaired his understanding of why a death penalty would be carried out against him. One aspect of Mr. Ford's delusions which Dr. Kaufman so clearly documented is his belief that he no longer has a death sentence because he has won his case, and accordingly "can't be executed...." As

recounted verbatim by Dr. Kaufman, Mr. Ford's "incorrect inferences about [the] external reality" of his death sentence are the following:

I know there is some sort of death penalty, but I'm free to go whenever I want because it would be illegal and the executioner would be executed.... I won't be executed because of no crime...maybe because I'm a smart ass.... My case is gonna save me.... I can't be executed because of the landmark case. I won. Ford v. State will prevent executions all over.

Appendix, Kaufman Report, at 2-3. Thus, because Mr. Ford believes that his death sentence has been overturned, he believes that the state cannot execute him. While he is less sure about whether the state might try to execute him anyway, he is certain that, because of his victory in "Ford v. State," he "won't be executed because of no crime." If he is executed, the state would do so "maybe [only] because I'm a smart ass." Certainly there can be no dispute that this delusion shows that Mr. Ford does not "understand" why the death penalty is to be imposed against him.

The first step of the 922.07 analysis having been satisfied -- by the evidence that Mr. Ford believes that his death sentence has been overturned and that as a result he cannot be executed for any crime he might have committed -- the second step must be undertaken. The genuineness of this delusion must be re-examined to determine whether there is any reason, despite Mr. Ford's otherwise psychotic state, to find that this particular delusion is not genuine -- that Mr. Ford really does know that if he were electrocuted he would be electrocuted because of the death sentence which has been imposed against him and upheld in the courts. This step of the analysis requires an examination of the opinions of the psychiatrists who have considered this matter.

The starting point must be the opinion of Dr. Kaufman, for he is the person who has documented the delusion which demonstrates 922.07 insanity. Based upon his interview with Mr. Ford, Dr. Kaufman expressed the following opinion:

Pulling this material together I have come to the conclusion that Mr. Ford is suffering from schizophrenia, undifferentiated type, acute and chronic. The delusional material, the free-floating and disorganized ideational and verbal productivity, and his flatness of affect are the highlights of the signs leading to this

diagnosis of psychosis. The possibility that he could be lying or malingering is indeed remote in my professional opinion.

You have asked me to relate Mr. Ford's psychiatric condition to several standards which might be used to determine his competence to be executed. It is my conclusion, using the Florida Statutory standard you have supplied me with, that because of his psychiatric illness, while he does understand the nature of the death penalty, he lacks the mental capacity to understand the reasons why it is being imposed on him. His ability to reason is occluded, disorganized and confused when thinking about his possible execution. He can make no connection between the homicide he committed and the death penalty. Even when I pointed this connection out to him he laughed derisively at me. He sincerely believes that his is not going to be executed because he owns the prisons, could send mind waves to the Governor and control him, President Reagan's interference in the execution process, etc.

Appendix, Kaufman Report, at 3 (emphasis in original). Having found that Mr. Ford was psychotic and that the possibility that his psychosis was contrived was "indeed remote,"¹² Dr. Kaufman then found that Mr. Ford's delusional process deprived him of "the mental capacity to understand the reasons why [the death penalty] is being imposed on him." Dr. Kaufman found no reason to doubt the sincerity of Mr. Ford's inability to understand why the death penalty could be carried out against him. To the contrary he found that numerous factors, recounted in the excerpt from his report, supra, confirmed the sincerity of Mr. Ford's delusion.

The report of Dr. Mhatre indicates his agreement with Dr. Kaufman's finding that Mr. Ford suffers from psychosis. However, Dr. Mhatre found that Mr. Ford, nevertheless, "has enough cognitive functioning to understand the nature and the effects of the death penalty, and why it is to be imposed upon him." Because of Dr. Mhatre's finding, it is necessary to analyze the basis for his opinion that Mr. Ford still has "enough cognitive

¹² In a previous section of his report, Dr. Kaufman made the following observation about this same issue: "One thought led to another with no seeming relation to the previous one with such rapidity that I have come to the conclusion that there is no reasonable possibility that Mr. Ford was dissembling, malingering or otherwise putting on a performance to induce me to believe him to be psychotic or incompetent to be executed."

functioning" to meet the 922.07 test of sanity. To do so, the entire basis for his opinion, as well as his opinion, must be examined. He reported these as follows:

Mr. Ford was evaluated at 11:00 a.m. in the courtroom of Florida State Prison. He was appropriately dressed, and exhibited good eye contact with all the people in the room, he did not exhibit any stranger anxiety or fears. He settled down in a chair, accompanied by his lawyers, and his friends through the Florida Clearinghouse on Criminal Justice. As per prior arrangement, Dr. Afield began to ask him questions. Mr. Ford did not initially respond but did so after his lawyers encouraged him. Most of his responses to the questions were bizarre. He continued to respond by jibberish talk such as "break one", "God one", "heaven one". However, throughout these bizarre responses, Mr. Ford kept good eye contact with the examiners. After awhile, his responses to questions became a little more appropriate indicating that he did understand the meaning of the questions asked of him, even though his responses remained somewhat bizarre. Throughout the interview which lasted about thirty minutes, there was no evidence of any hallucinations and Mr. Ford exhibited good ability to concentrate. He was relaxed and did not exhibit any physical aggression. In response to Dr. Afield's question, "what will happen when you die?", Mr. Ford responded "heaven one, hell one", indicating that he did understand the meaning of the question.

His mood appeared to be normal and affect was blunted. He did however smile and exhibited good range of affect with his friends from his lawyer's office. His orientation and memory were not formerly [sic] tested, but he did appear to be oriented to people and place. He did not exhibit any suicidal or homicidal thoughts.

