

# Florida Supreme Court Historical Society

SUMMER/FALL 2018

Justice Lewis's Roots and Legacy

Chief Justice Labarga on His Role in *Bush v. Gore*

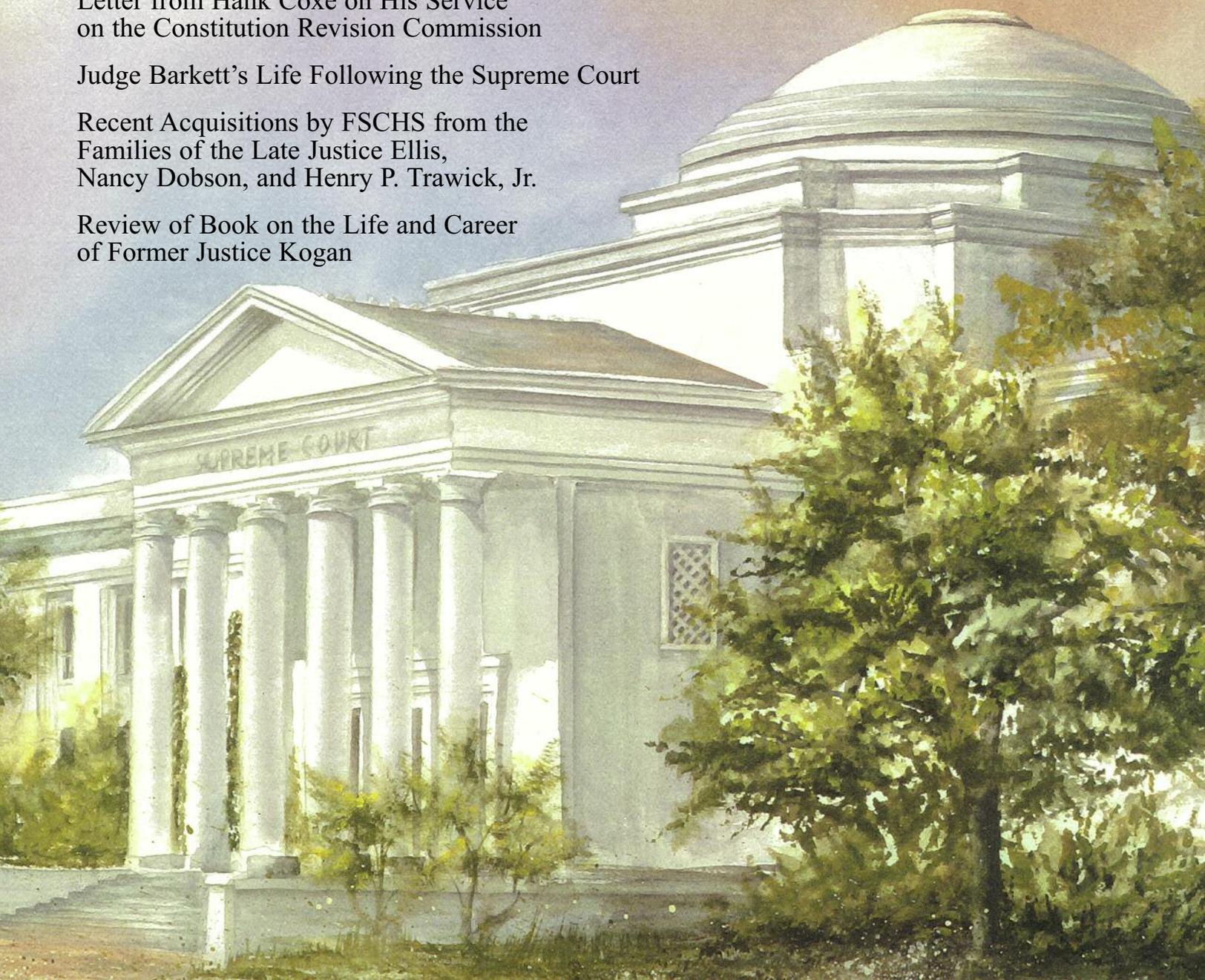
Judge Robert Hilliard of Santa Rosa County Shares  
A Colorful Narrative of a 1948 County Court Judges  
Conference in Key West and Havana

Letter from Hank Coxe on His Service  
on the Constitution Revision Commission

Judge Barkett's Life Following the Supreme Court

Recent Acquisitions by FSCHS from the  
Families of the Late Justice Ellis,  
Nancy Dobson, and Henry P. Trawick, Jr.

Review of Book on the Life and Career  
of Former Justice Kogan



## FROM THE EDITORS



We hope you enjoy this seventh annual addition of the Society's magazine, which includes a tribute to Justice Lewis, reflections by Chief Justice Labarga on his role in *Bush v. Gore*, an update from former Justice Barkett, and a review of a book on the life and career of former Justice Kogan. Hank Coxe shares an inside look on his work on the Constitution Revision Commission, and Judge Robert Hilliard of Santa Rosa County shares a colorful narrative of a 1948 County Court Judges Conference. As always, we invite contributions for future publications — from far and wide, from members and non-members, and on a wide range of topics relating to Florida's legal history. Please contact us ([smr1836@ix.netcom.com](mailto:smr1836@ix.netcom.com) and [danhoffman@yahoo.com](mailto:danhoffman@yahoo.com)) to express your interest.

Stanley M. Rosenblatt

Daniel R. Hoffman

## TABLE OF CONTENTS

5	<b>From the President</b> <i>Edward G. Guedes</i>
6	<b>Under the Dome</b> <i>By Chief Justice Jorge Labarga</i>
7	<b>Dobson Portrait Acquisition</b>
8	<b>Judge Barkett's Life Following the Supreme Court</b> <i>by Stanley M. Rosenblatt</i>
10	<b>Justice Lewis's Roots and Legacy</b> <i>by Susan &amp; Stanley Rosenblatt &amp; Miriam Rosenblatt Hoffman</i>
17	<b>Justice Ellis's Family's Donation to the FSCHS</b> <i>By Melanie Kalmanson</i>
18	<b>Letter from Hank Coxe on His Service on the Constitution Revision Commission</b>
21	<b>Supreme Evening 2018</b> <i>By Melanie Kalmanson</i>
22	<b>FSCHS Annual Dinner 2018 Photo Spread</b>
24	<b>Judge Robert Hilliard of Santa Rosa County Shares A Colorful Narrative of a 1948 County Court Judges Conference in Key West and Havana</b> <i>By Judge Robert Hillard</i>
32	<b>Review of Book on the Life and Career of Former Justice Kogan</b>

## Florida Supreme Court Historical Society

Summer/Fall 2018

### Editors

Stanley M. Rosenblatt, Esq.

Daniel R. Hoffman, Esq.

### Editorial Assistance

Jonathan Claussen, Esq.

Melanie Kalmanson, Esq.

Mark A. Miller

Susan Rosenblatt, Esq.

### Designer

Lili Picou

Published annually by the Florida Supreme Court Historical Society

The Florida Supreme Court Historical Society works to save and maintain for future generations the records of the people and events that have shaped the evolution of Florida's court system from the early 1800s, through the 20th Century, and beyond. The Society is committed to making sure people understand the importance of a strong, independent judiciary in our governmental balance of power. The Society's two-fold mission is to (1) educate the public about the critically important work of the courts in protecting personal rights and freedoms, as well as in resolving the myriad of disputes that arise within the state, and (2) preserve the rich history of Florida's judicial system.

This publication has been sponsored by the members of the Florida Supreme Court Historical Society.

Florida Supreme Court Historical Society  
1947 Greenwood Drive, Tallahassee FL 32303

# CONTRIBUTORS



**Henry "Hank" M. Coxe, III** specializes in serious federal and state criminal matters. Hank has served as president of The Florida Bar, the FSCHS, and the Jacksonville Bar Association and has served on the Florida Judicial Qualifications Commission and the Florida Supreme Court Innocence Commission.



A native of Lake County, **Melanie Kalmanson** is a graduate of both FSU and FSU Law, where she served as an executive editor of the Law Review. Melanie currently serves as a staff attorney to Justice Barbara J. Pariente. She also serves as an alumni advisor for the FSU College of Law's new Raising the Bar Professionalism Program and a J.D. Advisor for the College of Law's Career Services Center, advising students who are interested in judicial clerkships.



**Judge C. Robert Hilliard** is a County Judge with the First Judicial Circuit of Florida (Santa Rosa County). His Honor has previously served as President of the Conference of County Court Judges of Florida. In 2014, Judge Hilliard was appointed by Chief Justice Labarga to a term on the Florida Commission on Access to Civil Justice. Judge Hilliard also serves as a member of the Florida Courts Technology Commission. His Honor began his career in the computer industry where he had worked for 20 years before becoming a member of the Bar.



**Susan and Stanley Rosenblatt** are partners in their Miami law practice, and their daughter, **Miriam Rosenblatt Hoffman** is an associate of the firm. Susan is the First Vice President of the FSCHS and Stanley is a Trustee and Co-Chair of the Publications Committee. They also devote much of their time to FAMRI, a nonprofit created through tobacco litigation, which seeks cures for diseases associated with cigarette smoke.

## THE HENRY P. TRAWICK, JR. HISTORIC LAW BOOK DONATION

Distinguished long-time Florida attorney Henry Trawick died on Sept. 29, 2017.

He was known as the godfather of civil procedure and the rule of law in the state, he was instrumental in revising Florida law, serving on the Florida Law Revision Committee from 1967 - 1972. He also authored several books, including many editions of the well-respected Trawick's Florida Practice and Procedure; Trawick's Redfearn Wills and Administration in Florida; and Trawick's Florida Practice and Procedure Forms.

Earlier this year, Trawick's law office sent 35 historic volumes of late 19th- and early 20th-century Florida law from his personal library to the Florida Supreme Court Historical Society. These volumes will become part of the reference collection of the Supreme Court Library, available to the public as well as the court for legal and historical research. They will be kept together as a discrete collection in that part of the library's reading room devoted to early Florida law.



### MOORE MEATS, INC. v. STRAWN, IN & FOR SEMINOLE CTY. Fla. 661

Cite as, Fla., 313 So.2d 660

"Florida's 'Dean of Rules' is the Honorable Henry P. Trawick, Jr., who served long and devotedly on the Supreme Court Committee on Rules of Civil Procedure and as Chairman thereof. He is the author of Trawick's Florida Practice and Procedure and has highlighted the answer which Justice Terrell asserted in Gulf Life. ...Mr. Trawick in an enlightening article 'To Reply or Not To Reply?' published in the December 1973 Florida Bar Journal pointed out [the issue and answer]."

We feel that Mr. Trawick has ably presented the problem and the answer; we agree with his view which should be of help and guidance to the Bar in this respect."



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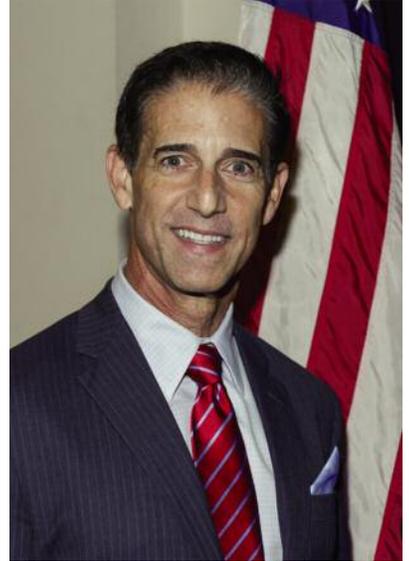
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## FROM THE PRESIDENT

As I near the end of my year as President of the Society – with the prospect of an extension of that term to a second year – I have cause to ponder what has taken place during these past twelve months and what we have to look forward to in the coming year. The Society remains a vibrant organization with phenomenal staff and a tremendous group of individuals comprising its Board of Trustees. Our staff each day excel in keeping the Society’s various moving parts in synch, while simultaneously interacting with the Florida Supreme Court and its staff in a seamless manner, all the while doing so with the most convivial disposition imaginable. Our trustees demonstrate a profound affection for the institution they serve, committing countless hours of their time to meetings and conferences calls all in furtherance of the Society’s important mission – all despite their hectic professional and personal schedules. On the fiscal side, the organization is excellent shape, despite the inevitable increase in expenses that time seems to visit upon all non-profits. The Society also accepted into the Court’s collection a number of significant historical contributions, including the memoir and papers of Justice William Ellis, (see page 17); a historically significant collection of early Florida law books from the library of late Henry Trawick, the godfather of Florida’s judicial rules and procedure (see page 3); and a portrait of Nancy Dobson, a founding member and longtime executive director of the Society (see page 7).



This past year’s annual dinner was a tremendous success. As usual, Hank Coxe lent his unique style and rhetorical skills to the event by serving as the master of ceremonies, proving once again the old adage, “*When something ain’t broke – don’t fix it.*” Guests at the dinner were privileged to hear from Hilarie Bass, the current president of the American Bar Association, who delivered the keynote address at the dinner. Also, the Society honored former Florida Bar Executive Director, John “Jack” Harkness, with the Society’s Lifetime Achievement Award. At Mr. Harkness’ request, the Historical Society made a contribution to the Florida Bar Foundation’s Children’s Defense Fund in his name instead of presenting him with an award plaque. The total contribution from the Trustees and Society to the Defense Fund in Jack Harkness’ name was over \$4600.

As productive as this past year has been, the coming year promises to be a whirlwind of activity. Three of the current sitting justices – Fred Lewis, Barbara Pariente, and Peggy Quince – will be retiring from the Court after decades of service not only to the Court, but to the judiciary and Bar of the State of Florida as well. Preparations are already underway statewide to honor these judicial legends for their remarkable contributions. Naturally, the forthcoming departure of three sitting justices leads inexorably to the arrival and welcoming of three new justices to the Florida Supreme Court and their investitures. Undoubtedly, the 2018-19 calendar for the Society will be replete with activities.

Finally, the Court prepares to transition the role of Chief Justice from Justice Jorge Labarga to Justice Charles Canady, who previously served in that capacity from July 2010 until July 2012. The Society wishes to extend its heartfelt congratulations to Chief Justice Labarga for his successful (and successive) terms as Chief, as well as express its sincere appreciation for his warm and engaged interaction with the Society these past four years. We look forward to our working closely once again with soon-to-be Chief Justice Canady during this critically important transition year for the Florida Supreme Court.

As always, we invite all our members (and those who are not yet members) to become engaged in the Society’s important mission. The Society would not be able to accomplish all that it does were it not for the support and participation of its valued members.

Sincerely,

A handwritten signature in black ink, which appears to read "E. Guedes". The signature is fluid and cursive, with a long, sweeping underline.

