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INTERVIEW WITH: **D. BURKE KIBLER**

INTERVIEWED BY: **JAMES M. DENHAM**

PLACE OF INTERVIEW: **LAKELAND, FLORIDA**

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M= JAMES M. DENHAM ("Mike")
B- D. BURKE KIBLER

Transcribed: Debby Turner

M: We are in the law office of D. Burke Kibler in Lakeland, Florida at the Holland and Knight law firm, and we are talking through Mr. Kibler's memory of his growing up and his professional and business career. Mr. Kibler, nice to be with you again this week.

B: Thank you Mike.

M: We ended up last time with your memories of graduation from the University of Florida Law School and I had asked you this week to think about some people that you knew in law school that you had a chance to work with over your life in business, in public affairs or some of the other things you have been involved in. Were there any that you remembered this week that you would like to talk about?

B: As I had observed just a minute ago, I hadn't really thought about it like I promised, but it comes to mind that there were so many that were an important part of my life and remained good and close friends, even until now, and some are no longer with us, but one of my closest friends was a native of Bradenton, Dewey Dye. Dewey's father had been a member of the State Senate, and when I met his father before I actually met Dewey. Dewey was Dewey Dye, Jr. I think he was still in the State Senate, and I was there on behalf of cattlemen. My family has always, at least all of my memory, been in the cattle business, and we were trying to get some assistance from Senator Dye in some legislation that was important in the cattle industry. For the life of me, I cannot remember what the legislation was, but I do know that both of the Stewarts, that's Mr. Bill (W. H.) Stewart and J. K. (called Cup) Stewart. They were well, well known in Polk County. They were large landowners. They were the sons of E. C. Stewart who assembled a great deal of property and they continued in that tradition. Both of them now are gone, but I spent a great deal of time in my younger years with both of them. Mr. W. H., Mr. Bill, as I referred to him, sort of charged me with trying to get some assistance from the legislature for the cattle industry. I went down to Bradenton and introduced myself to Senator Dye and met him. He was austere but friendly. I never did know whether he really helped us or not or whether he could. It was one of those things

that you try and probably usually don't immediately succeed, but I was impressed with him, and that was the summer before I entered law school. That fall, a couple of months later, his son was in one of my classes. His son became perhaps my best friend at law school. He was one of those experiences you have to remind yourself of. I came home and told my wife Nell that I had met a fellow today or at least I saw him make a recitation in class, and I decided he was the most unpleasant person that I had ever heard, and that was Dewey, Jr., and as I said, he became my closest friend. He was a prominent Floridian, a great lawyer. He was never in an elected office, but he was very prominent in the Bar and in the greater Manatee County community. There were others in law school.

M: Is it possible he was related to Tom Dye at Florida State University, the political scientist?

B: I think not.

M: Thomas Dye, do you know who I am talking about?

B: Yes. I do not know Thomas Dye, but I know of him. I don't think they were related, at least I didn't know of it.

M: So, you are speaking of Mr. Dye and that would have been kind of a segue way into some of your law school memories of him?

B: Yes, I was in law school - I started in September of 1947 and graduated in September of 1949; obviously, going straight through two summer sessions. They don't do that now, but this was right after World War II. I had gone back and got my baccalaureate degree which had been preempted earlier. I had planned on going to Harvard Law School, but there was a process of things and by the time I got my degree and was accepted to Harvard, I had decided for varying reasons to stay in Florida. One of the compelling reasons was my father-in-law, Tom Bryant, who I have talked about some and will talk about more because he was a very significant part of my life and I practiced law with him for a number of years. When I told him I had been admitted to Harvard he said, "Son, that is probably the best law school in the country and I am proud of you for getting accepted, but one thing you should know is that no God damn Harvard lawyer will practice in my office." Now, he said that. He wanted to emphasize something to me that in Lakeland, Florida in 1949, it was not the thing to do to be a Harvard lawyer because you were known for that, no matter how good or bad a lawyer you were. You were a Harvard lawyer first. You could have gone to Miami or Jacksonville or perhaps even Tampa and not had that stigmatization, so to speak, but in Lakeland, Florida, and even in those other towns, that is what anyone thought of first. I can remember Judge John Himes, who was a fine lawyer who had been on the bench there, was always referred to as a Harvard lawyer. And John Germany, one of my law partners with whom I was in college and in the Army with, he is still referred to by those of us who grew up with him as having gone to Harvard. There are many, many Harvard lawyers now and nobody pays much attention, but in that era it was something that was perhaps, depending on what you wanted to do, certainly not of help in Lakeland.