The conversation with the guards at Florida State Prison who have been working with Mr. Ford, furnished the following information. His jibberish talk and bizarre behavior started after all his legal attempts failed. He was then noted to throw all his legal papers up in the air and was depressed for several days after that. He especially became more depressed after another inmate, Mr. Sullivan, was put to death and his behavior has rapidly deteriorated since then. In spite of this, Mr. Ford continues to relate to other inmates and with the guards regarding his personal needs. He has also borrowed books from the library and has been reading them on a daily basis. A visit to his cell indicated that it was neat, clean and tidy and well organized.

The review of the extensive material provided by his lawyers including reports by Dr. Kaufman and Dr. Amin, and his correspondence with Gail Rowland of [the] Florida Clearinghouse [on] Criminal Justice indicate that Mr. Ford has been gradually decompensating since July and has worsened since the death of Mr. Sullivan.

It is my medical opinion that Mr. Ford has been suffering from psychosis with paranoia, possibly as a result of the stress of being incarcerated and possible execution in the near future. In spite of psychosis, he has shown ability to carry on day to day activities, and relate to his fellow inmates and guards, and appears to understand what is happening around him. It is my medical opinion that though Mr. Ford is suffering from psychosis at the present time, he has enough cognitive functioning to understand the nature and the effects of the death penalty, and why it is to be imposed upon him

Appendix, Mhatre Report.

At the outset, the significance of Dr. Mhatre's diagnosis that Mr. Ford suffers from "psychosis with paranoia" must be fully understood, for this diagnosis dictated how he had to assess Mr. Ford's sanity under Section 922.07. Because Mr. Ford's verbal presentation in the short interview with Dr. Mhatre and the other commission members was so incoherent and limited, to reach this diagnosis Dr. Mhatre had to rely on Mr. Ford's letters and Dr. Amin's and Dr. Kaufman's evaluations, as he reported he did.¹³ Included in the letters and the evaluations was overwhelming documentation of Mr. Ford's delusional thinking, including documentation of his delusion that he could no longer be executed because his death sentence had been overturned. Since a diagnosis of "psychosis" refers essentially to the presence of delusional thinking,¹⁴ in order for Dr. Mhatre to have diagnosed Mr. Ford as "psychotic," he therefore had to accept this documentation as accurate, as demonstrating that Mr. Ford genuinely suffered from delusional thinking. Thus, Dr. Mhatre's diagnosis of Mr. Ford meant that he believed that Mr. Ford suffered from delusional thinking. Accordingly, Dr. Mhatre's diagnosis of Mr. Ford required that he account for Mr. Ford's delusional thinking

¹³ See pages 55-57, supra, (explaining why Dr. Ivory's evaluation was unreliable due to his failure to consider the letters and prior evaluations).

"Gross impairment in reality testing" is the central feature of psychosis. DSM-III, at 367. When this impairment is present, the individual incorrectly evaluates the accuracy of his or her perceptions and thoughts and makes incorrect inferences about external reality, even in the face of contrary evidence." Id. Likewise, a "delusion" is a "false belief based upon incorrect inference about external reality and firmly sustained in spite of what almost everyone else believes and in spite of what constitutes incontrovertible and obvious proof or evidence to the contrary." DSM-III, at 356.

in assessing his 922.07 sanity. Since one of Mr. Ford's documented delusions squarely negated his mental capacity to understand why the death penalty was to be imposed upon him -- his unshakeable belief that his death sentence had been overturned and that as a result he could not be executed for any crime he may have committed -- Dr. Mhatre had to examine this delusion and determine that it was not genuine in order for him to conclude, as he did, that Mr. Ford "has enough cognitive functioning to understand...why [the death penalty] is to be imposed upon him."

As Dr. Mhatre's report demonstrates, however, he undertook no such analysis. He did not address at all, explicitly or implicitly, the delusion which was material to the 922.07 inquiry in order to determine whether it was sincerely held or contrived. He merely found that Mr. Ford (a) was appropriately dressed, (b) exhibited good eye contact with the commission members, (c) exhibited no stranger anxiety, (d) understood the meaning of the questions asked of him, (e) exhibited no evidence of hallucinations, (f) exhibited a good ability to concentrate, (g) presented a blunted affect although exhibiting a good range of affect, (h) showed an ability to carry on day to day activities and to relate to his fellow inmates and guards, and (i) appeared to understand what was happening around him. None, absolutely none, of these findings tends to show that Mr. Ford is able or unable to perceive external reality accurately or to make accurate inferences from external reality. They show only that Mr. Ford appears to be able to function in a social context in an adequate and appropriate manner. As the DSM-III makes clear, the ability to function appropriately cannot, however, be taken as evidence that a person is not delusional, for

[the] impairment in functioning may be minimal if the delusional material is not acted upon, since gross disorganization of behavior is extremely rare. Similarly, affective responsiveness may be preserved.

DSM-III, at 191.¹⁵

¹⁵ The only other facts -- not findings -- mentioned by Dr. Mhatre, which might be taken as an oblique effort to evaluate the sincerity of Mr. Ford's delusion, were the guards' recounting of Mr. Ford's onset of depression "after all his legal attempts failed" and his increased depression following the execution of

Dr. Mhatre's report consists, in its entirety, of the following:

At your [the Governor's] request, I examined Alvin Bernard Ford in the Florida State Prison, at Starke on December 19, 1983. As part of this evaluation, I reviewed the extensive records provided to me by legal counsel from your office. I had an in-depth conference with both attorneys for the inmate and reviewed the medical records that they had available. I talked at length with a variety of guards who had dealings with the inmate and reviewed the contents of Mr. Ford's writings in his cell. I discussed his medical condition with the prison psychiatrist and examined the man in the presence of all counsels and two other state-appointed psychiatrists. My examination consisted of a complete mental status examination. Subsequently, I spoke at length with Attorney Burr and reviewed complete medical records from the prison, which included psychiatric evaluations and reports from several prison psychologists. I reviewed in depth Dr. Kaufman's findings.