Edward G. Guedes  
President

# UNDER THE DOME

## “THERE HE IS!” MY ROLE AS A CIRCUIT JUDGE IN THE 2000 PRESIDENTIAL ELECTION

BY CHIEF JUSTICE JORGE LABARGA



I will soon complete my tenure as Chief Justice of the Florida Supreme Court. During these four years, I have learned that many individuals do not realize I was the judge in the Palm Beach County case that eventually became *Bush v. Gore*. It happened almost eighteen years ago and, although I remember much about it, I am certain I have forgotten a good bit too.

On November 7, 2000, the night of the presidential election, my wife went to bed before the results were announced. She asked me to wake her up later and let her know who had won. When the networks started announcing that Bush was the victor, I woke her, told her that, and turned the television off.

The next morning, the *Today Show*'s Katie Couric said there was a problem with the presidential election in Florida—in Palm Beach County, specifically—and the case would be decided by a circuit court judge there. My wife and I looked at each other, but because I was one of twelve judges in the civil division, I felt my chances of being the one who was selected to handle the case were slim. In our court, cases were assigned to judges by the clerk's office through a random computer process. Another judge had been assigned to the case that morning, so I went to lunch with two of the other judges, where we discussed the fact that none of us had gotten “the case of the century.”

After lunch, we walked through the courthouse cafeteria toward the judges' elevator. Half of the room was filled with members of the media watching the big-screen television, and I noticed that our chief judge, Walter Colbath, was speaking on CNN. That's when I heard someone yell, “There he is!” What we had not heard Chief Judge Colbath say was that the first judge had recused herself, as

had the next five judges to whom the case was assigned in turn. I was the next judge selected by the computer, so members of the media were waiting to see if I was going to keep the case. Television cameras and microphones were suddenly thrust in my face. Luckily, one of the other judges managed to open the elevator doors and pull me in.

When I made it to my office, my judicial assistant said the chief judge wanted to see me immediately. Chief Judge Colbath asked me if I intended to recuse myself. When I told him I would keep the case, he handed me a huge pile of motions. I took the bench approximately forty-five minutes later, having had barely enough time to read through them. The tension was thick. Just to loosen things up a bit, my first words were, “Was there something you lawyers wanted me to hear?”

The big issue I had to decide was how to honor the intent of the voters. The county judge in charge of the canvassing board, Chuck Burton, brought in actual ballots for review. I could see that some voters may have been confused by the ballot. Others were not confused, but their voting machines had not worked properly. That left us with thousands of ballots with “hanging” chads, “dimpled” chads, and “pregnant” chads, among other irregularities. Of course, one side wanted to count these imperfectly cast votes and the other side did not.

There was a lot of pressure in our courthouse. Each state is under a deadline to turn in their Electoral College votes and, if Florida missed that deadline, it would lose its votes. I instructed the lawyers to move the case along in a timely fashion because the Supreme Court of Florida and the United States Supreme Court were waiting.

After the evidence had been presented, I told the reporters in open court that I would have orders issued on all matters on a specific date, at a specific time. The orders would be available at the Palm Beach County Law Library, located in the courthouse, and we would have enough copies for everyone. No further questions; no further answers.

At 10 p.m. on the night before the orders were released, I looked out my office window and saw all of the satellite dishes and reporters. I had changed into jeans, sneakers, a sweatshirt, and my University of Florida Gators cap, so I went outside and walked undetected among the reporters. At the CNN booth, a reporter was on air live, talking about me. I stood nearby, listening, unaware that I was on national television.

When the orders were issued the next morning, we had 200 copies ready for the reporters. I considered our efforts a success. Had those orders not been issued in a timely manner, Florida could have lost its electoral votes, and the citizens of Florida would not have had a voice in who would be the next President of the United States. I had decided the votes on the ballots in question should be counted. I ruled the canvassing board had to make an effort to discern the intent of each voter. I knew, no matter what I decided, there would be appeals to Tallahassee and probably all the way to Washington, D.C. After the orders were issued, I knew I had done something right, because both major political parties were completely irritated. After everything was settled, I was told by friends that both parties were looking for someone to run against me.



Then Circuit Judge Jorge Labarga presides over an emergency hearing on the validity of dimpled ballots in the manual recount of presidential ballots. Nov. 22, 2000, in Palm Beach. BRUCE R. BENNETT AP/Palm Beach Post

The proceedings lasted roughly a week at the circuit-court level, and it was the longest week of my life. One of my happiest days was when CNN showed a helicopter following a big yellow Ryder rental truck, which was delivering all the ballots away from West Palm Beach to the Supreme Court of Florida in Tallahassee.

Judges are taught from day one to come to terms with the fact that they are going to make rulings that will please certain people and disappoint others. The only thing I can do as a judge is let people know during the proceedings that I am doing my best to reach the proper decision under the law. And even if most of the time I get it right, sometimes I do not, which is why we have appellate courts. What did I learn from the 2000 election? Politics and the judicial branch do not mix well. Everyone who was aligned with one party or the other, including the lawyers, did not want to hear about constitutional principles or the law. They just wanted their candidate to win. I am not sure why that surprised me, but it did. ■

## DOBSON PORTRAIT ACQUISITION

On Thursday, March 29, the Florida Supreme Court Historical Society and the Florida Supreme Court were presented with an impressive portrait of Nancy Dobson by her children, Carolyn Dobson Gumula of Cape Haze, FL, and William Dobson of Tallahassee. The presentation occurred at the 40th Anniversary of “Save the Old Capitol Night” in Tallahassee while event-goers gathered to commemorate saving the historic building from demolition.

It was befitting that the Supreme Court and the Historical Society received Dobson’s portrait at this event. In 1978, the fate of the old Capitol was hotly debated. Then Governor Reubin Askew and House Speaker Donald Tucker favored outright demolition. At that time, Nancy Dobson, a historian and director of the Historic Tallahassee Preservation Board, spearheaded the opposition to destroying the old Capitol, enlisting the support of Secretary of State Bruce Smathers. Soon, legislators, academicians, historic preservationists and the interested public began expressing their indignation over the idea of eliminating such a significant historic landmark. “If the political powers within the state decide to destroy the building in which they themselves have a sentimental and historical involvement, what will be their attitude toward other preservation efforts in the state with which they may have little or no personal relationship” Dobson questioned.

Upon completion of the new Capitol Complex in Tallahassee, the Old Capitol was restored and refurbished to its 1902 version and was reopened to the public in 1982. The Old Capitol now serves as the Florida Historic Capitol Museum.



From Left to Right: William Dobson of Tallahassee (Nancy’s Son), Carolyn Dobson Gumula of Cape Haze, FL (Nancy’s Daughter), Carol Berkowitz (Acquisition Committee Co-Chair, Florida Supreme Court Historical Society) and Mark Miller, Executive Director, Florida Supreme Court Historical Society

In addition to her ten years as the executive director of the Tallahassee Historic Preservation Board, Dobson served 14 years as executive director of the Florida Supreme Court Historical Society where she worked tirelessly to preserve the history and traditions of our highest Court. She was responsible for starting the first docent program, recruiting local volunteers to provide public tours of the Supreme Court. She was also noted for her efforts to preserve the Union Bank (the state’s oldest surviving bank building), the John G. Riley House (African-American archives museum), the Brokaw-McDougall House and many other historic landmarks in Tallahassee. She received many honors and awards for her contributions.

The portrait will be prominently displayed in its new home, along with other acquisitions received by the Florida Supreme Court Historical Society, in the Florida Supreme Court library. ■

# JUDGE ROSEMARY BARKETT AFTER THE SUPREME COURT OF FLORIDA

BY STANLEY M. ROSENBLATT

Calling Judge Rosemary Barkett a “trailblazer” would be an understatement. She has done it all – trial lawyer, trial judge, appellate judge, Justice and Chief Justice on the Supreme Court of Florida, a United States Circuit Judge of the Eleventh Circuit Court of Appeals and, presently, an international judge.



Judge Rosemary Barkett being sworn into the Florida Supreme Court, 1985. (Mark Foley/Associate Press)



Justice Barkett with Justice Major Harding at an event of the FSCS (1993)

Starting at the beginning: Judge Barkett was born in Mexico to parents of Syrian descent. As such, she spoke Spanish before she learned English. At the age of 6 she moved with her parents and siblings to Miami. Jumping ahead, she attended law school at the University of Florida where she received the Outstanding Senior Graduation award.

Judge Barkett was in private practice as a litigator in West Palm Beach when her judicial career began in 1979 as a trial judge in Florida’s Fifteenth Judicial Circuit. She would rise to become chief judge in 1983, the first woman chief circuit judge in the state’s history. Many firsts were to follow.

In 1984, Judge Barkett was appointed to Florida’s Fourth District Court of Appeal. Her stay there was brief, her skills and temperament being so broadly recognized that she was appointed to the Supreme Court of Florida in October, 1985 as the first woman justice in the Supreme Court’s history.

On July 1, 1992 she became the Florida Supreme Court’s first woman Chief Justice, taking over that position from Justice Leander Shaw, who had served the previous two years as the Court’s first African-American Chief Justice.

In 1994 Justice Barkett left the state judiciary system when she was confirmed by the U.S. Senate to a seat on the United States Court of Appeals for the 11th Circuit. She served on that court for nearly twenty years, when she accepted a position in October, 2013 as a judge on the Iran-United States Claims Tribunal at The Hague in the Netherlands.

**Working on The Florida Supreme Court.** From an everyday, working standpoint what were the differences between being a Florida Supreme Court Justice and a federal judge on the 11th Circuit? Judge Barkett is definitely a “people person” and greatly enjoyed the collegiality and sociability while serving on Florida’s Supreme Court.

All the Justices worked in the same building, and they all lived in Tallahassee. If someone had a question, or an issue they wanted to explore, or were simply in the mood to rap, an accommodating colleague was just down the hall. Justices would often eat lunch together and attend the same social events.

Vigorous discussions and disagreements would occur in deciding cases, in deciding whether to write a dissent but Judge Barkett says it never got personal or petty.

There was far less personal interaction on the 11th Circuit since the various judges lived in three different states making their



Judge Barkett receiving a Lifetime Achievement Award from the FSCHS. (January 2014) Pictured with then Bar President Eugene Pettis (L), and then President of the FSCHS, Miles A. McGrane, III.

communications more formal. During the two decades that Judge Barkett served on the 11th Circuit she lived in Miami with her family. Even while serving at The Hague, Judge Barkett still spends about a quarter of the year in Miami.

**Teaching the Law.** Judge Barkett loves the law and she has been happy and fulfilled in all of her judicial roles. She also loves teaching and has been actively engaged in that endeavor while serving in her various judicial capacities.

Many people talk about “giving back” after they have achieved success. Judge Barkett definitely walks the walk. She has taught constitutional law in an international context at Columbia University in New York. Nearly every summer Judge Barkett has taught at the Appellate Judge’s Seminar at New York University – a seminar designed to assist newly appointed Appellate judges and state supreme court justices. She has conducted seminars in human rights and served on the faculty of the National Judicial College.

And it is really a good thing that Judge Barkett enjoys traveling since she has conducted legal and judicial education programs in China, Algiers and Haiti. She has lectured in Turkey, Egypt, Morocco, Syria, etc.

**Commitment to Justice.** Both as a jurist and a teacher Judge Barkett is committed to improving justice. Her guiding star has been the effort to achieve justice while at the same time preserving the rule of law.

As a judge, Judge Barkett has dealt with every imaginable topic – mostly in majority opinions, but often in dissent. Topics such as – constitutional law, employment discrimination, gender discrimination, immigration, sexual harassment, gay adoption, disability rights, privacy rights, labor rights, and rights related to both speech and association.

Judge Barkett has authored and been part of many significant decisions of the Eleventh Circuit Court of Appeal. Perhaps the

highest compliment bestowed upon a Federal Circuit Court or Florida Supreme Court Jurist is when the United States Supreme Court adopts her dissenting opinion as the majority opinion of our highest court. That has happened a number of times to Judge Barkett while serving on the Eleventh Circuit.

These significant decisions include *Chandler v. Miller*, 73 F.3d 1543, 1549 (11th Cir. 1996), rev’d, 520 U.S. 305 (1997) (Georgia’s mandatory drug test for candidates for high office violated the Fourth Amendment shielding society against that state action); *Maples v. Allen*, 586 F.3d 879, 895 (11th Cir. 2009), rev’d 565 U.S. 266 (2012) (Justice Ginsburg’s majority opinion relies extensively on Judge Barkett’s dissent that adequate cause existed to excuse death row prisoner’s late-filed petitions for post-conviction relief, due to his abandonment by counsel); *Faragher v. City of Boca Raton*, 111 F.3d 1530, 1539 (11th Cir. 1997), rev’d 524 U.S. 775 (1998) (Supreme Court agrees with Judge Barkett’s dissent, joined by Chief Judge Hatchett and Senior Judge Kravitch, en banc) that district court Judge Shelby Highsmith’s judgment under Title VII for sexual harassment of a female lifeguard against supervisors and city, should be reinstated; Judge Barkett said otherwise, “for employees, Title VII will be seen as an empty promise – a mere sop, if you will – enacted by Congress to placate a constituency” Id at 1547); *Davis v. Monroe County Bd. Of Educ.*, 120 F.3d 1390, 1411 (11th Cir. 1997) rev’d 526 U.S. 629 (1999) (Supreme Court agrees with Judge Barkett’s dissent, en banc, joined by Chief Judge Hatchett, Senior Judges Kravitch and Henderson, reinstating fifth grade student’s action under Title IX against school board and officials for ongoing reported sexual harassment by another student culminating in a sexual battery).

**On to The Hague.** Never one to shy away from controversy and high-pressure work, Judge Barkett accepted an appointment by the United States State Department to serve as a judge on the nine-member Iran/United States Claims Tribunal at The Hague. This tribunal came about in the aftermath of Iran’s taking hostage 52 American diplomats in November, 1979. In response the American government froze all Iranian assets within the United States. The parties agreed that the government of Algeria could serve as an intermediary – the Algiers Accords of January, 1981.