M: Was it kind of understood that you would practice with him when you got out?

B: That was the first mention that he had made to me. I had just decided to go to law

school. He practiced with Snow Martin, it was the two of them. There weren't big law firms then. Carver and Langston was probably the largest firm and they may have had three or possibly four lawyers. There just mostly were individual practices or partnerships of two. That was the first I knew that he was interested in having me come with him. I perhaps had assumed that he would have wanted me. Mr. Bryant was in his late 50s. It is easy to remember because he was born in 1890, so in 1949 we would have been 59 years old. He lived for 102 years and was very alert and very bright up until the last few years. He was a wonderful person. In my class in law school there were a number of people I have mentioned - Chesterfield Smith who became one of my closest friends and is, of course, one of my law partners to this day. Chesterfield's health is diminishing. He is 85. He is someone who could give some insight into Lawton and you would probably want to talk to, and we'll arrange that. There was Mallory Horne, who I have mentioned, who I think was maybe the only, or at least the first one, I think there may have been one other, who was Speaker of the House of Representatives and then later President of the Senate. It seems like there was one other who had that distinction. Then there was Roy Rhoades. They were law partners for many years, both fine lawyers. They lived in Tallahassee and were very close friends of Lawton. Reece Smith who later became a member of the Carlton Fields firm, he was the President or Interim President of the University of South Florida. He was a very fine student. He was a Rhodes Scholar and President of the American Bar Association and President of the National Bar Association. He was in my class. I think we were in exactly the same class. Chesterfield was about a year ahead of me. It was a mixture back then because many that had gone into the service and had their education interrupted. They came back after the war and everyone was in a hurry and any veteran could get in law school with just two years of college. So, you had a variety of ages and ambitions too because a lot of folks had wanted to go into other professions. Florida did not have a veterinary school then and they did not have a dental school then. I say they didn't have a dental school; there may have been one at the University of Miami. The only medical school in the state then was at the University of Miami. So, the pressures were to go into law school because they could expand that more readily than they could those that took labs and all. I had a number of classmates whose first choice had been medicine or dentistry or veterinary medicine, but the schools were so hard to get in and there were waiting lists and they were showing preferences. So, the state schools were very hard to get in. Many turned to law as an alternative to other professions, some later. I can't think of one exactly now, but after they got their law degrees, they went to medical school. Not many you know. Most went on to practice law.

M: When you got out of law school was it pretty much a cinch that you would come and work for your father-in-law or did you have any other thoughts about what you might do?

B: Well, not really. At one time I thought about going to Texas, but that was before I went to law school. I had some good friends in the Army in Houston. A real close friend was from Houston and I later discovered they were very big in the oil business. I didn't know that at the time and they had suggested that I come there, but I was an only child and my family would have been disappointed. Nell, she was one of three girls, and she was the first of the three girls to marry. One never married and the other married somewhat later. We had the first grandchild on both sides of the family, so it would have been a lot of pressure if I had left, and my father was in the mining and cattle business and he suggested that I perhaps might want to be involved with him and I was a little bit, but Mr. Bryant, I think perhaps he took it for granted that I would come and practice with him. I hadn't really decided, I just kind of evolved into it. I certainly never regretted the

decision.

M: What was the first time you ever went into a courtroom? Do you remember your first court case?

B: Yes, it was a jury trial. I got out in September and this was in November, I think, because Mr. Bryant was a great football fan and he invited me to go, and I think Nell, to a football game down in Miami. I can't remember who it was. He was a Gator fan but he just liked football. I remember this because I was trying the case with Snow Martin, who was an experienced, seasoned trial lawyer and God knows, I had never been in a courtroom before. I was there carrying his books, but I did some of the cross examination and, I guess, we had a couple of expert witnesses and I had them testify. Back then the technology was not as good as it is today. They had old Dictaphone systems and this one court reporter; Judge Gil Rogers was the judge and each judge had their own court reporter. I think her name was Marilyn Langford. She had the old wax cylinders and she had wires all over the courtroom and little microphones by the jury and by the witness stand and by the counsel desk. I would have to remember that when I got up to walk across, I was nervous as could be in any event, not to trip on the wires. I can remember, and this is a very vivid recollection because I just had this terrible thought that here I would be in the midst of trying to say something important to the jury and I would trip and fall on my face.