It is my medical opinion that Mr. Ford does indeed suffer from serious emotional problems. He is presenting himself in a very disorganized manner with a bizarre picture which does not fit any classical description of a psychiatric illness. The nature of his disorganization is somewhat "put on," but the profoundness of it forces me to put a "psychotic" label on the inmate. Again, this is not a classical psychiatric diagnosis, but the man clearly is quite emotionally ill. Much of this had to do with the sentence that he is currently facing and his situation within the prison setting. On the basis of all the data and in light of the Florida Statute 922.07, it is my opinion that although this man is severely disturbed, he does understand the nature of the death penalty that he is facing and is aware that he is on death row and may be electrocuted. The bottom line, in summary is, although sick, he does know fully what can happen to him.

Appendix, Afield Report. In the same manner as Dr. Mhatre, Dr. Afield thus diagnosed Mr. Ford as "psychotic" -- necessarily on the basis of Mr. Ford's delusional thinking as documented in his letters and the reports of Dr. Amin and Dr. Kaufman. See the discussion, supra, at pages 62-63. Having reached this diagnosis, Dr. Afield then totally ignored Mr. Ford's delusion about his death sentence having been overturned and concluded simply that Mr. Ford "does understand the nature of the death penalty that he is facing and is aware that he is on death row and may be electrocuted. The bottom line, in summary is, although sick, he does know fully what can happen to him." Unlike Dr. Mhatre, however, Dr. Afield limited his conclusion to the determination

that Mr. Ford "has enough cognitive functioning to understand... why [the death penalty] is to be imposed upon him." His findings are not even material to this conclusion. His findings support only the conclusion that Mr. Ford has enough cognitive functioning to be able to function adequately in a social environment. Since Dr. Mhatre diagnosed Mr. Ford as psychotic, hence delusional, and made no findings which suggested that Mr. Ford's delusion concerning his death sentence was not sincere, he was obligated, as was Dr. Kaufman, to conclude that Mr. Ford did not have the mental capacity to understand why the death penalty is to be imposed upon him. His conclusion to the contrary, given his diagnosis of Mr. Ford and his findings as a result of the interview with Mr. Ford, is absolutely unsupported and unsupportable.

The report of Dr. Afield suffers from the same defect as the report of Dr. Mhatre. Moreover, Dr. Afield has failed altogether to render an opinion on the critical issue: whether Mr. Ford understands why he is to be executed.

Bob Sullivan. Dr. Mhatre drew no inference from these facts concerning Mr. Ford's delusion that he no longer has a death sentence. There could be an inference drawn, however, that at the time his legal attempts failed Mr. Ford accurately understood the meaning of that failure -- that he could be executed -- and this was why he became depressed. However accurate that inference might be, it must be understood in context. Mr. Ford's "legal attempts failed" on October 3, 1983, when the United States Supreme Court denied certiorari in his case. One month later, Dr. Kaufman documented Mr. Ford's sincerely held delusion that his death sentence had been vacated. Thus, if on October 3, Mr. Ford accurately understood that he could be executed, in the succeeding month, it is entirely probable, given Mr. Ford's psychosis, that he became delusional -- sincerely -- about that possibility (that he could be executed). Accordingly, the inference does not undermine Dr. Kaufman's assessment of the sincerity of Mr. Ford's delusion. Unlike Mr. Ford's onset of depression on October 3, the increased depression over Mr. Sullivan's execution can support no inference concerning Mr. Ford's understanding of whether he could be executed. Mr. Sullivan was Mr. Ford's friend, one of the few remaining friends he had. The only reasonable inference to be drawn from Mr. Ford's increased depression over Mr. Sullivan's execution, therefore, is the depression that naturally follows the loss of a friend. (It should also be noted, for the same reasons set forth in Footnote 10, supra, that we do not even know whether the officers recounting these incidents of Mr. Ford's behavior were telling the truth.) Accordingly, these facts do not tend to show that Mr. Ford's delusion concerning his death sentence is insincere.

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At your [the Governor's] request, I examined Alvin Bernard Ford in the Florida State Prison, at Starke on December 19, 1983. As part of this evaluation, I reviewed the extensive records provided to me by legal counsel from your office. I had an in-depth conference with both attorneys for the inmate and reviewed the medical records that they had available. I talked at length with a variety of guards who had dealings with the inmate and reviewed the contents of Mr. Ford's writings in his cell. I discussed his medical condition with the prison psychiatrist and examined the man in the presence of all counsels and two other state-appointed psychiatrists. My examination consisted of a complete mental status examination. Subsequently, I spoke at length with Attorney Burr and reviewed complete medical records from the prison, which included psychiatric evaluations and reports from several prison psychologists. I reviewed in depth Dr. Kaufman's findings.

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Appendix, Afield Report. In the same manner as Dr. Mhatre, Dr. Afield thus diagnosed Mr. Ford as "psychotic" -- necessarily on the basis of Mr. Ford's delusional thinking as documented in his letters and the reports of Dr. Amin and Dr. Kaufman. See the discussion, supra, at pages 62-63. Having reached this diagnosis, Dr. Afield then totally ignored Mr. Ford's delusion about his death sentence having been overturned and concluded simply that Mr. Ford "does understand the nature of the death penalty that he is facing and is aware that he is on death row and may be electrocuted. The bottom line, in summary is, although sick, he does know fully what can happen to him." Unlike Dr. Mhatre, however, Dr. Afield limited his conclusion to the determination

that Mr. Ford understands the nature of the death penalty and that he may be electrocuted. He did not determine whether Mr. Ford understands why he may be electrocuted.¹⁶ Accordingly, Dr. Afield's report not only failed to evaluate the delusional material which is centrally relevant to the 922.07 determination and which he necessarily relied on in concluding that Mr. Ford was psychotic, but also failed to address altogether the question upon which the 922.07 determination concerning Mr. Ford rests: whether he understands why the death penalty is to be imposed upon him. As a result, Dr. Afield's report is useless in determining whether Mr. Ford is insane under Section 922.07.