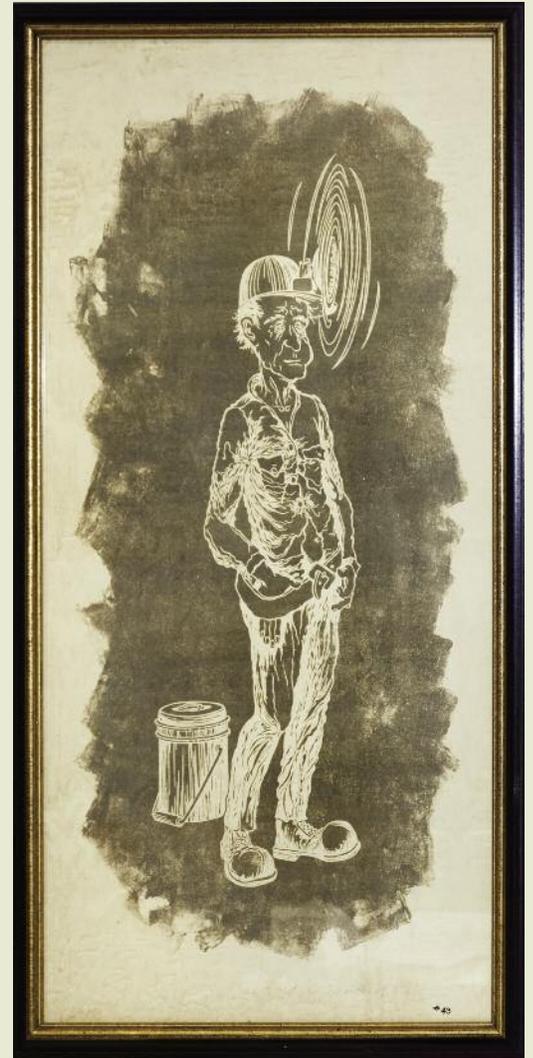
Considering the relationship between Iran and the United States and what it has been for decades, it is extraordinary that both countries have adhered to the Algiers Accords and the jurisdiction of the tribunal. That jurisdiction extends to resolving claims by the nationals of each country against the government of the other. The binding arbitration also applies to claims the respective governments have against each other.

Judge Barkett described The Hague as a beautiful city, a wonderful city for walking and observing; one where you don’t need a car and there are excellent restaurants. A terrific advantage is that it is very easy to travel all over Europe from The Hague. The judge says all this even though – like a true Floridian – she is not a fan of cold weather. ■

# THE JUSTICE WHO NEVER LOST HIS ROOTS

IN ADDITION TO HIS MANY LANDMARK DECISIONS, JUSTICE R. FRED LEWIS LEAVES AN IMPORTANT LEGACY FOR FLORIDA'S CHILDREN: JUSTICE TEACHING

BY SUSAN AND STANLEY ROSENBLATT & MIRIAM ROSENBLATT HOFFMAN



Coal Miner Illustration from Justice Lewis's Chambers



Justice Lewis working with Florida students through the Justice Teaching program



Photo of a Coal Mining Property from Justice Lewis's Chambers

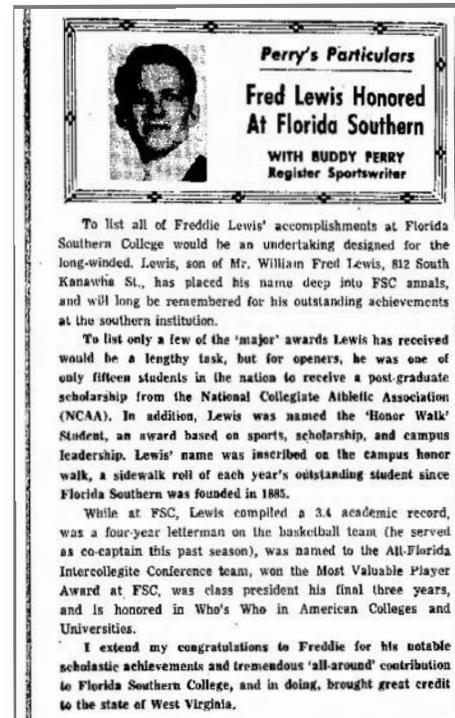
## A visit to Justice Lewis's Chambers at the Florida Supreme Court reveals his passion for family and for the place of his heritage, Beckley, West Virginia.

The Justice's desk is surrounded by images of his loving family. His daughter Elle's award winning tennis rackets made into a set of lamps, a tribute from Elle to her dad on his then upcoming 60th birthday, a tribute to the Justice from his wife, a collage of family photos for Father's Day from his daughters Lindsay and Elle, and the many smiling faces of his wife and daughters, Elle Lewis Anderson (with husband Clarke and their daughters Ellison and Evans) and the charming and memorable Lindsay Marie Lewis, who the family lost in 2012 when Lindsay was just 26 years old. Lindsay was born with a rare mitochondrial disorder that progressed with age. Lindsay outlived her life expectancy by many years due to the dedication of her family. Lindsay was an essential part of the Lewis family and participated in all the family's activities. Those who were fortunate enough to spend time with Lindsay adored her.

### Roots in Beckley, West Virginia

Justice Lewis's chambers is also filled with precious keepsakes from his hometown of Beckley, West Virginia. The Justice's father worked in the coal mines and later retired to Tallahassee to live with the Lewis family until his death at age 102. Justice Lewis notes that his father, who worked in a dangerous occupation, took care to not smoke or drink alcohol. A jar of coal taken from the area of his mother's home in Beckley; coal miners' company-issued currency or "scrip"; and his grandfather's carbide helmet lantern. These share Justice Lewis's desk and serve as daily reminders of his heritage and roots in the coal mines. There are also photographs and lithographs of a coal miner and West Virginia mining properties hanging on the Justice's chamber's walls. A picture of a dilapidated structure includes the statement "I owe my soul to the company store," together with a 1951 coin scrip. Coal mining was the dominant occupation in Beckley years ago but today the primary source of income is unfortunately the consequences of mining: monetary benefits from black lung disease and social security payments.

A news article from the Beckley Register-Herald of January 6, 1999 is proudly displayed in Justice Lewis's Chambers, announcing "Beckley native named to Florida Supreme Court." On his desk is the Bible given to the Justice during middle school by his world history teacher to comfort him after losing his mother. Justice Lewis's chambers are filled with loving, precious memories that helped form the man he is today and remain an integral part of Justice Lewis.



Beckley Post-Herald The Raleigh Register  
(Beckley, West Virginia) • May 11, 1969.

Dedicated and compassionate teachers in Beckley provided Justice Lewis with structure, encouragement, and support following his mother's untimely death and were critical to his development and achievements. Teachers held an esteemed place in Beckley's hierarchy, and they came through for the young Justice-to be. While a small town, Beckley was home to a diverse population. The Justice recalls sitting at the knee of his Jewish friend's mother, a holocaust survivor, and seeing numbers tattooed on her arm, a sight he never forgot.

Justice Lewis was offered a basketball and academic scholarship to attend college in Florida, or, in his words, "they offered me to go to heaven." Although he and his dad had become very close, a "team" following his mom's death, his father encouraged his son to attend college in Florida to better himself and avoid a life of working in the coal mines. Justice Lewis told us about a movie, *October Sky* that realistically depicts life in a West Virginia coal mining town during the 1950's and 1960's. Like the Justice, the boy in *October Sky* escapes a life working in coal mines by studying and attending college; unlike Justice Lewis, he did so much to the initial anger of his father who wanted his son to follow in his footsteps, working in the mines. Although he left for Florida, Justice Lewis remains loyal to his roots in Beckley.

Justice Lewis met his life partner Judith Marie Munc while both were students at Florida Southern College in Lakeland. The Justice was actually dating Judy's friend and roommate and Judy often was invited to tag along, so it was often the

three of them. Later, the future Justice and Mrs. Lewis would begin dating each other and Judy's roommate would marry Judy's high school boyfriend. No hard feelings and all remain friends.

### Law School and Path to the Court

Loyalty and dedication are central to Justice Lewis's character, as reflected by his relationships with employers, family, friends, the community and his country. While the Justice's classmates were demonstrating against America's involvement in the Vietnam War, he was active in the military and ROTC, wearing his uniform proudly to classes at the University of Miami law school. (The author, Susan Goldman Rosenblatt, a classmate at UM Law, can attest to the uniform.)

Though Justice Lewis had a full scholarship for law school he still he needed a job. Fortuitously, he was hired during his first semester by a well-respected appellate attorney, Ed Perse, then a partner with the Carey Dwyer law firm. Justice Lewis had no plan to be an appellate attorney, he just needed a job and fate brought him to Ed Perse. Justice Lewis describes Ed Perse as both a remarkable individual and superb appellate attorney. The Justice's training from Ed and the Carey Dwyer law firm was invaluable and he was hired as an associate attorney by the firm when he graduated, with a dual specialty in trial and appellate work. Eventually Ed joined the appellate firm of Mallory Horton and Arnold Ginsburg, when Judge Alan Schwartz joined the Circuit Court. Justice Lewis then joined Horton, Perse and Ginsburg. Mallory Horton had been a highly respected judge on the Third District Court of Appeal.

Justice Lewis and Ed Perse remained close friends for many years, speaking daily, until Mr. Perse's untimely death from cancer. During his last illness, Justice Lewis visited his friend daily.

Justice Lewis applied twice to the Third District Court of Appeal and each time he was among the three names submitted to Governor Chiles for consideration, but he was never selected. But there was a silver lining when his third application, this time directly for a vacancy on the Florida Supreme Court, was the charm. Governor Chiles was well acquainted with Justice Lewis from earlier interviews and he was selected over other candidates with prior judicial experience.

### Reflecting on Service on the Supreme Court of Florida

Justice Lewis shared with us some of his thoughts and experiences while serving on the Florida Supreme Court. When asked about the importance of oral argument before the Florida Supreme Court, the Justice reveals that the justices generally do not change their minds as a result of oral argument. An exception to that general rule is where an occasional gratuitous comment from counsel during the argument will reveal a critical fact that was omitted from the briefs. That omission may occur because significant matters

and issues before the Court are often not briefed or presented by those who are not appellate specialists. In Justice Lewis's view, that frequently detracts from the effectiveness of the submissions. Justice Lewis emphasizes that it is important to the credibility of the judicial system for lawyers to feel they have their say when presenting oral argument before the Florida Supreme Court. He is uncomfortable when an attorney leaves the Court frustrated because 15 minutes of her 20 minutes allotted to counsel for oral argument were taken from her by questions from the Justices.

When the Justice speaks to groups of law students, addressing their desires for financial success, one of his major points is "how much is enough?" When we asked his plans after leaving the Court, Justice Lewis mentions academia and private practice but states he is not interested in joining a law firm that leans too hard and overworks its young lawyers.

Justice Lewis cautions that the judiciary should never be politicized. The 2012 merit retention election of Justices Lewis, Pariente and Quince was "the most miserable year of my life." It was also the same year the Justice suffered the tragic losses of his beloved Lindsay and his father. He constantly traveled around the state to speak to citizens about the Court. Although the three Justices ultimately won their retention votes by comfortable margins, Justice Lewis says that if he knew 20 years earlier that he would have had to

**Miss Judith Munc Becomes Bride  
Of Richard Fred Lewis In Florida**



The Norland Methodist Church in Miami, Fla., was the scene of the May 9 wedding of Miss Judith Marie Munc and Richard Fred Lewis, son of W. F. Lewis of South Kanawha Street, Beckley and the late Mrs. Lewis.

Rev. Gordon Strickland read the double ring ceremony at 7:30 p.m. The bride, a daughter of Mr. and Mrs. Elmer J. Munc of Miami, Fla., was given in marriage by her father.

Maid of honor was Carolyn Cleveland of Fort Lauderdale, Fla. Bridesmaids were Judy Shy of Andrews Air Force Base, Mass., Janet Williams of Paragould, Ark., Linda Gallotti of Miami and Cindy Hastings of Miami. They were attired in gowns of aqua silk organza and carried carnations.

John Cafarelli of Orlando, Fla. was best man and ushers were Bob Pauls of Miami, Tom Jones of Miami, Mike Vernon of Ft. Lauderdale and Gregg Hoch of New York City.

Following a reception at North Dade Country Club, the couple left for a wedding trip to Lauderdale-by-the-Sea, Fla.

Mrs. Lewis, a graduate of Florida Southern College with a bachelor of arts degree, is a member of Alpha Delta Pi sorority. She is a Spanish instructor.

The groom, also a graduate of Florida Southern with an AB degree, is a student at the University of Miami Law School.

The couple will reside at Coral Gables, Fla.

**Bradley**  
Mr. and Mrs. Preston Renfro and daughter, Mrs. Lacey

**MRS. RICHARD FRED LEWIS**

The Raleigh Register (Beckley, West Virginia) · May 15, 1969



Justice Lewis's Precious Lindsay

endure this election year – with all the false statements made about the Court – “I would have said no thank you, I’ll pass” on serving as a Justice. The ugly election the three Justices endured was so distasteful that it should not be permitted, he said. The Justice believes the federal system (with a lifetime appointment) would be a better one for Florida as well.

### **A Legacy of Significant Decisions**

Justice Lewis has authored and participated in many significant opinions during his 20 years on the Florida Supreme Court. Since the Justice is still hearing matters, we will not offer a detailed discussion of those decisions, and will focus instead on a few cases with settled issues.

Generally speaking, of particular importance to the Justice is his involvement with the Fourth Amendment decisions of the Court. The United States Supreme Court reviewed and affirmed an important decision of the Florida Supreme Court in *Jardines v. State*, 73 So.3d 34 (Fla. 2011), *rev. granted and aff’d*, 569 U.S. 1 (2013). *Jardines* held that law enforcement’s use of a drug-sniffing dog on the porch of the defendant’s home, based on an anonymous tip that there were marijuana plants inside, constituted a search in violation of the Fourth Amendment. Justice Lewis’s specially concurring opinion, *Jardines*, 73 So.3d at 56, 61, presents a comprehensive analysis of the sanctity of our homes from government intrusion under the Fourth Amendment. “The cracks and crevices around our front doors or windows that may permit

air to unintentionally escape are surely in a reasonably free society areas protected by our most cherished document.” Justice Scalia’s majority opinion, *Florida v. Jardines*, 569 U.S. at 3, adopts this reasoning: “[T]he right to retreat (into one’s home under Fourth Amendment) would be significantly diminished if the police could enter a man’s property to observe his repose from just outside the front window. . . . We therefore regard the area ‘immediately surrounding and associated with the home’ . . . as ‘part of the home itself for Fourth Amendment purposes’ (citing *Oliver v. United States*, 466 U.S. 170, 180 (1984)).

Justice Lewis authored the majority opinion in *Smallwood v. State*, 113 So. 3d 724 (Fla. 2013), finding a violation of the Fourth Amendment where a police officer accessed data and incriminating photographs on the defendant’s cell phone incident to an arrest but after the phone had been separated from the defendant, and without obtaining a search warrant. Justice Lewis reasoned that “[o]ur decision actually protects the Fourth Amendment and United States Supreme Court precedent by ensuring that the exceptions to the warrant requirement remain ‘jealously and carefully drawn,’ and by mandating that there be ‘a showing by those who seek exemption... that the exigencies of the situation made that course imperative.’” *Id.* at 740 (citing *Coolidge v. New Hampshire*, 403 U.S. 443, 455 (1971)). The exception did not apply and a new trial was granted because “there is no reasonable possibility that the improperly admitted photos did not contribute to his conviction.” *Id.*

Justice Lewis also wrote for the majority in *Weaver v. Myers*, 229 So.3d 1118 (Fla. 2017), finding that the right to privacy under the Florida Constitution prohibiting ex parte meetings between defense counsel and the plaintiff’s physicians without the patient’s consent, is not destroyed by a citizen/patient’s death. A deceased patient’s estate brought a medical malpractice law suit and the Court found that portion of the Florida statute unconstitutional requiring litigants to waive their constitutional right to privacy: “[T]he Legislature unconstitutionally conditioned a plaintiff’s right of access to courts for redress of injuries caused by medical malpractice . . . on the claimant’s waiver of the constitutional right to privacy. Therefore, we strike certain unconstitutional language from the 2013 amendments . . . which authorized secret, ex parte interviews.”