M: Do you remember the case and what it was about?

B: It is funny. It was an automobile accident case and we were defending. . I think our client was a trucking company. I don't recall very much about it. I had had a very minor part in preparation. This was really giving me experience, but that was the first time I had been before a jury. I remember that quite well.

M: Now, you said last time that most of the practice was very general. It was all kinds of different things. Would that work here too as far as what you were doing the first year or so?

B: Yes, the first year at the firm, at Mr. Bryant's practice, he represented the business community generally. He had clients like the William T. MacDonald Corporation, which was a big landowner. He had MacAsphalt Corporation, a paving and contracting company. He had extensive citrus holdings. He represented John E. Ballinger, who was a contractor. A number of businesses in the community were represented by him. Back then he did essentially what they needed to have done. He relied on a good CPA to work with the tax work. There were no tax lawyers per se in 1949. I had some tax in school, but I was not a tax lawyer. Some lawyers absolutely washed their hands of anything that had to do with the federal income taxes. Back in 1949 here in Florida is when the first sales tax was implemented. At least it became effective then. One of the first things I had to try to do was sift through and try to digest the sales tax. You would form corporations and represent your clients in the corporate problems that they would have, the mechanics of the corporation and all the various endeavors they would have. We did contracts, acquired property and would have to examine titles to the property and write opinions as to the titles. If they became involved in contractual disputes or other disputes, you would negotiate for them. You would then, if they decided they could not agree; there wasn't much mediation or arbitration to speak of, but you tried to work things out informally and if you could not do that, well then you went to court. You were

expected to represent your client in court. So, you ended up in doing all of this, you ended up becoming a lawyer who practiced many disciplines. You would, of course, write their wills and probate their estates. Mr. Bryant had a large probate practice. So, most lawyers would do the things that their clients needed. The line probably was drawn then between the civil and criminal part of the law. We, in the firm, didn't do any criminal law, though Snow had done some before. I think he had been an assistant states attorney or back then I think it was county solicitor and he had some experience in that. As I say, Snow was an experienced trial lawyer and he was a good lawyer. But back then you did what the client needed and then as the years went by, not many, life became more complicated and the demands upon lawyers became such that in order to do the sort of representation, you had to know more and more about the area, and so you tended to specialize. But, even to the time, 1964, I guess it was, I joined Chesterfield Smith in the firm that became Hollis, Bevis, Smith and Kibler, and that was a big firm for Polk County, the biggest firm. I think I was the 12th largest law firm in the state. The main and most important client base was the phosphate industry and we organized the trade organization for the phosphate industry. Then, Chesterfield persuaded me to join with him because he knew that I was having to get up early in the morning, sometimes 3. I would get to the office between 3 and 4 to examine titles. I didn't have time to do that during the day. It was sort of a tedious thing to do - to go back and examine the titles and then write an opinion. I did a good bit of real estate work for individual clients and for the two phosphate clients I represented. Then you did litigation for various clients that I had and did a general corporate practice. I even did some labor work. I know, we had the phosphate mine up in Marion County and there was a labor union organization there and I was doing some labor work there and trying to learn about the national Labor Relations Act and go there. So, it was discovered then that whatever you had to do you could do. It wasn't necessarily the most efficient way to do it, but you learned an awful lot about a whole lot of things - some things you didn't really want to know about, but you had to learn them to represent your clients.

M: Did you roll up your sleeves and read the statutes?

B: Yes, and go to the library and you looked at the secondary sources like various Florida Juris Prudence, American Juris Prudence, Corpus Juris Prudence. These were sort of the textbooks on the law that had the opinions of the law, but, of course, the real case law itself, well you always started with the statutes and then became as knowledgeable as you could on the area of the law that you needed to know.

M: And you were always, always learning, always reading new things and reading different areas.

B: That's right, and the body of law kept growing and growing. Now lawyers in my firm - there are specialties and subspecialties. In tax law alone, there are so many different types of tax experts that we have. Back in the early 50s I probably knew as much about the federal income tax as most lawyers did here. Very frankly, most of your good accountants knew more in the area of income tax from a pragmatic standpoint in the preparation of tax returns and the things that you had to do as far as advising someone, you relied on a good CPA who had been practicing for some time. I certainly did.