Finally, the remaining two evaluations of Mr. Ford -- by Dr. Ivory and Dr. Amin -- add nothing to the process of determining Mr. Ford's sanity under Section 922.07. As previously discussed, Dr. Ivory erroneously concluded that Mr. Ford was not psychotic and that his symptoms of mental disorder were contrived. His opinion that Mr. Ford is sane under the test of 922.07 is therefore flawed for the same reasons. While Dr. Amin did find that Mr. Ford was psychotic, he was not asked to address Mr. Ford's sanity under Section 922.07. Thus, he has not rendered an opinion that could offer guidance for the 922.07 determination.

On the basis of the facts known about Mr. Ford's psychosis, therefore, the determination should be made that Mr. Ford is insane under the test of sanity prescribed by Section 922.07. The central feature of Mr. Ford's psychosis, his delusional thought process, has caused him to believe erroneously that his death sentence has been overturned and that he cannot as a result be executed for the crime he may have committed. There is no reason that anyone has found to disbelieve the sincerity of Mr. Ford's delusion. Accordingly, Mr. Ford does not have the mental capacity to "understand" or "reason accurately" why the death

¹⁶ Clearly there is a difference between understanding that you may be electrocuted and why you may be electrocuted. Mr. Ford understands that he may be electrocuted ("maybe because I'm a smart ass"), but he does not understand -- accurately, which is essential under Section 922.07 -- why he may be electrocuted ("I won't be executed because of no crime... I can't be executed because of the landmark case. I won.").

It is within this historical and jurisprudential context that we ask the Governor to determine Alvin Bernard Ford's present sanity. In this context, the Governor cannot simply act as a rubber stamp for the opinions of the three psychiatrists whom he has appointed to assist in the determination of sanity. If there were a tendency to do this, Mr. Ford's case presents in a dramatic fashion why that should not be done. In his case there are competing psychiatric opinions, not so much on the question of whether he suffers a serious mental disorder, but on the question of whether that disorder has made him insane under the test of sanity provided by Section 922.07. We have presented in this memorandum the reasons why we think that the view that Mr. Ford is insane, which is admittedly the minority view -- espoused by only one of three psychiatrists -- is nevertheless the most reliable view. The trust impressed upon the Governor by Section 922.07 demands no less than that these reasons be given careful, unbiased consideration.

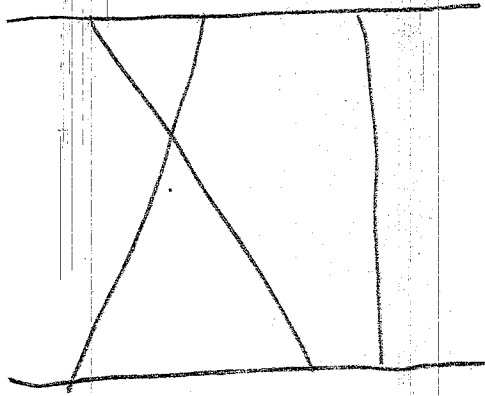
We believe that if such consideration is given, the Governor will find that Mr. Ford is insane.

Respectfully submitted,

RICHARD H. BURR, III
224 Datura Street, 13th Floor
West Palm Beach, FL 33401

LAURIN A. WOLLAN, JR.
1515 Hickory Avenue
Tallahassee, FL 32303

February 29, 1984



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TO: Attorney Richard Burr
Office of the Public Defender
Appellate Division
224 Datura Street
West Palm Beach, Florida 33401

FROM: Jamal A. Amin, M.D.

RE: Mr. Alvin Ford

DATE OF REPORT: June 9, 1983

PURPOSE AND METHODOLOGY

Requested by Defense Attorneys to present my professional opinions regarding Mr. Alvin Ford's present mental status using the following paradigm - in spite of his refusal to currently cooperate with any mental health professional: (1) A total of four separate in-person evaluations at Florida State Prison commencing July, 1981 and ending August, 1982. (2) A recently taped conversation between Mr. Ford and his attorneys. (3) Recent letters written by Mr. Ford to Relatives, Attorneys, and Myself. (4) Interviews with relatives, attorneys, other inmates, prison personnel, and others with direct observations of Mr. Ford's behavior in the past three months. (5) July and August, 1982 - Psychological Evaluations by Psychologists Pittman and Fleet. (6) August, 1982 - Psychiatric Evaluation by Prison Psychiatrist Doctor Innocent. (7) Florida State Prison Medical Records.

CURRENT SITUATION

Mr. Ford is presently incarcerated on Death Row at Florida State Prison while his legal efforts proceed through the courts. He is not receiving treatment for any mental disorder in spite of gradual changes in his behavior first noted in December, 1981. He has steadfastly refused psychotropic medication and has become increasingly withdrawn, uncooperative, and bizarre in his interactions with familiar persons.

SIGNIFICANT FINDINGS RELATED TO MENTAL STATUS

- (1) During the last psychiatric evaluation - the examiner was impressed with the feelings of "emotional distance" and an inability to establish a previously on-going empathic rapport.
- (2) Affect and moods are no longer appropriate or adequate to Mr. Ford's present situation indicating some disturbance in the regulation of his affect or emotions.
- (3) The content of Mr. Ford's speech increasingly leans toward the symbolic, the esoteric, and the abstract.
- (4) Episodes of the abrupt blocking of the stream of thought when Mr. Ford ceases to speak in the middle of a sentence.
- (5) Mr. Ford has difficulty in organizing his thoughts by the usual rules of universal logic and reality. His associations are loose, his attention span is diminished, and he appears unable to prevent the intrusion of irrelevant material into his thought processes. Also, he has difficulty in maintaining appropriate levels of abstractness as he accentuates obscure features while ignoring central issues. This decrease in his abstract attitude has been accompanied by an increase in his concrete thinking.
- (6) Mr. Ford is unable to differentiate fantasy from reality and his fantasies become part of the basis for his delusions. He relates fantasies which