And Justice Lewis also wrote the majority opinion in *Estate of McCall v. U.S.*, 134 So.3d 894, 916 (Fla. 2014) where, pursuant to a certified question from the Eleventh Circuit Court of Appeal, the Court held that the cap on wrongful death noneconomic damages in Section 766.118, Florida Statutes, violates the Equal Protection Clause of the Florida Constitution.

### **A Passion and a Legacy: Justice Teaching**

The Justice’s upbringing in Beckley, his close relationship with his coal miner father and his many years working with Ed Perse led to Justice Lewis’s bigger purpose and pursuit: His



Jar of coal from area alongside Justice Lewis's mother's home



Justice Lewis's grandfather's carbide lantern on a helmet



The Sandra Day O'Connor Award for Advancement of Civics Education bestowed on Justice Lewis 2013-2014

unwavering commitment to the Justice Teaching Program in Florida. ([www.justiceteaching.org](http://www.justiceteaching.org)) This educational program operates in both public and private schools throughout Florida. As the Justice explains, most students' only exposure to attorneys and the legal system is in negative situations, where there is a family member accused of a crime, there is a divorce, a home foreclosure or traffic violations. Often the students have a skewed perception of our legal system.

Justice Lewis further explains that with Justice Teaching, students meet and listen to attorneys and judges who explain to them basic elements of the constitution and individual rights. Attorneys follow comprehensive lesson plans – to avoid attorneys sharing their agendas and “war stories.” The goal is to appeal to the students' sense of right and wrong and teach them to do the right thing. Inspired by the program, a good number of students have gone one to pursue legal careers. The goal, however, is not to encourage a career in the law but to educate the students and make them better informed citizens.

The Justice Teaching programs explains that: “Our goal is to promote an understanding of Florida's justice system and our laws, develop critical thinking, abilities and problem-solving skills and demonstrate the effective interaction of our courts within the constitutional structure.” The thousands of attorneys and members of the judiciary who have volunteered to participate do not express any agenda, other than education, and encourage dialogue. Justice Lewis's original and very ambitious goal was to place a judge or attorney volunteer in every school in Florida, both public and private and has been successful. For his efforts, Justice Lewis was the 2014 recipient of the Justice Sandra Day O'Connor National Award for Civic Education.

Justice Teaching has been a hands-on mission for Justice Lewis who travels throughout the state speaking to students. Though the program has grown and flourished under Justice Lewis's guidance, the unofficial ‘headquarters’ is still a corner of Justice Lewis's Chambers, with a stack of large boxes containing hand-outs and programs for Florida students, including pamphlets introducing them to the U.S. Constitution. Justice Teaching is an inspiring program and one that is worthy of sustained funding and a permanent home.

**Interviews with Justice Teaching Volunteers.** We recently interviewed The Honorable Kelly McKibben, The Honorable John Phillips (retired), attorneys Bruce A. Blitman and Sherri Hazeltine and teachers, Ms. Sherri Moss and Frank W. Stockman II, all volunteers for Justice Teaching. All praise the program and felt that their participation was extremely rewarding.

Bruce Blitman, whose mother grew up in Brooklyn and was a high school classmate of Ruth Bader Ginsberg, has been an attorney volunteer at Bethune Elementary School in Hollywood, Florida for approximately six years. He collaborates very effectively at Bethune Elementary with teacher Sherri Moss, who teaches third and fifth grade students. Several of the other lawyers and judges who have volunteered at that school include Justice Lewis, Broward County Court Judge Louis H. Schiff, Broward County Circuit Court Judge Iona Holmes, former Florida Bar President Eugene Pettis, and attorney W. George Allen. Bruce explains that he believes volunteering to teach children is even more gratifying for him than for the students he has taught, who have also expressed their gratitude to him for his participation. The majority of the

students in this mostly African American student body have never previously met or spoken to an attorney. One female student told Bruce his coming to their school and speaking to her class made her feel “very special,” bringing tears to his eyes. Bruce Blitman’s enthusiasm for Justice Teaching is enormous and he said he would be very disappointed if the program were discontinued or scaled-back.

Sherri Moss grew up in Philadelphia and wanted to be a teacher since the third grade when inspired by a teacher who believed in her. She has taught at Bethune Elementary for 29 years, teaching at several different grade levels over the years, and always with a dedication to her students. At one point, she even moved from the fourth grade to teach fifth grade to follow a certain class of her students. She got involved with Justice Teaching in 2009-2010 when her then principal advised her that the program was seeking representatives from each school. Ms. Moss was happy to be the contact person for her school and hit it off with attorney volunteer Bruce Blitman.

Bruce Blitman has been coming to her classroom approximately one day per month for seven years, sometimes himself and sometimes with another judge or attorney speaker. Areas of discussion have included the bill of rights, bullying, and other legal topics that may be relevant to current events. For example, the topic was anti-bullying after an incident where a Miami Dolphin player was bullying another player. This discussion continued for weeks and her fifth graders did research on the topic. Another favorite with her students was a thought-provoking exercise called “invaders”, where a group of invaders from another world try to take over the world, permitting only a skeleton of the bill of rights – just five. Which five rights do the students want to keep? The dialogue is educational and the students are eager to jump in. When Judge Louis Schiff talks to the class, he does a skit called “milk and cookies,” where one sibling makes a mess and the other is blamed, discussing the relevant issues.

Sherri Moss describes the time Justice Lewis and his wife visited her classroom on May 1, Law Day. Ms. Moss said “I was on cloud nine that Justice Lewis was there.” Justice Lewis spent the entire morning with the class, and even gave the students a chance to try on the Justice’s robe. “I never want this program to end,” Sherri Moss declared.

Judge Kelly McKibben of the Eighteenth Judicial Circuit (Brevard County) said “I am very passionate about continuing the Justice Teaching Program and very thankful to Justice Lewis for starting it.” Judge McKibben is a volunteer for Justice Teaching and has worked with teacher Frank Stockman of Bayside High School in Brevard County. Mr Stockman teaches primarily seventh and eighth grades and more recently high school level. Both asked that we convey to busy judges and lawyers how much satisfaction one will derive from the Justice Teaching experience. The students are super appreciative of a ‘big shot’ lawyer or judge visiting their

classroom to speak to them and explain legal issues. The format is not a lecture or speech, but rather an interactive discussion. It is interactive where students are encouraged to ask questions and participate. Students often ask about the details of constitutional rights and the nature of the legal profession.

As part of the program, Judge McKibben has also brought students to her courtroom for mock trials. The students get involved in a real case, playing the prosecutor, defense lawyer, and jury. Judge McKibben is particularly proud of those students who have gone on to college and set their sights on a career in the law.

Our final interviews were with attorney Ms. Sheri Hazeltine, and retired Circuit Judge John Phillips, both of Palm Beach County. Judge Phillips and Ms. Hazeltine were honored for their dedicated work as volunteers with Justice Teaching. Ms. Hazeltine received the 2015 Justice Teaching Award for attorney volunteer of the year and Judge Phillips received the Justice Teaching Award for volunteer judge that same year. The presentations were made at the Florida Bar Convention. Ms. Hazeltine’s son has cerebral palsy and his school, the Royal Palm School in Palm Beach is geared to the needs of approximately 400 disabled students, many wheelchair-bound. Ms. Hazeltine explains that many of the children are intelligent but their disabilities effect their muscles. Others cannot speak without the use of “smart boards” and other interactive screens. Justice Teaching was a huge success in this special needs setting.

Ms. Hazeltine asked Judge Phillips in 2009-2010 to partner with her for the Justice Teaching program at her son’s school and he readily agreed. They prepared lessons geared toward the students’ disabilities to enable the students to interact with their dedicated teachers, including Regina Brodsky who worked with them on this program and recently retired as a teacher at Royal Palm. Judge Phillips explains that a main focus of his was the United States Constitution: why we need



Shown with the seven previous “State Champ” trophies is the 1965 Flying Eagle team triumphantly holding their record-breaking addition to the collection. From left to right are: Terry Dillon, Ron Lilly, co-captains Fred Lewis and Ron Kyle, Buddy Hutchens and Bob Short. In the back row are: J. W. McNeish, Coach Wiseman, Roy Rogers, Richard Calicerto, Rob Rappold, Coach Calicerto and Bob Manning. Absent when the picture was taken was L. A. Gates, a senior.

**An Athletic/Academic Scholarship to Florida Southern College brought Justice Lewis to the Sunshine State and set him on his path**



# JUSTICE ELLIS'S FAMILY'S DONATION TO THE FLORIDA SUPREME COURT HISTORICAL SOCIETY

BY MELANIE KALMANSON



Left to Right: FSCHS Executive Director Mark A. Miller, Martha Ellis Holcomb and Cathy Berry (Justice Ellis's granddaughter and great-granddaughter), Chief Justice Labarga, FSCHS President Ed Guedes, and Tom Hall, Co-chair of the FSCHS Acquisitions Committee and former Clerk of the Supreme Court of Florida.

Among the the Florida Supreme Court Historical Society's most prized possessions are the belongings of past Justices. This year, the Society received a generous donation of items that belonged to the late Justice Ellis.

William Hull Ellis grew up in Quincy, Florida, and was admitted to The Florida Bar in 1889. Before being elected to the Florida Supreme Court less than twenty years later, Ellis served as State Auditor and Attorney General for the State of

Florida. In January 1915, at the age of 47, Ellis was elected as a Justice on the Florida Supreme Court.

Justice Ellis leaves many legacies. Notably, he contributed to founding the Florida Bar Association in 1907, and his dissenting opinion in *State v. Daniel*, 99 So. 804 (Fla. 1924), foreshadowed the movement toward gender equality. Criticizing the law's distinction between men and women, Justice Ellis applied an analysis similar to what later became the framework applied to equal protection claims. See *U.S. v. Carolene Products Co.*, 304 U.S. 144, n.4 (1938).

While on the Court, Justice Ellis served two terms as Chief Justice of the Florida Supreme Court from 1927-1929 and 1937-1938. He served as a Justice on the Court through his retirement in 1938 due to ill health. Justice Ellis died at his home in Quincy, Florida, in 1948.

In January 2018, Martha Ellis Holcomb, Justice Ellis's granddaughter, generously donated many of Ellis's belongings to the Society. A highlight of the donation is approximately 100 pages of a typewritten memoir of Justice Ellis's life and family history, which includes scrapbook pages of newspaper articles that feature Justice Ellis. Also included in the donation was a ceremonial gavel that was given to Justice Ellis in 1920 when he served as President of the Florida Bar Association.

The Society is working with the Florida Supreme Court's archivist, Erik Robinson, to catalog the items into the Supreme Court Library's archival collection. Ultimately, the items will be available to researchers at the library and to others worldwide through the Court's web page. ■

Donations like the ones recently received from the families of Justice Ellis, Nancy Dobson, and Henry P. Trawick Jr. allow the Society to preserve the Court's rich history. The Historical Society is always in search of historically significant documents from past Florida Supreme Court Justices.

If you know of documents that should be considered for preservation, please contact the Society's executive director Mark Miller at 850/385-3098 or [Mark.Miller@FICourtHistory.org](mailto:Mark.Miller@FICourtHistory.org)

# LETTER FROM HANK COXE AT THE CONCLUSION OF HIS SERVICE ON THE CONSTITUTION REVISION COMMISSION



2018 CRC “Class Portrait”

*“If it ain’t broke, then break it.”*

— Journalist and author Martin Dyckman’s analysis to Hank Coxe midway through the Constitution Revision Commission process

The plea from the Supreme Court: “Try to do no harm to the branch.” At a joint Dade/ Broward Federalist Society event three weeks ago as a panelist on a CRC program, when I mentioned the Court’s request, I was accused by a fellow commissioner of being every bit as political as others because the Court’s message was itself political.

I joined Roberto Martinez of Miami (Colson Hicks Eidson) and Arthenia Joyner, the former Florida Senator of Tampa, as Florida Supreme Court appointees. Section 2 of Article XI of the Florida Constitution provided the Governor with 15 appointees, the Speaker of the House 9, the Senate President 9, and the Attorney General served in her own right, which made 37. I defer to the outstanding CRC historian Mary E. Adkins (Professor at UF Law School) to explain the origin of this numeric division, which ignores the principle that the branches of government are co-equal. When human beings are involved in any decision-making process,

the process is political. But I respectfully suggest that we are at a point in our state’s history when the differential in appointee numbers has destroyed the effectiveness of the Commission, and allowed politics to control it.

The word “destroyed” is arguably harsh. Conversely, I cannot ignore the repeated counsel to the Commission of former Justice Major Harding, that the mission of the CRC is to focus upon the relationship of government to its citizens and the relationship of government branches to each other. Almost none of the resulting proposals implicate either principle.

*“The process should be ended because it really has become a way around the elected legislature.”*

— Attorney Frank Kruppenbacher, Orlando Governor appointee to the CRC

The first proposal adopted by the CRC expanded the list of eligible first responder widows who would be entitled to death benefits under certain circumstances. Florida law now provides for these benefits for first responders, and the notion of adding to our constitutional framework additional persons is simply an affirmation of Kruppenbacher’s observation. On the final day of the Commission’s meeting, when the question was raised as to why the Florida

Legislature could not address the issue of inhumane treatment to greyhounds, and why inhumane treatment in turn could not be addressed by 20 elected state attorneys and 66 elected sheriffs (and Miami), the answer was that the Legislature was somehow incapable. It was actually worse: a former President of the Florida Senate blamed the House of Representatives for the Legislature’s failure, and a member of the House of Representatives, minutes later, blamed the Florida Senate for the same failure. The greyhound issue was but one example of instances where the CRC was asked to insert something into our Constitution, or amend existing language, because the Legislature was not able to perform its job. (The absurdity is that if the greyhound proposal is approved by the voters, Floridians may continue to wager on greyhounds that are inhumanely treated in other states.)

It is fair to say that “no harm came to the branch.” Conversely, one particular effort to improve the branch significantly was torpedoed for no discernible nor legitimate reason. Advanced by the Court, a proposal would have required that “court records be stored, maintained, transmitted and made available to the courts by the clerk in accordance with standards and requirements established by the Supreme Court.”