M: Can you go over a little bit your friendship with Chesterfield Smith? When did that begin? Obviously, before you went in the firm with him. Can you talk a little bit about your relationship with him, maybe even in law school?

B: Well, Chesterfield and I knew each other in law school. We were in the same legal fraternity, Phi Delta Phi. The legal fraternities were kind of honorary fraternities. There were maybe three of them; I'm not sure. Then they had a serious side to them, but mostly they had parties and there were social occasions. A couple of times a semester there would be a party and I guess through that I became more acquainted with Chesterfield. He had joined my social fraternity, Alpha Tau Omega, during that period. Chesterfield had been at the University of Florida back in the 30s and during the depression. I was a freshman in 1941, but I didn't know him during that period. After the war when he came back, he joined the ATO fraternity. I played intramural sports when I came back because I was a pretty good handball player, tennis player and ping-pong player. Those were the three sports that would ask me to play for them, but I was married then and did not get involved in the social life at a fraternity. I don't think Chesterfield did either. I didn't know he was in ATO until, I believe we were all out of school or maybe in law school. Chesterfield and I had a pleasant relationship during school and then he went to Arcadia after graduation and practiced law there for a few years. Then he came up to Bartow to Senator Holland's office and that is when we became reacquainted as I had kind of lost track of him during the time he was in Arcadia. Chesterfield was a very motivated, dynamic sort of person. He had only been out of law school, he was older, three or four years and he was basically running the Holland, Bevis and McRae law firm. He became managing partner with just the four of them. They had representation for most of the phosphate companies and Chesterfield kind of organized a group, originally Bill McRae did, a fine, fine lawyer and a Rhodes Scholar. He was the first federal judicial appointment that Jack Kennedy made. He and Jack Kennedy were good friends. So, that was in 1961. I never practiced law with Bill McRae. After he became Judge McRae, he moved to Jacksonville.

M: Now, Senator Holland was obviously in the Senate during that time. Would that be correct?

B: Yes.

M: 1940?

B: Yes, he was elected Governor in 1940 and Charlie Andrews died and he ran for the Senate in, I think 1946. Charlie Andrews died early that year and Millard Caldwell was Governor at the time and he appointed Spessard to the unexpired term. It was only a few months, but it gave him seniority.

M: And he served until 1970? So, he would have really not been involved too much in the law firm.

B: He came back to the firm when he decided that he did not want to run again and, of course, that is when Lawton Chiles ran. Lawton would not run against Senator Holland. We refurbished his old office just like he wanted, and he was coming back. He wanted to be available to counsel young lawyers and he wanted to write. He was certainly willing to meet with clients and counsel with them, but those were the two reasons he wanted to come back to the law. It was sad, though he went as easily as he could go, but he was watching a Florida football game in October or November of 1971 and I think Mary, his wife, went in to see him as she had not heard from him. She found him lying on the bed and thought he was taking a nap, he was listening to the game, and he was

dead.

M: He was pretty ill when he retired, wasn't he?

B: I don't know. He obviously had some heart problems, but I really never heard that he had, I knew him for a long time, but really never heard that he left the Senate because of health. He had been there for four terms. He was in his late 70s then.

M: So, we have gone up into the 1960s now. Obviously you met Lawton Chiles before the 1960s. So, maybe we ought to go back to your first memories of Lawton Chiles at this point and then maybe we can go back and pick up your involvement with the Holland and Knight law firm. So, I don't want to get too far ahead of our chronology here.

B: I had known Lawton and the family, but I had not become a close friend of Lawton's until we were both in the same military reserve unit. Lawton was in the Korean War and I had been in World War II. When Lawton was released from the service, he was a first lieutenant, I think. Lawton stayed in the reserve. That was an optional thing and not a requirement. I had decided to stay in the reserves. The unit was called the 414th strategic intelligence detachment. It was a research and analysis unit. They were really designed to be on college campuses and mostly the officers would have been faculty members and the special discipline would be an area that would make a contribution to strategic intelligence evaluations.

M: Mr. Kibler, you were telling us about your reserve duty with Lawton Chiles.