- indicate that he feels his thoughts are being controlled or influenced by "outside forces" such as a female disk jockey in Jacksonville, Florida
- (7) Mr. Ford has developed complex, yet logical paranoid and delusional systems usually after the false interpretation of some actual occurrence. His paranoia and delusional thinking have centered around "the Klu Klux Klan", nonexistent love affairs with any female showing interest in his predicament, and secret messages from the radio, television, and books.
 - (8) There are convincing and consistent indications that Mr. Ford suffers from auditory and visual hallucinations. He has consistently maintained that he sees and hears incidents on his cell block involving his mother's murder; an unidentified inmate threatening to kill him with a gun, knife, or cleaver; and an unidentified woman repeatedly being beaten and raped. Reality testing does nothing to shake Mr. Ford's faith in his hallucinations which were first reported approximately twenty months ago. Prison guards and other Death Row inmates have reported episodes of Mr. Ford speaking out loud and angrily to seemingly nonexistent persons.
 - (9) There is strong evidence of suicidal ideation both past and present.
 - (10) Florida State Prison Medical Records indicate that Mr. Ford has been treated for "Peptic Ulcer Disease since 1978 and that there was one instance of treatment for an "Agitated Depression" in 1982. His medical records also reflect numerous stress related somatic complaints such as chest pains, stomach pains, joint pains, and skin reactions.
 - (11) There is a documented history of severe drug abuse of substances such as Cocaine, LSD, Alcohol, and Amphetamines.
 - (12) Mr. Ford appears to have very little insight into the fact that he has many emotional problems and goes to great lengths to deny mental illness.

CLINICAL IMPRESSIONS AND DYNAMIC FORMULATIONS

Mr. Ford's above outlined list of at least twelve present and past abnormal signs and symptoms - coupled with the reality of severe on-going tensions and anxieties produced by Death Row confinement should be overwhelmingly convincing for a psychiatric diagnosis related to a "Paranoid Schizophrenic Breakdown".

Since there are no psychological tests for Schizophrenia which are comparable to an empirical test for something like Syphilis - it is not unusual for Schizophrenic patients to show the "normal psychological profile" which Prison Psychologists Pittman and Fleet obtained from administering psychological test approximately ten months ago.

Mr. Ford's psychotic episodes which initially were intermittent have increasingly become sustained and in the typical pattern of psychiatric decompensation he goes to great lengths to deny any mental illness and to give the appearance of being mentally intact. Therefore, it is understandable how Prison Psychiatrists concluded "Malingering" because it is not unusual for "Functional Schizophrenics" such as Mr. Ford to muster enough "psychic glue" to remain mentally intact during periods of time when they are dealing with persons they distrust. However, prison reports of "Malingering" seem to ignore psychotic symptomatology noted in their own reports. For example, all prison reports state that Mr. Ford alleges that he sees and hears unusual things (auditory & visual hallucinations) and that he acquired a knife for his protection against an imaginary enemy (paranoia). Furthermore, prison evaluations which state that part of their reason for concluding malingering is based upon the "absence of psychological difficulties in the subject's history" are in error when one considers a Prison Psychiatrist's diagnosis of "Agitated Depression" and the prescribing of tranquilizing/anti-depressant medication known as "Sinequan". It should be noted that in the typical fashion of

someone experiencing psychotic decompensation - Mr. Ford was suspicious of his medication and refused to take it. Also, his history of drug abuse and treatment for Peptic Ulcer Disease would cast doubts on statements indicating no past psychological difficulties.

Mr. Ford's delusional thinking which cannot be corrected by reasoning or reality testing - represents a desperate attempt to regain control because he is strictly confined and feels harassed, powerless, and increasingly fragmented. He appears grandiose because he has deluded himself into feelings of exaggerated importance because so much effort revolves around his prosecution and defense.

Alvin Ford's suicidal ideation is dynamically related to the following factors: (1) The intense, on-going stress and anxiety of an impending electrocution. (2) Psychotic behavior which is becoming increasingly ineffective as a defense against overwhelming depression. (3) An unconscious desire to succumb to a mental disease so that himself and his socio-cultural community can better accept his disgraceful situation.

CONCLUSIONS

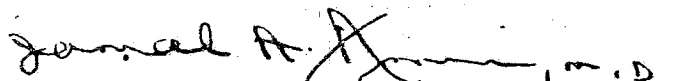
In my professional opinion - Mr. Alvin Ford is presently suffering from a severe, uncontrollable, mental disease which closely resembles "Paranoid Schizophrenia With Suicidal Potential". This major mental disorder is severe enough to substantially affect Mr. Ford's present ability to assist in the defense of his life.

It should be noted that Mr. Ford's ambivalence around whether to continue his legal fight is in and of itself an indication of a psychotic disorder so severe that it suicidally compels him to embrace his own death.

RECOMMENDATIONS

- (1) Arrangements should be made for Mr. Ford to receive a complete Psychiatric Neurological, and Nutritional Work-up to rule out causes related to toxins, organic lesions, and/or Vitamin Deficiencies.
- (2) Psychotropic medication in a liquid or injectable form should be considered to ameliorate some of the more blatant symptomatology.

Respectfully submitted,



Jamal A. Amin, M.D., M.P.H.
Psychiatrist/Nutritionist

XI b

HAROLD KAUFMAN, M. D. P. C.
2816 N STREET, N. W.
WASHINGTON, D. C. 20007

(202) 338 - 1950

December 14, 1983

Richard H. Burr, Esq.
Office of the Public Defender
13th Floor Harvey Building
224 Datura Street
West Palm Beach, FL 33401

Re: Alvin Bernard Ford
CONFIDENTIAL PSYCHIATRIC REPORT

Dear Mr. Burr:

I am writing this report in response to your request that I present the findings of my three hour interview with Alvin Ford which I conducted at Starke, Florida, on November 3, 1983, to determine his competency to be executed.

You will recall that both you and Professor Laurin Wollan, who has taken an interest in Mr. Ford's case, were present for about ninety minutes of the interview which took place in an interview room at the Starke Prison. I have received from you the standards for "competency for execution," and, as discussed below, have applied them to my psychiatric findings.