The Supreme Court would have the authority to demand uniformity of records provided to the Court. Nothing sensational, nothing game-changing, nothing transformational. Nothing more than correcting an oversight in the language of Article 5, Revision 7 adopted by the voters 20 years ago. Before the Judicial Committee, it succeeded by a 6-1 vote; before the Local Government Committee, despite the presence

of Chief Justice Labarga and Justice Polston, and Justice Polston testifying, the proposal was defeated by a 6-1 vote. Perhaps I can again seek the wisdom of Mary Adkins in educating me on Florida's decision to elect its clerks of court, and give them political power. You figure.

*“While it was greatly disappointing that a few proposals I believed in didn't make it to the ballot, of those that did, a few have the potential of being transformational for the state.”*

— William Schifino, Tampa, appointee of the Senate President

*“The 2018 Constitution Revision Commission had the potential to propose solutions to timely issues and difficult political problems, and we should have done better.”*

— Sherry Plymale, Palm City, appointee of the Senate President

I believe that the greatest privilege enjoyed by the citizens of this nation and our state is the right to vote. I enjoyed the privilege of chairing the Ethics and Elections Committee of the CRC, which included consideration of what has been commonly referred to as the “primary loophole” issue. In short, the 1997/98 CRC proposed (approved by 64.1% of the electorate), that if the winner of an election primary would have no opposition in the general election, then all qualified electors, regardless of party affiliation, could vote in the primary election. The “loophole” was the failure of the 1997/98 CRC to recognize that their ballot language allowed a write-in candidate to be considered a valid candidate for purposes of opposition in the general election. This negated the intent of the Commission, the electorate, and closed the primary. The Supervisors of Elections from Florida told the committee that this issue precipitated the most complaints at the polls when citizens were refused the opportunity to vote because of the “loophole.” To the shock of many on the Commission, the effort to correct the “loophole” failed to reach the ballot, when 17 commissioners voted against it. Ten of those who voted against it were appointed by the Governor and five by the Speaker.

Another election-related effort that failed miserably was to convert Florida, like many states, to an “open primary” state. Florida now has more than 3.4 million registered voters who have chosen the “nonparty affiliation” label, and declined to become Republican or Democrat. Commissioners were comfortable in killing this issue in committee, despite the prediction that the NPA numbers will continue to increase annually. There is no identification of Republicans or Democrats in our Constitution.

Nevertheless, like the “loophole” issue, these NPAs will remain shut out of the election primary process. As one commissioner stated, “well, if someone doesn't belong to my church, then that person should not be allowed to vote for who the pastor is.” With all due respect, this is the United States, this is Florida, and this is our system of elections.

At the Federalist Society event I mentioned earlier, a fellow commissioner observed that “the problem with Coxe is that, if he doesn't like the result, then the process is political.” Perhaps. But it isn't political that the Speaker delivered a letter to all commissioners immediately before a motion to consider firearms regulation, which instructed the commissioners that the issue is none of the Commission's business and strictly a legislative function. (One has to assume the Speaker had not read Article 1, Section 8 of the Florida Constitution). It certainly wasn't political for the Governor and Speaker to join arms before the Commission process and announce support of a victim's protection provision being added to the Constitution (Marsy's Law), despite the fact that Florida's constitution affords the strongest victim protection of any constitution in the nation. (This proposal did not arise from any citizen of the thousands who appeared before the Commission, nor from any commissioner. It came from a private lobbying group in California.)

It certainly wasn't political for the Governor and the Speaker to urge the CRC to require a super majority of both houses to raise taxes, while both men were on the verge of statewide political campaigns, despite the fact that the only tax increase in Florida in recent times was a cigarette tax ten years ago. So much for hurricanes, failing schools, etc.



Coxe speaking to his fellow Commissioners

*“I sense that those [persons who served on earlier commissions] would be disappointed with how the 2017/18 commission has evolved into a rigid political body with . . . allegiance to the commissioner's appointer, rather than the citizens of Florida.”*

— Buddy Schulz, Jacksonville, Trustee  
Florida Supreme Court Historical Society

*“We had the chance to lead the nation on gun safety, but missed our chance.”*

— Frank Kruppenbacher

I applaud the courage of Bobby Martinez (Supreme Court), Frank Kruppenbacher (Governor), Bill Schifino (Senate President), Sherry Plymale (Senate President), and Arthenia Joyner (Supreme Court) in the demand that the Commission consider the senseless slaughter of our citizens with firearms. In response, the Commission voted overwhelmingly to decline to waive any rules that would allow this discussion to take place. The United States Court of Appeals for the Fourth Circuit, with the United States Supreme Court declining review, has held that the abolition of high capacity magazines, assault rifles, bump stocks, and similar vehicles of horror is not barred by the Second Amendment to the United States Constitution. Sixty-four percent of Florida citizens, at the time the Commission met, supported the right of the citizens to decide these issues. Instead, the Commission focused on, and approved, such weighty issues as term limits for school board members in Florida.



Coxe conferring with fellow Commissioner Arthenia Joyner

*“The CRC was like riding a roller coaster with your eyes closed, never knowing when that unexpected turn or sudden drop was upon you. We dealt with these turns and drops weekly.”* — William Schifino

Cynicism is not meant to be the dominant theme of this column. The CRC did place ethics reform on the ballot, elimination of the “Chevron Doctrine” and repeal of certain archaic provisions which should have been repealed years ago. Yet, like our favorite childhood roller coaster, the greatest drop came at the close of the process. Proposals were bundled together.

I wrote to the entire Commission before that process commenced urging that it not be done, arguing that I respected the intelligence and judgment of the voters to be able to ignore “ballot fatigue” and vote on each issue. The weakest argument I heard in favor of bundling was that it had occurred with prior CRCs.

I remain convinced that any voter would prefer to be asked 15 true or false questions as opposed to struggling with multiple choices where none is the correct one. Buried in one bundled group is a proposal which, in the words of Commissioner Bobby Martinez, is a “game changer for this state.” It would turn the public school system of Florida upside down in favor of charter schools uncontrolled by local school boards.

## THOUGHTS

I would not have traded participating in this endeavor for anything. I remain forever indebted to the Supreme Court for its confidence in my ability to repeatedly be one of three persons on the receiving end of 34-3 votes.

In truth the greatest experience I have ever enjoyed was to stand on the floor of the Florida Senate before the full Commission and argue that our greatest privilege is the right to vote; that this document is special; and it was never intended to be a collection of personal whims.

*“A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires, that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects, be deduced from the nature of the objects themselves.”*

— Remarks to the Commission by Major Harding, Former Chief Justice, Florida Supreme Court, quoting Chief Justice John Marshall, United States Supreme Court

I thank Chief Justice Labarga and the Supreme Court for the experience of a lifetime. In no uncertain terms, however, I refuse to do it again 20 years from now, so don’t ask. ■

*Editor’s Note: The opinions expressed in this article are the author’s own and do not necessarily reflect the view of the FSCHS.*

# SUPREME EVENING 2018 WAS A SUPREME SUCCESS

BY MELANIE KALMANSON

The recently renovated University Center Club was the perfect venue for the Florida Supreme Court Historical Society's 'must attend judicial social event of the year,' A Supreme Evening. This year's event was held on January 25, 2018, in the Club's reception area overlooking Florida State University's Doak Campbell Stadium in Tallahassee. Historical Society President, Ed Guedes, started the evening by cordially welcoming the more than 350 dinner guests, which included current Chief Justice Labarga and Justices Pariente, Canady, and Lawson of the Supreme Court of Florida, as well as former Justices Stephen H. Grimes (1987-1997), Major B. Harding (1991-2002), and Harry Lee Anstead (1994-2009). Several former Presidents of The Florida Bar and the American Bar Association, including Sandy D'Alemberte and Martha Barnett, also attended.

The witty Hank Coxe, former President of the Historical Society and The Florida Bar, emceed the evening and, as always, warmly recognized Justices of the Court, new and old, as well as the Chair of Florida's Constitution Revision Commission, Carlos Beruff. The Court's newest Justice, C. Alan Lawson — who joined the Court in January 2017 — and his wife, Julie Lawson, unveiled his official portrait, commissioned by the Historical Society and painted by artist Darlene Williams. Former Justice Harding honored and remembered the late Justice Parker Lee McDonald, who passed away June 24, 2017, as "the whistling Justice." Justice McDonald's wife, Ruth, former Treasurer of the Historical Society, was in attendance along with their family. Also in attendance was the family of the late Justice William H. Ellis, who served on the Court from 1914 until his retirement in 1938. Justice Ellis's family recently donated several items to the Historical Society and the Court, including Justice Ellis's personal memoirs. Chief Justice Labarga provided the State of the Court, reporting that Florida's communication plan has been used as a model around the country and, in February, Florida would become the first State to broadcast oral arguments via Facebook Live.

Leonard Gilbert, Trustee of the Society and Past President of The Florida Bar, presented Jack Harkness with the Society's Lifetime Achievement Award for his 37-year tenure as Executive Director of The Florida Bar. Gilbert described the collegiality and productivity that Harkness brought to The Bar and credited Harkness with The Bar's success, locally and



Starting nearest the camera and moving clockwise: Jack and Jere Harkness, Zulma Labarga and Chief Justice Jorge Labarga, Constitution Revision Commission Chair Carlos Beruff, and his wife Janelle Knight.

nationwide, in developing to serve its more than 100,000 current members. At Mr. Harkness's request the Historical Society made a contribution to the Florida Bar Foundation's Children's Defense Fund in his name instead of presenting him with an award plaque. The total contribution from the Trustees and Society to the Defense Fund in Jack Harkness' name was over \$4600.

Concluding the event, Hilarie Bass, President of the American Bar Association (ABA) and former Florida delegate to the ABA, presented the keynote, addressing several current issues, including the importance of an independent judiciary free from politicization. Bass introduced the ABA's new "Legal Fact Check," which uses settled precedent to clarify issues at the forefront of modern discourse, such as immigration and the rights guaranteed by the First Amendment to the U.S. Constitution. Bass also reported on her recent initiatives overseas, like providing support for homeless youth and training attorneys in Vietnam on their role in an adversarial system. Bass emphasized the honor and tradition of the "American lawyer," who is respected around the world.

Thank you to all who attended this year's event. The Society is already looking forward to next year's edition of this annual event that is scheduled to be held on February 7, 2019.

All the photos from the 2018 Supreme Evening event are available to view at [flcourthistory.org/2018PhotoGallery](http://flcourthistory.org/2018PhotoGallery).

# A SUPREME EVENING 2018



**From left to right, starting at top:**

- Immigration attorneys Elizabeth Ricci and her husband Neil Rambana
- Leonard Gilbert presented the Florida Supreme Court Historical Society's Lifetime Achievement Award to Jack Harkness
- Keynote speaker for the evening was ABA President Hilarie Bass
- Family and Friends of Justice Parker Lee McDonald were on hand for the warm tribute and remembrance provided by is longtime friend Justice Major Harding. Left to right: Ruthann High, Ruth McDonald, Kelly O'Keefe, and Robert McDonald
- Hilarie Bass, Edith Osman and Justice Alan Lawson
- Chief Justice Jorge Labarga provided an update and insight to the many activities of the Florida Supreme Court

Thursday, January 25, 2018  
 University Center Club, Tallahassee, Florida



**From left to right, starting at top:**

- Scott & Tara Concelman, Judy Lawson & Justice Lawson, his parents Velma & Charles Lawson, Laurie & Alan Cox
- Former Lieut. Gov. Jeff Kottkamp and former Justice Kenneth Bell enjoying the evening's presentations
- One of the highlights of the evening included the unveiling of the official portrait of Justice Alan Lawson. Left to right: Judy Lawson, Justice Lawson, portrait artist Darlene Williams and Historical Society President Ed Guedes

- Ceci Berman, Katherine Giddings, Tom Hall and Celene Humphries
- Jere Harkness, the evening's master of ceremonies, Hank Coxe and Justice Barbara Pariente

To view the complete photo gallery and videos of 2018 Supreme Evening visit [flcourthistory.org/2018PhotoGallery](http://flcourthistory.org/2018PhotoGallery)

# ONCE A YEAR

BY JUDGE ROBERT HILLIARD

A little booklet nestled in darkness for decades, forgotten, in a musty file folder in a little-used file drawer in a judge's office in Milton, Santa Rosa County, Florida. The booklet saw the light of day again when I, as the current County Court Judge, found it while rummaging through old files in search of something completely unrelated. The yellowing booklet entitled "ONCE A YEAR" piqued my curiosity and certainly merited a glance. Upon delving into the contents, I was delighted to find a judge's narrative of a trip to the 27th annual meeting of the County Judges Association of Florida that took place in 1948. As a past president of the Conference of County Court Judges of Florida, I became immediately distracted from the task at hand and took special interest in perusing the contents.

County Judges from across the state traveled by road, rail and air to Key West in the summer of 1948 for their annual business meeting and installation of officers. "ONCE A YEAR" is a narrative of the event and the author's journey.

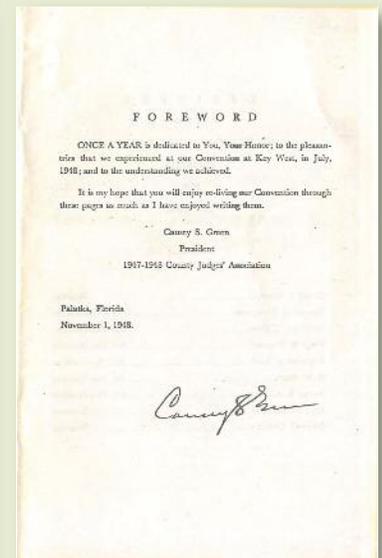
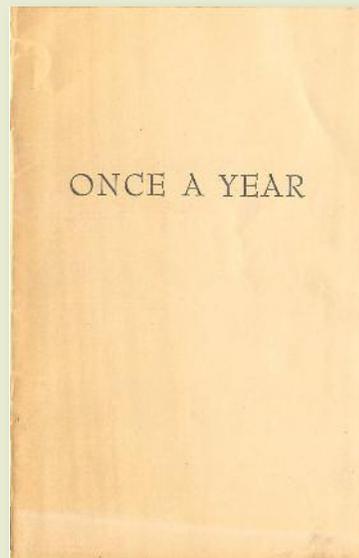
The County Judge's Association is the predecessor to the Conference of County Court Judges of Florida whose membership consists of the 322 county judges serving Florida's 67 counties. In 1948 there was exactly one county judge for each of the 67 counties.

The author of "ONCE A YEAR" was Judge Causey S. Green of Palatka, Florida (Putnam County). He was President of the association for the 1947-1948 term.