B: Yes, I was giving a little history of the reserve unit that we both belonged to, which was the 414th; it had been designed for college campuses. I really don't know how it was free standing, unrelated and unaffiliated. It was here in Lakeland and the reserve unit headquarters there was there. They didn't want to give it up and they were looking for people to populate it during, I guess the Korean War was still going on. Homer Hooks, who is a very close friend of mine, at that time or shortly thereafter became General Manager for the Florida Citrus Commission. Bob Crawford has that same position now. Later in my life, Homer and I had a lot of involvement with the Florida Phosphate Council and the phosphate industry. But, Homer was the commanding officer and Sam Womack, who was a reporter for the *Lakeland Ledger*, was an officer. They were the two officers in the unit and they recruited me when they discovered that I was in the process of changing my branch - made application from field artillery to military intelligence. I decided that I wanted to get in something where I didn't get shot at if I had to get recalled and I had done one tour as a forward observer, so military intelligence sounded like something more suited to lawyers or others who had combat experience. About the time that I put in an application for transfer, Homer and Sam Womack were both called to active duty and that left the unit without any officers. The unit called for three officers and three noncommissioned officers and that was it - a full complement. So, because Molton Pierce, who was in charge of the regular Army and military reserve detachment here in Lakeland, if he didn't have an officer he would have lost the unit. So, he was very helpful in getting me processed and I became the commanding officer of the unit. Then there were a couple of others that I sort of recruited, Joe Fuller who was a native Lakelander, his father, Warren Fuller, who ran one of the phosphate companies, IMC, for many, many years. Then there was Dr. Henry Fuller who was Warren's brother and one of the original founders of Watson Clinic

and another brother, Randal Fuller, who was a General in the Army. It was a very old Polk County family who had some very successful people in it, significant people. Joe was an officer and then Lawton Chiles came. So, the three of us for a number of years were in the 414th. I say a number of years; probably we were there up until Lawton was elected to the House of Representatives in the Florida Legislature. I would think that that would be somewhere in the late 50s - I can't recall the exact date.

M: Now when you were with him in the reserve unit, was that after he had been to Korea or before?

B: It was after he had been to Korea and had come back and he stayed in the reserve.

M: That would have been 1954?

B: Probably. I could get the date. It was within that range.

M: In that area?

B: Yes, in that area, and we would go to summer camp together. We went to Ft. Bragg - Ft. McPherson I guess, the intelligence area for two weeks active duty. We had projects to do. One summer we went to intelligence school in Washington one summer for a short two-week strategic intelligence school. Lawton was probably in the unit with me three or four years. We met weekly. Every week we had a meeting and then we had two weeks active duty. So, that was something in a smaller unit. We had three officers and three enlisted men. We got to know each other pretty well and worked closely together. Lawton and I lived in the same neighborhood together and we became pretty close personal friends during this period of time and did social things together.

M: Did you ever meet his parents?

B: Yes, I did. I never knew them well. I knew of them. His father was a retired railroad man, a conductor on the Atlantic Coastline Railroad. His mother, I believe she might have been a schoolteacher at one time, but I am not sure. I didn't grow up knowing his parents. So, I knew his sister who was at that time married to Joe Ruthven. There were just the two children. He had the one sister. She had a cerebral hemorrhage or maybe a stroke or an aneurysm, I don't know for sure, but she died of some cardiovascular problem.

M: Early on?

B: Well, probably 25 years ago. So, it has been a long time ago. She was a couple of years older than Lawton as I recall.

M: Now he lived at that time, where in relation to you?

B: Well, when I first knew Lawton he lived out on Cleveland Heights and then he moved south of Edgewood Drive and east of Florida Avenue. I could go to the house but I can't remember the street name. It was a small house. After a couple of years, by that time Lawton was practicing law in Lakeland and I had contact with him, since we were both lawyers and from time to time we would be involved in representing clients that had business transactions. I don't think I ever had a lawsuit with Lawton. Lawton did more

and more trial work and then he got into politics and sort of abandoned the law. Lawton moved on Cambridge Avenue. He had a house up there about a block or so down on Cambridge. I say Cambridge, it was Coventry. I'm sorry. I live on Fairmount.

M: Near Juanita and Jim Black's house.