Mr. Alvin Ford entered the interview room in apparent high spirits and bantered for about fifteen minutes with you and Professor Wollan. He generally ignored me and my occasional questions. It should be noted that your and Professor Wollan's presence was deemed necessary by me to allow the interview to progress at all because of Mr. Ford's previous (and I understand subsequent) extreme reluctance to be interviewed. I also suggested your presence in order to set him more at ease so that he would be more inclined to be trustful, open and relaxed with me, whom he had never before met.

After about fifteen minutes of questioning by him and answers by the two of you he turned to me and said, "You a good guy? You OK?" I replied that I thought I was "OK."

Up to this point his questions had been disjointed, and had ranged from personal details ("food's OK - how you eatin'") to delusional questions ("When's CBS comin' in here."). But after 15 minutes the incoherence of his mental associations and the almost totally delusional nature of anything to do with his case emerged as his facade crumbled. One thought led to another with no seeming relation to the previous one with such rapidity that I have come to the conclusion that there is no reasonable possibility that Mr. Ford was dissembling, malingering or otherwise putting on a performance to induce me to believe him to be psychotic or incompetent to be executed.

Richard H. Burr, Esq.
December 14, 1983
Page Two

HAROLD KAUFMAN, M. D. P. C.
2816 N STREET, N. W.
WASHINGTON, D. C. 20007

(202) 338-1950

It is unfortunate that no tape, especially a videotape, exists to preserve for concerned observers the obvious fact that he was not "acting" for my benefit--or for his own. I think the best way to convey the spontaneous and psychotic nature of his ramblings is to simply record them (see below). These are not selected passages, but a stream of consciousness, either spontaneously rendered, or spoken in response to a previous question. It is to be noted that there was very little animation or feeling in Mr. Ford's voice as he spoke, only a kind of "flatness" or lack of intensity of affect.

Mr. Ford: The guard stands outside my cell and reads my mind. Then
** he puts it on tape and sends it to the Reagans and CBS... I know there is some sort of death penalty, but I'm free to go whenever I want because it would be illegal and the executioner would be executed...CBS is trying to do a movie about my case...I know the KKK and news reporters all disrupting me and CBS knows it. Just call CBS crime watch...there are all kinds of people in pipe alley (an area behind Mr. Ford's cell) bothering me--Sinatra, Hugh Hefner, people from the dog show, Richard Burr, my sisters and brother trying to sign the death warrants so they don't keep bothering me...I never see them, I only hear them especially at night.
(Note that Mr. Ford denies seeing these people in his delusions. This suggests that he is honestly reporting what his mental processes are.) I won't be executed because of no crime...maybe because I'm a smart ass... my family's back there (in pipe alley)...you can't evaluate me. I did a study in the army...alot of masturbation...I lost alot of money on the stock market. They're back there investigating my case. Then this guy motions with his finger like when I pulled the trigger. Come on back you'll see what they're up to--Reagan's back there too. Me and Gail bought the prison and I have to sell it back. State and federal prisons. We changed all the other counties and because we've got a pretty good group back there I'm completely harmless. That's how Jimmy Hoffa got it. My case is gonna save me.

** Comments in parentheses are my own.

Richard H. Burr, Esq.
December 14, 1983
Page Three

HAROLD KAUFMAN, M. D., P. C.
2816 N STREET, N. W.
WASHINGTON, D. C. 20007

(202) 338-1960

At this point I should comment that none of this "idea salad" is out of context. Indeed there is no apparent context for these rambling, disorganized delusional bits of ideational material.

I asked, "Are you going to be executed?" Mr. Ford replied, "I can't be executed because of the landmark case. I won. Ford v. State will prevent executions all over.

Dr. Kaufman (Q): Are you on death row?

Mr. Ford (A): Yes.

Q: Does that mean that the State intends to execute you?

A: No.

Q: Why not?

A: Because Ford v. State prevents it. They tried to get me with the FCC tape but when the KKK came in it was up to CBS and the Governor. These prisoners are rooming back there raping everybody. I told the Governor to sign the death warrants so they stop bothering me.

Pulling this material together I have come to the conclusion that Mr. Ford is suffering from schizophrenia, undifferentiated type, acute and chronic. The delusional material, the free-floating and disorganized ideational and verbal productivity, and his flatness of affect are the highlights of the signs leading to this diagnosis of psychosis. The possibility that he could be lying or malingering is indeed remote in my professional opinion.

You have asked me to relate Mr. Ford's psychiatric condition to several standards which might be used to determine his competence to be executed. It is my conclusion, using the Florida Statutory standard you have supplied me with, that because of his psychiatric illness, while he does understand the nature of the death penalty, he lacks the mental capacity to understand the reasons why it is being imposed on him. His ability to reason is occluded, disorganized and confused when thinking about his possible execution. He can make no connection between the homicide he committed and the death penalty. Even when I pointed this connection out to him he laughed derisively at me. He sincerely believes that he is not going to be executed because he owns the prisons, could send mind waves to the Governor and control him, President Reagan's interference in the execution process, etc.

Richard H. Burr, Esq.
December 14, 1983
Page Four

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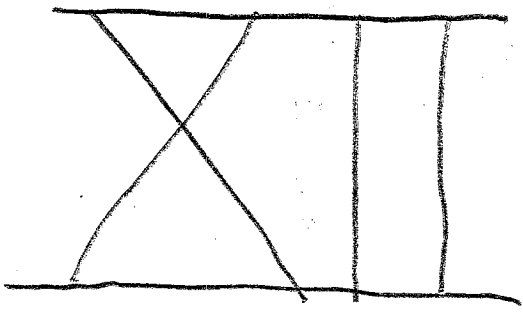
Moreover, it is my conclusion that the disorganized state of his thinking is sufficiently severe to prevent Mr. Ford from being executed under the Solesbee v. Balkom standard of Justice Frankfurter which you forwarded to me. In particular, Mr. Ford's "defects of faculties" prevent him from being capable of understanding "the purpose of his punishment."