The booklet is a product of its time with post-war references to once-familiar places like Camp Blanding, then a very active U.S. Army training center where many of the judges would have spent time in connection with their military service. Also mentioned is the Seaboard Air Line - not an airline but a railroad company. Things were different then and the writing reflects the tone of the times.

As I eagerly read the account of this event I was startled to see that the officers' installation ceremony was held in a city a bit south of Key West - Havana, Cuba! The judges traveled by air to the sweltering but glamorous city for an overnight stay with the highlight being the installation of the new officers that occurred on the battlements of Morro Castle.

The County Judge for Santa Rosa County in 1948 was the Honorable Wm. A. Bonifay. I do not know how "ONCE A YEAR" came to be preserved in its hiding place for so long. The list of attendees indicates that Judge Bonifay did not travel to the



Cover page and Foreword bearing Judge Causey Green's signature as the President of the County Judges Association

meeting but somehow this interesting record of a long-past meeting made its way from Havana, Cuba through Key West to Milton, Florida.

Florida's county court judges will gather again this summer for their annual education conference and business meeting. There is a lot less revelry and there certainly will be no side trips to Havana, Cuba. The primary mission of this gathering is to provide our judges with quality judicial education as we pursue excellence in the art of judging and decision making. The Conference's education committee, consisting of judges volunteering their time and talent, produces a solid and superb education program.

Although much has changed since Florida's county judges gathered in 1948, their pursuit of justice continues. Today, the mission of the Conference of County Court Judges of Florida is:

- To conduct conferences and institutes to provide continuing judicial education and to conduct forums in which the County Court Judges of Florida may meet to discuss mutual problems and solutions.
- To develop programs for the improvement of the administration of justice in the State of Florida and to study/improve legislation in the field of the administration of justice in the State of Florida.
- To acquire and disseminate information to all County Court Judges for the improvement of their courts, practice and procedure.
- To provide a unified voice for the County Court Judges of Florida in their dealings with the Legislature, Executive Branch, Supreme Court, State agencies and the citizenry of Florida. ■

*More information is available at the Conference's website: [floridacountyjudges.com](http://floridacountyjudges.com)*

*Editors' Note: A complete copy of the Once A Year booklet is available online at: <https://flcourthistory.org/Historical-Review>*

OFFICERS  
OF THE  
COUNTY JUDGES' ASSOCIATION OF  
FLORIDA  
FOR  
1947-1948

Causey S. Green.....	President
Howard C. Livingston.....	1st Vice-President
McKenney J. Davis.....	2nd Vice-President
Frank B. Thrower.....	3rd Vice-President
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CHAPTER I  
ON TO KEY WEST

At first it sounded far away, then closer. I rolled over on my elbows—Yes, it was Nicodemus, my clock, waking me at Five A. M.—The 1948 convention of the County Judges' Association at Key West, Florida, was on!

After packing and dressing, I met my friend, Sgt. John Lackey of the Florida Highway Patrol, on time, at my front gate, and by 8:20 A. M., we had driven from Palatka to the Union Station at Jacksonville. I jumped out of the car and grabbed my two suit cases. Then, to my horror, I discovered I had left my extra pair of pants at home. Imagine, attending a convention with one pair of pants, and me President!

In the station, I headed for INFORMATION... The train was to leave at 8:45 A. M. Twenty feet away, I heard a chorus of voices. It was Archie Buie and wife, Genevieve, from Lake City—McKenney Davis from Jax. (Mc thought the train left at 7:00 A. M. and had been there since 6:30)—Frank Thrower from Quincy—Judge Brown from Macclenny—and Klein McDonald from Bonifay. Klein had traveled the furthest and is naturally quiet. Charlie Mathis and wife, Mary, from St. Augustine, walked up about that time. The crowd began to take form.

Tom King, of the Department of Public Safety, and an Honorary Member of the Association, staggered up with more baggage than you could put in a Camp Blanding House. He may be little, but he's a real sport and diplomat. I expect him to be Governor of Florida some day. I know that all sixty-eight County Judges will vote for him one. I intend to vote for him twice!

At 9:00 A. M., we started for Gate "C", Track 25. The gate wasn't open, so we caught our breath. Just then I saw a flash! It was Mabel. She had discovered my suit after I left and had driven from Palatka to Jacksonville in time to catch me. Her hair was revealed, she'd been driving so fast, and her house dress in the concourse at Union Station made her feel conspicuous. She was blushing and trying to elude the crowd but I wouldn't let her. "Boys, this is Mabel, my wife, the greatest girl in the world."

Down the slot we went to our coach, an air-conditioned chair car, cool as mountain air! The Seaboard Air Line is a great railroad. I never enjoyed more comforts and service in traveling. Hats off to the Seaboard!

We started off so easy it seemed like riding down hill. Our first stop was Waldo—this train stopped and started so easy that if you were talking, you wouldn't notice. Anyway, at Waldo, a suit case stuck in one of our doors, then a form with a black spot followed. It was Harry McDonald from Gainesville, and close behind, was Opa, his wife, and on her back, Harrison, Jr. As he passed me, I put the blinker on him by stroking the seat of his breeches and whistling. He moved quick, and from then on, Harrison, Jr. was a part of the show.

**CHAPTER I  
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[...]

There was a lot of talk going on now. McKenney Davis had

corralled all the women around and was telling some most effective jokes. I may tell you some of them later on—Maybe best not!

Our engineer blew his whistle for Ocala, a suburb of Silver Springs, and we slowed down.

[...]

The train was riding smooth as silk—pre-war silk at that—when it slowed down for Wildwood. We were to pick up our Congressman-Elect! County Judge now—Democratic Congressional Nominee from the Fifth District—Past President Florida Alumni of the University of Florida—Past President Florida County Judges' Associations—Present President Florida State Baseball League—The Honorable Syd Herlong. He stepped on the train with enough clothes in his baggage to dress the U. S. Supreme Court and their doormen, and following close by was Mary, his wife, who has made Syd what he is today. I saluted him. Syd will eventually be United States Senator or Governor of Florida, and he's been President of so many things that should he follow Harry Truman, he wouldn't stay At Home in the White House, but he'd get himself a battleship like Franklin D.'s so he could prowl all over the world.

[...]

By the time we reached Winter Haven, there was enough baggage in this one coach to clothe the Greek Nation, enough talk to run the United Nations, and enough Joy to set the world straight! Then a great American got on—Vic Hutchins of Orange County—an ex-sailor of two World Wars—a County Judge for over twenty years—a man—a gentleman—a scholar—a politician—a true friend of mine. And Goldie, his wife, and guardian—a great girl.

[...]

After leaving Winter Haven, our train took off like a bull being lassoed. The orange groves of Polk County looked like sheets of dark green, the cattle on the plains of Highlands County were stretched out like their shadows, we were moving so fast. When we pulled up at Fort Lauderdale, Boyd Anderson was afraid to get on. We spotted the band he had on hand to welcome us and pulled him through a window and he rode down to Hollywood and had to get off. A business trip to Chicago kept him from attending our convention, but he gave us his blessings as we shoved off for Miami.

After loitering around the outskirts of Miami, our train pulled up to the station. The first thing I saw was, not the station, not the sidewalks or houses, but Frank Blanton and wife, Lizanna—receptionists and guardians from there on to Key West. With Frank and Lizanna on hand, now, I knew the convention would be a success!

**CHAPTER II  
SALLY'S**

Off the train, our crowd walked out—and out—and out. We came finally to a place where a nice, new, clean, comfortable Greyhound Bus was parked by the station. We tried to get on. We could get on all right, but after being seated comfortably, somebody would see

part of his baggage sitting on the concrete by the bus. He'd get to worrying and wondering where the rest of it was—then he'd crawl between those coming on the bus, find his bags, then crawl back on. Instead of acting like a bus load of jurists, they reminded me of a bunch of chickens trying to roost. A chicken picks, pulls, hollers, and flies to his seat. Yes, that's the difference—a chicken can fly to his seat on the roost, but a judge or his wife has to crawl and push!

At last we got loaded and the slick Greyhound Bus swung around into the cool air of the beautiful and tropical city of Miami and over the loudspeaker system of the bus came the refreshing words of Frank Blanton, "We eat at Sally's."

[...]

We passed the wonderful and beautiful twenty-three story Miami Court House. Later, we crossed a canal full of small launches, rowboats, and sail-boats, all rocking lazily in the water. From the bus, I had a feeling I was looking on a screen from my seat in a theatre. About that time, the bus driver said, "Sally's!"

[...]

These Miamians! They can't get away from this Chamber of Commerce attitude; they brag on their hometown—its food, etc. Some of us had eaten on the train, but I hadn't. Now, it was sundown and my regular feed time. I could have eaten a fried slice of Frank Blanton or any of the others. Cannibalism is a respectable estate when you're hungry.

[...]

Between recognizing speakers and eating, I got messed up. Being President is all fun, no pay, and no time to eat. Anyway, during the first few mouthfuls, the crowd got real quiet, and I was enjoying this President business.

[...]

Getting men and baggage on a bus may be slow, but getting just men on a bus when they have finished eating food like Sally feeds is tough. One crawled off for a toothpick, another for a stretch, another for a pack of cigarettes. But when McKenney Davis crawled off to see if the moon was shining, I got suspicious!

Loaded, we swung to our left and Frank said. "Boys; this is the MacArthur Causeway—just completed. It cost twenty or thirty million dollars, I forget which, but it cost money. It has ten lanes over and eight lanes back. Why more lanes coming over than coming back? I don't know. That's why we're not going all the way across. We are going just far enough to get a view of the Miami Skyline."

Awe and food takes your voice. No one spoke. The moon was shining its soft glow—the lights of Miami shone like a chicken house way out in the woods. The Court House stood out like the Empire State Building—the hotels looked like ten circuses—and for miles, there were buildings, lights, coconut and royal palms. Miami is really an Egyptian dream come true!

On the MacArthur Causeway, we turned back. We slept, talked, and

rode into Key West at 12:30 A. M.

The sign, "LaConcha Hotel", in Key West looted as good to me as the Statue of Liberty to homecoming G.I.'s.

[...]

Raymond Lord is not County Judge of Monroe County by accident. He is small and dark. He hears in spots and dresses the Duke of Windsor. He is the sportiest thing south of Niagara Falls. Key West without Raymond Lord would be like Key West without the Overseas Highway that leads from the mainland of Florida. He is a native, a conch, if you please, a fine citizen, a true and sincere American. Raymond was chairman of everything that our association enjoyed at Key West. Hail Raymond!

Howard Livingston from Sebring, greeted us with a smile. Howard's fortune was made with his smile. It's good in politics and is winning with women. I know, for he is unbeatable as County Judge and he has the sweetest wife, Eula. She's little, pretty, a Methodist, and can smile too. At least, she out-smiled Howard eight or ten years ago. I'm for Eula!

[...]

After registering and getting our baggage to our rooms, we followed Raymond Lord to 203-204. There, we sang, reminisced, talked politics, probate, told jokes, and laughed with the hilarity of kids. Thus it was when I sneaked off for some rest and sleep. Good ole' rest and sleep! It's one thing that's better at fifty-one than twenty-one.

### CHAPTER III IN SESSION

[...] I banged the gavel hard. The 27th annual meeting of the County Judges' Association of Florida was now in session.

We understood our summer conventions—little business—Lots of play. Even our guests understand this. I introduced Dr. Therrell, who gave us his problem of being under-staffed with limited facilities. Right in the midst of his talk, our good ole' friend, Fuller Warren, Democratic Governor-elect of Florida, stepped in and sat down. Before Fuller gets so busy with affairs of State that he can't hear out of either ear, he heard first hand, from a man whose sincerity is his badge of office, of the true needs and problems of our State Hospital.

Then, I introduced Raymond Lord, who in time, introduced Fuller. Fuller's the same old Fuller—a fine fellow—an attentive, intelligent, sympathetic Floridian, who has tact, humor, firmness, and the ability to make Florida truly a great Governor. I predict it. Anyway, Fuller showed that he had taken in all Dr. Therrell had said and again I predict that the State Hospital will have Fuller's hearty support.

[...]

Maitland Adams, Mayor of Key West, greeter of Presidents, welcomed us to the city. He told us of the antiquity of his city, of the island in the pirate days and how they ran the pirates out—then

about the modern city—how they got water 130 miles away—about the southern-most house, and city in the U. S. A. His was the first welcome I had ever heard by a Mayor that sounded sincere and not routine. Thanks, Mayor Adams.

The best, of course, is saved for last. Rev. James M. MacConnell gave the Invocation. A very sincere man, and his blessing on our meeting was equally sincere and uplifting. With such men around, people must be good. No wonder the people of Key West are so kind and hospitable.

Then, we waded into business—but in the back of our heads was gay Havana. Tomorrow was not just another day. Not to me. It represented a fulfillment of years of desire.

#### **CHAPTER IV BANQUET**

A salty east breeze stirred the leaves of the coconut trees that hedged in South Beach Restaurant. One coconut, not braced by others, became tired, broke loose, and fell on the red tile floor of this out-door pavilion. It rolled, wobbled, then lay majestically still. Beyond the court, the lashing waves of the Atlantic rolled towards us with a roar.

Inside, a large table shaped like a horseshoe filled the room. At this table, on this island, which is the City of Key West, under the magic of this tropical scene, the County Judges, their families, and friends sat down to eat. It was 8:00 P. M., July 16th, 1948. Our banquet was on.

[...]

Pensacola is 900 miles from Key West and Judges don't get together very often. We all knew this, and I merely wanted to call this to their attention, so I said, "Once a year,"—

I'm, not sure whether it was Byron Butler or Frank Blanton, it could have been both, chorused in like an echo with, "Once a Year!"

Being an old hand at our conventions, and used to lots of talk and repartee, I smiled like a successful book salesman, took a new hold on the food-filled table, and started all over on my theme of meeting so seldom, and I said more loudly, "Once a Year,"—

I got no farther. At least ten voices boomed out, louder than my own, with the rhythm of a frog pond. "Once a Year!"

Well, wasn't this nice? Now, everybody was smiling. I found myself smiling too. In fact, there was nothing else to do but smile. My first reaction was, that so long as my audience smiled or laughed, I need not fear eggs or tomatoes. So, I reclutched the faithful table, tilted my head back and raised both arms with the slowness and poise of an old and rugged frontier orator, determined to boom out the words that were a truth and a theme, and I cried, "Once a Year,"—

I had to pause to give effect to my next words, "We meet—", I said, but these words were never heard. They were drowned by male and female voices lifted in a chant, "ONCE A YEAR!"

[...]

Brutus had his dagger, Cleopatra had her charm, and County Judges have their virtues, but ONCE A YEAR County Judges, their friends and guests eat, drink and be merry!