B: That's right. They were in the block south between Edgewood Drive south and Lake Hollingsworth to the north. Juanita and Jim Black lived half way up on the east side of Coventry in the south block and Lawton in the north block on the west side of the street, a couple of houses down from Easton Drive. They lived in that house for a number of years and then remodeled it. Then later they sold it and bought the house right across from the Lakeland Yacht and Country Club. It is under construction now. They are adding a new story to it.

M: That is the one that is now under construction.

B: Actually, they are putting in a driveway so that the fellow who has it can put his motorcycles into the garage. I am told this by Greg who parks cars down at the Yacht Club. He said that driveway there is for the motorcycles.

M: I go by there every day and I just look up there and wonder.

B: I used to know the name of the people that Lawton and Rhea bought the house from. They lived there up until the time he was elected to the United State Senate. When he went to the Senate, by that time they had acquired a place in Holmes Beach down by Bradenton, either Holmes Beach or Anna Maria. I get this mixed up.

M: Sure, they are mixed together.

B: Gulf Place, I think that was the name of it, and Wilbur Boyd developed that. He never really lived in Lakeland again after that. That would have been in the early 70s that they moved from Lakeland, though he still maintained Lakeland as his official residence in Florida. His mother had a home here; I don't know what street number. He sold that house, but he would also say in the Senate, at least until the very last, that he was a Lakeland - this was his base. He always had his headquarters in Lakeland.

M: So, Mr. Charles, Charles Canady, when he was managing Lawton's campaign and also his staff, was he located here in Lakeland.

B: Yes, Charlie Canady, I think he may have been a principal of a school. He was in the public school system. I am not sure, but I think he was a principal, but he was a schoolteacher. He had come to work for Lawton and helped him with his campaign and when Lawton got elected, he asked Charlie to be an administrator and he immediately became his administrative assistant and went to Washington with him. Later they developed, I don't know quite when, they developed the idea that, many do now, I understand, and had the basic administrative headquarters for the senator's office in Florida with the administrative assistant being there instead of in Washington, which was not commonly done. Charlie would go back and forth, but he spent more time in Lakeland than he did in Washington.

M: If you can walk me back a little bit more, do you remember when Lawton decided to

run for the state house and the circumstances there? Do you know him?

B: Oh yeah. We talked about

M: Did he talk to you about politics before?

B: Yeah.

M: Before he ever decided to run?

B: Yeah.

M: What were some of the things that you remember talking to him about politically?

B: He would talk about how he had grown up in Lakeland back when Munn Park was the center of all campaigns and all the statewide campaigns. I don't think Lawton could remember, but William Jennings Bryant once came and talked in Munn Park.

M: Yeah, I don't think he could remember that.

B: But he did, I recall him. Lawton had a very good memory of all the campaigns that transpired in Polk County when he was a little boy. He would go down to the park as a little boy. He recounted this to me. His love of politics was almost innate. We would talk about the interests that he had and that he wanted to get into politics. This was something that he just kept wanting to learn. He decided, against my advice, we were pretty good friends then, that he should run for the House of Representatives and he should run against Roy Searles. Roy Searles was a very established legislator who had a good deal of influence. He understood the system and he was thought by most of the folks to be very, very formidable. And here, Lawton, who had no political experience at all, but he organized. Lawton was active in the Jaycees. I never was an active Jaycee, but Lawton was. He used the Jaycee contacts and he organized the first campaign, and it was the last campaign that I got out and put out flyers around the newspapers. We had the entire district and that involved a good bit of the county. We had a picture of Lawton and folded it around the newspaper. When you opened the paper, it said, good morning, please vote for Lawton Chiles. I think it said, please vote, hopefully for Lawton Chiles, but please vote. We circulated the county. Before that, of course, Lawton and Rhea had walked through the county and they shook hands and asked everybody that they could possibly find to vote for him. So, Lawton was well known by the time of the election and Roy Searles, who had a lot more money, and as I remember, had the newspapers' support. Lawton, well he was thought of as someone who probably would not been the incumbent.

M: How many years was Searles in, do you know? And were there any other people thinking about running against him at that time?