In summary, it is therefore my professional opinion, based on my interview with Mr. Alvin Ford, that he is suffering from schizophrenia, undifferentiated type, acute and chronic, which is of such severity that he cannot sufficiently appreciate or understand either the reasons "why the death penalty was imposed on him" or "the purpose" of this punishment. It is therefore my opinion that Mr. Alvin Ford is incompetent to be executed.

Sincerely yours,

Harold Kaufman, M.D. and LL.B.

Harold Kaufman, M.D. and LL.B.
Psychiatrist



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TAMPA BAY NEUROPSYCHIATRIC INSTITUTE

January 19, 1984

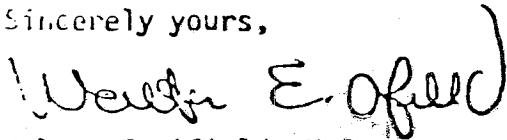
Governor Robert Graham
Governor's Mansion
700 North Adams Street
Tallahassee, Florida 32303

Dear Governor Graham:

At your request, I examined Alvin Bernard Ford in the Florida State Prison, at Starke on December 19, 1983. As part of this evaluation, I reviewed the extensive records provided to me by legal counsel from your office. I had an in-depth conference with both attorneys for the inmate and reviewed the medical records that they had available. I talked at length with a variety of guards who had dealings with the inmate and reviewed the contents of Mr. Ford's writings in his cell. I discussed his medical condition with the prison psychiatrist and examined the man in the presence of all counsels and two other state-appointed psychiatrists. My examination consisted of a complete mental status examination. Subsequently, I spoke at length with Attorney Burr and reviewed complete medical records from the prison, which included psychiatric evaluations and reports from several prison psychologists. I reviewed in depth Dr. Kaufman's findings.

It is my medical opinion that Mr. Ford does indeed suffer from serious emotional problems. He is presenting himself in a very disorganized manner with a bizarre picture which does not fit any classical description of a psychiatric illness. The nature of his disorganization is somewhat "put on," but the profoundness of it forces me to put a "psychotic" label on the inmate. Again, this is not a classical psychiatric diagnosis, but the man clearly is quite emotionally ill. Much of this had to do with the sentence that he is currently facing and his situation within the prison setting. On the basis of all the data and in light of the Florida Statute 922.07, it is my opinion that although this man is severely disturbed, he does understand the nature of the death penalty that he is facing and is aware that he is on death row and may be electrocuted. The bottom line, in summary is, although sick, he does know fully what can happen to him. If there is anything further you wish please let me know.

Sincerely yours,



Walter E. Afield, M.D.

WEA/mgp

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Umesh M. Mhatre, M.D., P.A.

DIPLOMATE, AMERICAN BOARD OF PSYCHIATRY AND NEUROLOGY
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650 EAST BAY AVENUE
LAKE CITY, FLORIDA 32055
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GOVERNOR'S OFFICE
DEC 30 9 26 AM '83

December 28, 1983

Honorable Governor Bob Graham
The Capitol
Tallahassee, Florida 32301

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RE: ALVIN BERNARD FORD

Dear Mr. Governor:

As per your order I examined Mr. Alvin Ford, on December 19, 1983 at Florida State Prison, along with my distinguished colleagues, Dr's. Peter Ivory and Walter Afield. Following is the summary of my evaluation with my conclusions:

Mr. Ford was evaluated at 11:00 a.m. in the courtroom of Florida State Prison. He was appropriately dressed, and exhibited good eye contact with all the people in the room, he did not exhibit any stranger anxiety or fears. He settled down in a chair, accompanied by his lawyers, and his friends through the Florida Clearinghouse on Criminal Justice. As per prior arrangement, Dr. Afield began to ask him questions. Mr. Ford did not initially respond but did so after his lawyers encouraged him. Most of his responses to the questions were bizarre. He continued to respond by jibberish talk such as "break one", "God one", "heaven one". However, throughout these bizarre responses, Mr. Ford kept good eye contact with the examiners. After awhile, his responses to questions became a little more appropriate indicating that he did understand the meaning of the questions asked of him, even though his responses remained somewhat bizarre. Throughout the interview which lasted about thirty minutes, there was no evidence of any hallucinations and Mr. Ford exhibited good ability to concentrate. He was relaxed and did not exhibit any physical aggression. In response to Dr. Afield's question, "what will happen when you die?", Mr. Ford responded "heaven one, hell one", indicating that he did understand the meaning of the question.

Honorable Governor Bob Graham
Tallahassee, Florida

RE: ALVIN BERNARD FORD

His mood appeared to be normal and affect was blunted. He did however smile and exhibited good range of affect with his friends from his lawyer's office. His orientation and memory were not formerly tested, but he did appear to be oriented to people and place. He did not exhibit any suicidal or homicidal thoughts.

The conversation with the guards at Florida State Prison who have been working with Mr. Ford, furnished the following information. His jibberish talk and bizarre behavior started after all his legal attempts failed. He was then noted to throw all his legal papers up in the air and was depressed for several days after that. He especially became more depressed after another inmate, Mr. Sullivan, was put to death and his behavior has rapidly deteriorated since then. In spite of this, Mr. Ford continues to relate to other inmates and with the guards regarding his personal needs. He has also borrowed books from the library and has been reading them on a daily basis. A visit to his cell indicated that it was neat, clean and tidy and well organized.

The review of the extensive material provided by his lawyers including reports by Dr. Kaufman and Dr. Amin, and his correspondence with Gil Roland of Florida Clearinghouse and Criminal Justice indicate that Mr. Ford has been gradually decompensating since July and has worsened since the death of Mr. Sullivan.