#### **CHAPTER V FLIGHT**

By 9:30 A. M., the lobby of the La Concha Hotel was a busy place. Women with pretty hats and prettier dresses; men in light suits, lugging suitcases, checking out and saying goodbye, for some couldn't go to Havana. We lined up in front of the hotel for taxis to the airport.

[...]

The Aerovias "Q" S A is a Cuban airline, staffed, controlled and operated by Cuban citizens. Col. Quevedo deserves two pats—one for the business-like dispatch and efficiency with which the passengers and their baggage are handled; and, two, for the courtly and genteel manner with which the members of our association and their guests were cared for and assisted. The very atmosphere of this busy airport was conducive to confidence and security. [...]

The regularity of the drawl of the familiar names called over the loudspeaker began to be accepted by me as a part of the buzz of the crowd. Then, came the words that stir a man—his own name called out loud among the throng!

"Causey Green." It was clear. It was my name. I could not answer. I did not move. Vic Hutchins said, "Cousin Causey, I believe you're next"

I let out my breath again. Life goes forward. The drift was toward the airfield. I would soon be in the current. "Thanks, Vic," I said, and stepped into the current that led to the stairs of the plane. I got in.

Sleek like a racehorse, streamlined, with good seats and a window by your side, our plane tailed down the field, turned around, grabbed hold of the ground, and fluffed its wings. The vibration of the plane seemed to settle me in my seat and shake my safety belt around and make it fit. Then slowly, faster and vibrantly, we lifted like a bird and became a part of the immensity of God's airspace.

Circling over the city of Key West, we gradually, without notice, got higher until the winding road leading from the mainland to Key West became a thread; the LaConcha Hotel, a doubtful spot; the Submarine Base, a dark blur.

[...]

Up where we were, the sun seemed soft. As it fell on the few clouds, it made them white. Some drifted lazily close to us. I don't

believe they knew we were there. Others, in the distance, became tangled and lay like a picture on the wall. On the horizon, they became little mountains, then land heavy with trees. These were the same mirages that Columbus had seen on his way to the same beautiful Cuba-

[...]

Our landing, smooth as it was, awakened me from my dream. Struggling out of my comfortable seat, I walked to the plane door. A new, bright building, surrounded by tropical trees and shrubs, delighted my eye. It was. Aerovias' "Q" Airport, custom house, debarking shed. Our destination! [...]

There was a loud hurrah! I frowned. What had I done? Why was I the subject of this demonstration? Again the crowd cheered. Was I Lindberg? I had sailed the Gulf Stream, but not alone. Then the stairs I was on gave lightly. They gave again.

It was a soft step, like the step of a fawn. I looked back. Coming down the steps was a girl. She wore a cap, a jacket, and some other clothes. Her hair was black, her eyes brown. Her rouged lips made a rose look weak and sickly. Then she smiled at the crowd, and then at me. What a sublime feeling to be that close to a beautiful girl, our hostess. I had messed with the sea coming over and had missed seeing her, the gem of the ocean. Col. Quevedo, I pat you on the back for the third time! I like the way you handle your passengers.

## CHAPTER VI HAVANA

On our way from the airport in Havana to our hotel, we passed a wrecked car near a tree on the side of the street. Five people were killed, so our chauffeur told us. Too much stimulants, too much speed. They have reckless driving in Havana.

Our Hotel, facing the Atlanta Ocean, was clean and neat. From our outside balcony, we could see on our right, old Fort Morro Castle, at the entrance to Havana harbor; and on our left, the Hotel Nationale. Havana's shore line is arched. Our hotel was in the center, so we could see the city's entire water front.

Our rooms opened on an inside balcony. From this balcony, you could walk around to each room on the floor. Each floor had the same kind of balcony. You could see from the top floor down to the main floor. I do not know the reason, but I presume it's a great help during storms, and especially for ventilation. [...]

There's an extra affair in each bathroom. There is the usual bath tub, shower, commode and hand bowl. Then, beside the commode, a foot away, is what they called a bidet. You bathe in it, they say. I didn't. You sit on it like you do a commode. It has an extra part in front of where you sit as large as the part you sit on. This extra part has a shower upside down. Just turn right handle and this shower throws a spray of water like a bathing shower except it throws the water up into your face and all over your body. It holds water like a basin if you close it up with the left handle. You can open it like a bathtub turning the handle, and it will drain like a bathtub.

I turned the left handle slowly. Nothing happened. That's the one

that closes or drained it. But when I turned the other, I nearly got wet.

[...]

Syd Herlong set his bags down in his room. Tall and rangy, he walked to the bath. His eyes fell on the bidet

"Mary!" he called. "What the thunder is this thing?"

"I don't know," Mary said slowly, as she ladled at it studiously. "It couldn't be a foot tub."

"No," Syd said. "I thought of that."

"Maybe it's a wash tub for didies," Mary said.

"That's about it," Syd drawled thoughtfully. I saw some didies hanging on a clothesline."

But Syd Herlong was not convinced. When he gets to Washington as our Congressman from the Fifth District, he doesn't want to go to a Congressional toilet and have to ask some silly Republican what that thing is for. He'd rather get his knowledge in Havana. Any sooner down here wouldn't put him under obligation politically, but in Washington, it might keep him off some important committee. So he kicked it. It was solid. He sat down on it. It fitted nicely. No water was in it. Those handles must have some-thing to do with water. He twisted the right handle to the left. Water drenched him!

Mary is a very sympathetic and understanding wife and mother. She dried Syd off and said, "I wouldn't mess with that thing anymore. You may get hurt."

"I won't," Syd said emphatically and wisely. "That's a Republican gadget, and when I get to Washington, they can hang 'em on the wall, turn 'em upside down, but I'm staying with the Democrats."

Downstairs, under the awning over part of the sidewalk in front of our hotel, were tables and chairs used by the hotel restaurant. We sat down in the light cane chairs: A slender waiter brought knives, forks, spoons, a big linen napkin, and a glass of water. He handed each of us a menu.

I glanced over it. It was in Spanish. I couldn't even find coffee on the menu.

I said to this waiter, "What you got to eat?"

Standing erect, his black, thin mustache fitting his lip like an eyebrow, he said, "I spek no English."

By now, it was two o'clock and what we wanted was food. They had told us to fly over on a light diet. Roy Gaskins from Blountstown, asked, "How in the hell do we get food?"

The young waiter replied, "I spek no English." Then, he said, "I get English spek man."

"Get him," Roy said. "I'm hungry."

A stouter waiter came. His mustache was black and thin also. He said, "You want to eat?"

"No," Roy said. "We just want to spend the afternoon. Bring us five cups of coffee."

"Bring the gentlemen coffee," the stout waiter said to the slim one.

"Bingo?" the slim one asked in Spanish.

"You want coffee?" the stout waiter asked, pointing to me.

Roy pointed at each of us and bellowed like a bull. “Coffee!” And the slim waiter trotted off. He understood Roy’s English. Roy said to the waiter, “What you got we can eat?”

Bending over, stiff-like, and pointing to the Spanish menu, the stout waiter said, “Zis is good; Zis is good; Zis is good,—”

Roy said, “Stop! Bring us some of Zis.”

“Yes, yes,” said the stout waiter and followed the younger one to the kitchen.

[...]

Learn how to eat in Havana. Either go to an American restaurant or learn Spanish. We left on our afternoon tour before “Zis” got cooked.

Three carloads of Judges, their wives, and friends went on a tour. First, we saw where the battleship, “Maine”, was sunk in Havana harbor. I don’t know whether the ship is still there or not, but I do know that anchors and cannon are all over Havana.

In a drizzle of rain, we were escorted through a very old church with oil paintings on the walls and in the round ceiling. I believe Columbus was buried there at one time. They claim he’s still there. The Capitol building is a very large structure and is built of concrete, gold and mahogany. What corresponds with our House and Senate Chambers, tho’ much smaller, are two large rooms on each end. The seats and tables are solid mahogany. Pictures of great Cubans hang around the walls. Gold dome ceilings are all over the place. It is kinda’ their Fort Knox.

On the walk-way from the House Chamber to the Senate Chambers, there is a hole in the marble floor about the size of a grapefruit. This point marks the center of, or beginning of, all landlines in Cuba, and its center had been marked by a twenty or thirty-carat diamond. A few months before, someone had stolen the diamond and this embarrassed the Cuban government. It looked like some heads would roll. The diamond was returned, but no one knows who took it or when it was returned. The diamond had not been reset at the time of our visit.

Rum is to Cuba what Coca-Cola is to us. So the guide took us to a brewery. By that time, it was six o’clock. No dinner yet! We could hardly drag in. Our receptionist said, “You are the guests of the Bacardi Rum and Distillery Company of Cuba.”

On the table were forty-seven varieties of liquors. On another table were small glasses filled with finely chipped ice and apparently water. Being without food or water for several hours, some of us tasted this drink. It was mildly sweet and deliciously ice-cold. None of us saw any harm in this, but after three sips, we were able to walk all over that brewery and have our pictures taken. My first brewery! I’ve seen the filthy stuff all my life, but the process of making rum was very interesting. By now, we were all so tired we could hardly drag our feet—and so, we caught our taxis back to our hotel. My bed on the floor really felt good!

About 8:30 P. M., after resting an hour, the cry went up from all over the inside balconies of the hotel, “Where do we eat?” Answers came back and, echoed down the inside balconies. “Anywhere

there’s food.” The crowd scattered. My bunch caught taxis and drove about eight miles to the Tropicana Nite Club. The floor show opened at eleven, so we ate from 9:15 to 11:00.

[...]

Satisfied as to food, I looked around. We had come through the center of the building. On our left were the restaurant and bar. To our right, I don’t remember. We were in a large garden with trees everywhere: Palms, coconuts, bamboo, and plants with colors; some red, some spotted with green, yellow, red and white. Our seats were near the stage. Real stars twinkled above.

The floor show lasted for over an hour. There was singing—in Spanish. A Negro quartet, which sang in Spanish too, was good. I didn’t understand a word, but I kept up with the swing. The best of all was a dark Spanish girl with a belt of small gourds tied together and hung around her hips. The gourds had seed in them. I found this out when the girl danced the rhumba. Her hips forcefully shook the tiny seeds in the gourds, but with a rhythm-like -delight, and made them rattle and laugh with joy. The gourd belt seemed too large. I thought sure it would slip down over her hips and fall to the floor while she danced. But it stayed up and danced with her and seemed perfectly satisfied. I don’t blame those gourds for sticking around. Had I been one of them, I’d have clung tight, tighter, and tightest, as they did. If I lived in Cuba, I’d learn to dance the rhumba.

Next morning, no church bells rang, no train whistles blew, there was no rumbling of streetcars, not even the honk of an automobile, tho’ it was Sunday morning in Havana. But the sun rose in its majesty, and shattered the night, and made the ocean blue for miles out at sea.

No screens, no mosquitoes, no flies. Just beautiful daylight in a great city, so quiet with a cool morning breeze. I stretched again on the breezeway from my room that faced the ocean, then dressed, and soon stood on the street. I wanted all of the day, not just part of it.

I walked several blocks from the hotel but saw no signs of coffee. Farther on, in a jog in the wall, I saw a dozen small white cups lined up on a counter, upside down. They reminded me of doll cups. I stepped up and said to the stout man with his back to me, “Coffee?”

The man seemed deaf. I stood still a minute and waited. Without looking at me, he picked up a small crockery pot, turned to the small cups, set one up, and poured into it something as black as night with your eyes shut, and shoved it a few inches toward me. It was steaming. I picked the cup up by its handle, slowly raised it to my nose, and smelled. It smelled like coffee, I tasted it. It was sweet coffee. I drank it in three sips, pushed it back and said, “Fill.” He filled it. Both cups cost four cents.

Farther down the street was a store with bananas, coconuts, cigars, canned goods, bread, etc. A boyish-looking man, just sprouting his black streak of a mustache, picked up a coconut, larger than your head, and held the stem end in his left hand. Then, reaching under

the counter, he pulled out a machete, and cut out a triangular plug from the blossom end of the coconut. He strained the juice into three large tea glasses and added cracked ice and sugar. I drank two of them. This was my breakfast.

## **CHAPTER VII INSTALLATION**

I crawled out of the taxi and ran to the boat. As I stepped on, the captain shoved off and the launch swiftly glided across the narrow stream to the landing at the foot of Cuba's famous fortress, Morro Castle. [...]

As we started up the path to the top of the Fort, our guide said, "Do you know how Havana got its name?" We didn't. He mopped the sweat from his forehead, "When Columbus landed, the Indians wanted to win his favor, and knowing nothing with which to better influence friends than women, they presented him with two beautiful Indian maidens, Annabelle and Anna, and told him to take his choice. Columbus being sea-ridden and human, merely said, "I'll have Anna." So the Indians named the place, "Have Anna."

At the top of the Fort, a soldier paced his post under the flapping flag of the Cuban Republic, high on its staff. He had seen visitors before, for he allowed us to pass without challenge. But he didn't know that the last of our group was a hardened veteran of the tough Pacific Campaign. [...]

The guide wound us up and around towards the barbecue pit. Here, the ancient Spaniards barbecued a whole beef at a time for meat-hungry soldiers.

A few feet farther was the execution wall. A sheet of inch thick steel shielded the wall to keep the bullets from digging out the masonry. Dents in the steel from bullets were plain.

Then to the right, up steep steps was the torture chamber. A wax figure was strapped in the seat of torture, eyes protruding, his face imparting despair, while a soldier turned the screw that tore his neck bones apart. The helpless victim's only solace was a priest nearby, in his black gown, his eyes uplifted, his lips in prayer.

"What is this instrument of torture?" Arthur Clonts asked.  
"The garrote," replied the guide. We all left more quickly than we had come in.

The guide led us up, up to the top of the Fort on to the wide battlements of Morro Castle. In front lay the ocean, bright in the noonday sun. Below, waves lashed and broke at the base of the Fort with a dull roar on the rocks. To our left, was a deep narrow stream leading to the harbor and across it lay Havana, sprawling white and glittering under the sun for miles. I could see the Presidential Palace, the Capitol, the Hotel Nationale. Church steeples stuck their heads high with their crosses on top.

Above, were the round lookout towers of concrete with small windows. Guards, posted here, surveyed the sea and gave the alarm of approaching ships. Around us lay rusty cannon, reminders of centuries past.

I said to the guide, "Halt!" The crowd turned around. They milled, got close, hunted for the shade. "Will the new officers come forward," I said. Then,

"Gentlemen, there is a certain sadness to me as I relinquish the affairs of our association into the capable hands of its new officers. I here and now install James C. Gwynn, of Tallahassee, as President of the County Judges' Association of Florida; Klein McDonald, of Bonifay, as Vice-President of the Third District; Howard Livingston, of Sebring, as Secretary; and Harry H. McDonald, of Gainesville, as Treasurer.