It is my medical opinion that Mr. Ford has been suffering from psychosis with paranoia, possibly as a result of the stress of being incarcerated and possible execution in the near future. In spite of psychosis, he has shown ability to carry on day to day activities, and relate to his fellow inmates and guards, and appears to understand what is happening around him. It is my medical opinion that though Mr. Ford is suffering from psychosis at the present time, he has enough cognitive functioning to understand the nature and the effects of the death penalty, and why it is to be imposed upon him.

I may further add that considering his present state of mind, Mr. Ford is in need of appropriate anti-psychotic medication, without such treatment he is likely to deteriorate further and may soon reach a point where he may not be competent for execution. I have discussed this

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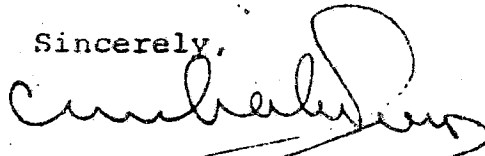
Honorable Governor Bob Graham
Tallahassee, Florida

RE: ALVIN BERNARD FORD

with the psychiatrist of the Florida State Prison and hopefully, by the time you receive this report, Mr. Ford will be on appropriate treatment regiment.

Thank you for giving me the opportunity to be of some help to you. If I can be of any further assistance in the future, please do not hesitate to call upon me.

Sincerely,



Umesh Mhatre, M.D.

UM:cmh

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STATE OF FLORIDA



DEPARTMENT OF

Health & Rehabilitative Services

District Two

2448 357 198

RECEIVED
GOVERNOR'S OFFICE Bob Graham, Governor

FLORIDA STATE HOSPITAL
CHATTAHOOCHEE, FLORIDA 32324

December 20, 1983

The Honorable Bob Graham
Governor
State of Florida
The Capitol
Tallahassee, Florida 32301

Dear Governor Graham:

Pursuant to Executive Order Number 83-197, accompanied by Doctors Afield and Mhatre, I examined inmate Alvin Bernard Ford from 10:50 a.m. to 11:25 a.m. at Florida State Prison on December 19, 1983. We later talked to prison officers, viewed the inmates cell, and talked to a prison psychiatrist.

The interview was conducted with great difficulty, from a verbal point of view, since the inmate responds to questions in a stylized, manneristic doggerel. Thus, an answer to a question might be "beckon one, cane one, Alvin one; Q one, king one".

It soon became apparent that our opinions would have to be based largely on inferential deduction from physical behavioral observation, and only to a limited extent from his verbalizations.

From a behavioral point of view, then, the inmate entered the examination room in a quiet, cooperative, and appropriate manner. By helpful and responsive body movements, he helped the officer adjust the handcuffs. In an alert fashion he seemed interested and concerned about meeting the group of us, who also included attorneys and legal interns. When questioned, he answered promptly and then awaited the next question quietly and alertly. During his doggerel, and nonsensical, answers, if one of the examiners asked a question before he was finished, the inmate would raise his voice so as to dominate the situation and thus maintain control.

I formed the opinion that the inmate knows exactly what is going on and is able to respond promptly to external stimuli. In other words, in spite of the verbal appearance of severe incapacity, from his consistent and appropriate general behavior, he showed that he is in touch with reality.

Later exchanges seem to bear this out, if one "reads between the lines":

Q "Are you aware they can electrocute you?"

A "Nine one, C one, hot one, die one"

A "Die one, gone one"

Q "Are your attorneys trying to prevent your death?"

A "Assassinate one, Bob Graham liable one, Jim Smith liable one, Senate one"

Q "What happens if you die?"

A "Hell one, Heaven one"

Q "Which?"

A "Hopefully it'll be Heaven, but if I listen, it'll be Hell"

And later:

A "If I die - no more fat cats
- no more homicide
- no more racism
- in Heaven with God"

Q "Are you crazy?"

A "Are you crazy?" (Said in such a tone as to indicate that he was no more crazy than I was)

At a time when we had been trying to establish if he read the Bible, he commented: "blood on the door posts, you know" (said with a knowing smile that indicated that he would be spared by the Angel of Death, Exodus 12:7)

By this time, I had formed the opinion that the inmate did comprehend the nature and effect of the death penalty and why it was imposed on him.

However, because of the severe adaptational disorder that had been developed by the inmate, by which he is trying to "hold at bay" on intolerable future that he cannot otherwise deal with, I decided to validate my ideas by examining his cell and talking to staff members. The rationale for this course of action was dictated by the reasoning that if the inmate was truly as disorganized as he would have one believe, there would be ample signs of it in his environment. The results were as follows:

- 1) the cell was spotlessly clean and in order
- 2) his toilet articles were neatly arranged around the sink
- 3) his personal papers were all stacked neatly in the cell bars, arranged by category
- 4) his writings were extensive, and the choice of vocabulary showed a good intelligence
- 5) the arrangements were all logical, and there was nothing

in the cell that seemed bizarre, as if he was out of contact with the real world

- 6) the officers stated that the inmate behaves normally in that he feeds himself, clothes himself and keeps himself clean. He utilizes the available resources to his maximum advantage.
- 7) he talks normally to the guards, but during the last week they have heard him practicing the strange speech from lists of words he had written in nonsensical order

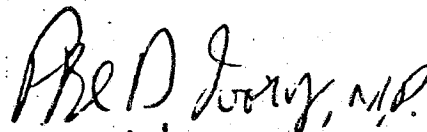
To comment briefly, a natural insanity is not selective, but is pervasive. This inmates disorder, although severe, seems contrived and recently learned.

My final opinion, based on observation of Alvin Bernard Ford, on examination of his environment, and on the spontaneous comments of group of prison staff, is that the inmate does comprehend his total situation including being sentenced to death, and all of the implications of that penalty.

From a humanitarian point of view, this inmate is obviously having enormous problems dealing with his possible destiny. It is suggested that a medical review to look into the feasibility of psychotropic medication might be helpful, to allow the inmate to better assist his attorneys, and to set his affairs in order.

Please let me know if I can provide further information or be of other assistance.

Very truly,



Peter B.C.B. Ivory, M.D.
Psychiatrist

PBCBI/lido