"Your initiation, gentlemen, outside our own beloved Florida, and on the battlements of this old and historical fort, emphasizes the spirit of friendliness and neighborliness between the people of Florida and the people of Cuba, and is a challenge to the rest of the world who do not live with this spirit." [...]

After the installation, it was too warm for other speeches. Congratulations went the rounds, and a loud slap on the back was the same as a handshake. Everyone drifted down, and soon were a thin line of ones and twos on the trail back to the boat.

[...]

Soon we were on the launch chugging back to the Havana side, half a mile down the stream. [...]

## **CHAPTER VIII NIGHT IN HAVANA**

In front of the Ocean Hotel, under its sidewalk awning, Vic Hutchins and wife, Goldie, stood looking down at Howard Livingston and his pretty little wife, Eula. Raymond Lord sat nearby looking first at Vic, then at Howard. I approached cautiously. Something was going on.

"It's five to none to ride out in the country," Vic said to me. I looked at the cool shadows of the awning. It was early afternoon.

"It's now six to none. Let's go," I answered.  
A taxi driver opened his door. Down Malacon Drive, we turned off by the Presidential Palace and drove miles out into the country over good roads. It is a hilly country with now and then deep ravines. Herds of milk cows grazed in pastures and rows of stately royal palms shaded the roads that led up to the country homes.

We first stopped at a perfume factory. It was an interesting place. They showed us plants or grass-like weeds that finally became perfume. They had it in barrels, in jars, in bottles. The little bottles became expensive. A pretty girl dropped some perfume on my hand. It buries deep in the skin. That much would last for two days, she told me.

Next, we stopped at a tropical nursery where souvenirs and plants were sold. I bought a good alligator belt for \$1.75. Across the street was a fruit stand, drink stand, and dancehall. It's the first place I had ever seen where fruit juices were mixed. The man put ice in a glass, squeezed in a lime, put sugar in, then dashed in some dark fruit juice, some white juice, and shook it all up. When it came out, it

was white and foamy looking and tasted cool and refreshing. They called it “Alexander.” It must be a rain drink, for it rained very hard from then on.

There is something invigorating in riding out of a great city into the countryside that hems it in. The trees seem so satisfied. They are not moving. The few people you see take time to look at you. They are not hurrying. They act as though they know where they’re going. I believe they do.

And the dogs. When they run out and bark at you, it’s not in Spanish and they don’t seem mad, just glad to see you. And so, we rattled, bumped, splashed, and talked as we drove back to our hotel.

[...]

Jack Pressley, Johnnie Johnson, Matt Bowen, Vic Hutchins, Judge Brown, and I walked out on the Avenue Presidente and paraded with the other thousands. This avenue is very wide. Its center, except at street intersections, is elevated about two feet for pedestrians alone. Here, Cubans by the thousands, parade up and down with their dose trimmed black mustaches, and dressed in their Guayabera shirts. We joined in.

We had walked only a few blocks when we discovered that the entire street was blocked by eager pedestrians, looking ahead at something we could not see. Because we couldn’t speak Spanish, we could not learn the cause. I estimated 100,000 people were waiting for something. We waited with them.

Soon, down the street, came bearers with lighted torches. Between them was an ancient cart, pushed and pulled by soldiers dressed in the soldiery fashion of centuries ago. Seated on the cart was a wax figure of some beloved churchwoman who had been persecuted and killed by Spaniards hundreds of years ago. Beside it, were beautiful Cuban maidens, each with dainty pink angel wings. Behind the cart the mourners followed, chanting as of old. It was an annual pilgrimage and a beautiful sight.

[...]

On the way to our own hotel, we visited the Seville Biltmore Hotel, ten stories high. (No building can be built higher than ten stories under Cuban Law.) It has an immense lobby. Looking up from the lobby is this airspace or well, peculiar to Cuban hotels. Each floor has a balcony. A guest, from any floor, may look down this well on the lobby below. Catching the elevator, we went to the top. The elevator boy switched on a light in the darkroom and pointed out the stairs to the roof. Being oldest, I followed Jack and the others up and out on the open roof. Lights from the city spread out for miles. The unlighted ocean pushed back the lights on Malacon Drive, but you could follow the curve of this drive by the string of street lights. Havana’s harbor, with its lighted ships, lay as though asleep while the small stream that leads from it to the sea was but a dark path. Close by, the Presidential Palace—five stories highlighted from its four sides, was beautiful. Up above, the rained-out sky seemed very close with its dancing stars. We were on top of the Seville Biltmore.

## CHAPTER IX HOMEWARD BOUND

Monday broke with sadness. The good-byes had started the day before. Now, only a handful of our party remained. The touching of friendships would soon be a memory. I shaded my eyes. The ocean beckoned me to the mainland.

After breakfast, I bought souvenirs for Mabel and my son, Stanton, then I was ready for the 2:30 plane. The great City of Havana was stirring. New cars of American make flashed by. My sadness became a desire. I wanted to get home. [...]

My name was called. Report to the flight window. Would I like to catch the 2:58 plane instead of the 3:15? Yes! Certainly, yes. I wanted to get home. Everybody wanted to get home.

I had to hurry. I was the last passenger added to this flight. Out of the waiting room, down the breeze-way to the flight gate, out on the field, up the landing steps, and into a comfortable, roomy seat of the plane. I fastened my safety belt, then peeked out of the window.

The plane was turning. Through my window, the airport was new, white, and small like a doll house. Leaning on the rail of the upper porch of the airport, fronting the field, were friends of departing passengers. They waved frantically, men waved their hats, women their handkerchiefs, a smile on every face. I leaned forward in my seat. I looked hastily at each waving man, woman; and child. Black hair, white teeth, dark Spanish complexions, lined the rail. Not a friend of mine had come up to wave adieu. I glanced at each passenger in the plane. Not only were they strangers, but they were speaking Spanish.

Now, we lifted off the ground, the shrubbery shrank back of us, the waving friends became specks. What had been a building, was now only a roof. The city that had hidden us, began unfolding. It lay still like a giant khaki colored canvas. Its blocks of businesses and homes shrank to tiny squares like a woman’s checkered dress. Only the harbor and its outlet, Morro Castle and its sea, could be recognized. Then Havana became a speck too by a great white line, the crashing waves of the sea.

I took a deep breath; sat back in my seat, and closed my eyes. Not a known friend was with me on the flight. No one had waved good-bye. I was alone. I was just an Ex-President. But I was headed home. Home to friends and the haunts I knew so well—to Palatka, the green hyacinth on the St. Johns River, the river bridge, the Courthouse, the typewriters, and friends who walked in my office, door.

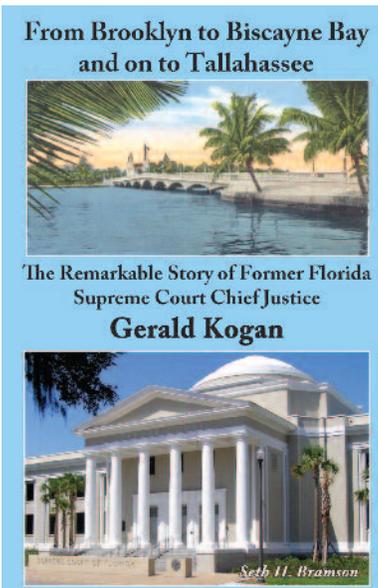
Yes, I was headed home from a great convention—a convention of true men, and lasting friends. I sat up in my seat and rested my head on the window-pane, my eyes toward the mainland. A smile crowded my lips—a memory had slipped in—the first of a thousand that would follow and linger, when I think of a trip that happened—

ONCE A YEAR! ■

# FROM BROOKLYN TO BISCAYNE BAY AND ON TO TALLAHASSEE:

THE REMARKABLE STORY OF FORMER FLORIDA SUPREME COURT CHIEF JUSTICE GERALD KOGAN

BY SUSAN ROSENBLATT



Seth Bramson's biography of Justice Gerald Kogan and his dynamic wife Irene is a pleasure to read. The book is full of intimate details about all aspects of the Kogans' lives, their children, parents and grandparents and the Justice's path to the Florida Supreme Court. There are many photographs depicting different stages of Justice Kogan's life. From the outset, the reader learns that this publication is a true labor of love – where all profits from the book are to be donated to the Ovarian Cancer Research Fund in

tribute to the Kogan's beloved daughter Debbie Kogan Lyda, a victim of that disease.

In his initial acknowledgments section and throughout the book, Justice Kogan warmly thanks the many friends and colleagues who helped to make his life story possible. Many of those names will be familiar to the members of the FSCHS: former FSCHS president Kelley O'Keefe, who worked for Justice Kogan on the Court; Chief of Public Relations for the Court, Craig Waters; Judicial Assistant Gail Posey (currently working with Justice Lewis); and Zulma Labarga, Chief Justice Labarga's wife, whose photograph of the Florida Supreme Court is on the book cover.

The detail and transparency of *From Brooklyn to Biscayne Bay and on to Tallahassee* mirrors Justice Kogan's desire for transparency on the Florida Supreme Court during his tenure as Chief Justice. Among other things, Justice Kogan paved the way for all oral arguments to be "broadcast live via satellite and computer on the world wide web." Bramson, 185. Florida was the first state in the country (and world) to do so.

Jerry Kogan and his younger brother Stephen were born and raised in Brooklyn, moving to Miami Beach when Jerry was 14. Although

initially unhappy relocating to Miami Beach, Jerry ultimately grew to love his new home in Florida and refers to those years at Miami Beach High School as "Camelot." Bramson, 220. Justice Kogan's passion for debate started in high school where he won a debating contest against Bob Shevin (of Miami High, and later Florida Attorney General and Third District Court of Appeal Judge) who became a life-long friend. At the University of Miami Justice Kogan was UM's first national college debate champion. But Justice Kogan's greatest accomplishment while at the University of Miami was meeting and falling in love with Irene Vulgan, a Miami Edison High School graduate who was on the staff of the UM newspaper, the 'Miami Hurricane.' Their union of over sixty-one years is a remarkable partnership that is going strong.

Justice Kogan's career is also impressive for its diversity, including his service in the United States Army as a special agent in the counterintelligence corps, civil litigator, head of homicide and capital crimes at the state attorney's office, law school professor, criminal defense attorney, circuit court judge and finally, Florida Supreme Court Justice and Chief Justice. The book takes readers along the progression of Justice Kogan's career, from his first trial of a slip and fall at Dubrow's Restaurant (an old landmark on Lincoln Road), to handling misdemeanors and traffic cases for Richard Gerstein, the legendary Miami/Dade State Attorney, and then ultimately heading the division of homicide and capital crimes at the state attorney's office. Justice Kogan describes some of his more infamous trials, including the world-famous Candace "Candy" Mossler prosecution in 1966 (Bramson's father was a spectator at that trial). Following the Mossler trial, the Justice decided it was time for his next chapter and he returned to private practice as a top South Florida criminal defense attorney. He felt the financial pressures that many public servants do: the need to support his family and put his three children through college and graduate school.

Both seasoned and new attorneys will enjoy reading of the many interesting cases Justice Kogan handled as an attorney and that he presided over as a jurist. Because Justice Kogan has worn many hats, he is able to view legal issues from several vantage points. This helped to make him an accomplished Justice and, since mandatory retirement from the Florida Supreme Court, a highly respected mediator in complex matters.

Justice Kogan and Irene have also been instrumental in the development of the Florida Supreme Court Historical Society. Irene Kogan was the founder of the Florida Supreme Court Docents Program, designing and furnishing tours of the Florida Supreme Court through the Society. This was part of Justice Kogan's desire for transparency: inviting Floridians and particularly students to better understand the functions of the Florida Supreme Court.

Readers with an interest in the Florida Supreme Court will surely enjoy learning of the private lives of Justice and Mrs. Kogan. It's hard not to feel like family after reading *From Brooklyn to Biscayne Bay and on to Tallahassee*. ■

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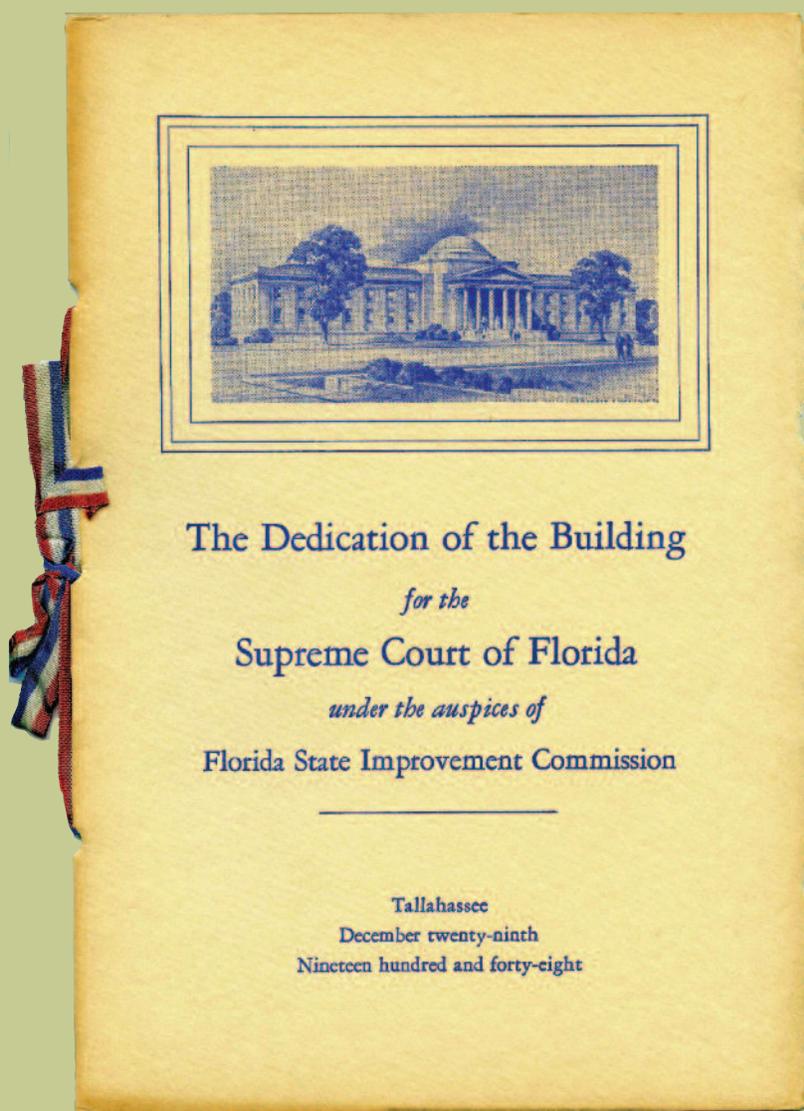
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