B: I don't remember. Roy Searles, he had been basically, the phosphate industry was, of course, very interested in what was happening in politics then, and the phosphate industry was a strong supporter of Roy Searles. Roy was a good legislator, but Roy and Chesterfield, whom I know. At that time Roy and Chesterfield were spending most of the legislative sessions, of course they were every other year then, biannual sessions, and Roy was one of the people that Chesterfield would rely on. Chesterfield and I were not

partners then, but we had arguments about Lawton. Chesterfield probably would remember this differently now, but Roy was someone he could rely upon. Chesterfield was a lobbyist for the industry and Roy, he could count on his influence, and Roy had been there for three or four terms, and seniority was quite important then. Roy was that bridge between the old absolute pork chopper and the new breed, but Roy was basically a business-interest representative, more so than Lawton ever was.

M: Was there, do you remember Walter Manley, Sr.?

B: Oh yeah. I knew Walter quite well. He was in law school with me.

M: Yes, I was going to ask about that.

B: He got out a few years ahead of me. He was a good friend of mine. He was controversial but I always liked Walter.

M: I never knew him, of course, but I know his son, Junior. Walter Jr. talks about his father nearly running that time and I think that they, he and Lawton agreed, and just Lawton would run instead of him. That is just my kind of input from talking with Walter Jr.

B: That is consistent. I had forgotten that.

M: So, do you remember, is there anything you would like to say about Walter's father, Walter Manley.

B: I knew him in college. He was a little bit older. I think he graduated probably about the time I entered law school. He was very bright and he was one of these - he loved to play pool, somebody always to go have a beer with. He never studied and made excellent grades. When he came back to Lakeland he worked for a year or two with a judge, he wasn't a judge, a county judge, I guess or a JP, the two Oxfords, H.E. Oxford and Ron Oxford, and they had a practice that catered to the Afro-American community, to a lot of the rural areas. People were comfortable coming to the Oxfords and Judge H. E. Oxford was a very good lawyer. He did everything. It was reputed that they were involved in the local rackets at the time. I had a lot of real estate transactions and other matters with Judge Oxford. Of course, he was a lot older, but I would always go down to his office. I liked him and we got along. He was a fine human being; very honorable in all the dealings I had with him. Walter was working there. I don't think he worked more than a year or two years at the most there. Then, Walter branched out and opened his own office. The Judge Oxford did a lot of divorce work, domestic relations and adoptions, custody type things. Walter soon became the most prominent divorce attorney within the county. He represented people for various misdemeanors and, I guess, felonies too. He did fairly well financially. He was an investor. I remember he talked to me several times about investing in some property down in the Lake Okeechobee area. I probably should have done it. Walter was controversial, but I found him to be a bright and pleasant person.

M: Now, I think we probably ought to try to go back to Lawton. He was practicing at that time when he was running for office. He was practicing with. . .

B: George Carr and Billy Ellsworth. Carr, Chiles and Ellsworth was the name of the

firm.

M: And their office was where?

B: The office originally was in the basement of the old Thelma Hotel. It had been a Kibler Hotel. It was my grandfather's hotel. I can show you a post card of that hotel.

M: Juanita Black told me that your family had some interest in that hotel.

B: It was the Kibler. It was owned by my grandfather and his twin brother and he sold it to an H. B. Carter in about 1919 or 1920. Carter named it for one of his daughter's, Thelma. So, it went from the Kibler to the Thelma. This postcard is when it was the Kibler, and right down here, the front of it, the corner of Kentucky and Orange.

M: This would be close to Lake Morton.

B: No, this is the corner - right across the street is the Arcade Building. It is the corner of Lemon, the northeast quadrant of the intersection of Lemon and Kentucky Ave. That would be north that way and that way is down towards Lake Mirror. On the other side of the street is the Regency and then the New Florida Hotel. There were some steps that went down to sort of a sub-basement. There was a restaurant in there at one time, a tearoom. During World War II they had a USO place, I think. Any way, it was unoccupied, and this was right before the hotel was torn down. I don't remember the year it was torn down. The Watson Clinic expanded from the Arcade across the street and then there was an annex built on the hotel, which was on the north there. They moved from the Arcade, they stayed in the Arcade but had 10 or 12 doctors in the annex until they built their clinic out there. Then, Holland and Knight, we moved some of our offices there until we built the building we are in now.

M: Now, his two law partners, Ellsworth and Carr.

B: George Carr.

M: Were they well known to you at the time?

B: Yeah, yeah. I knew George Carr, he became a federal judge. He had a malignant brain tumor and died 20 some years ago. Billy Ellsworth is still in the community. He had some problem with his children. There was a lawsuit that was big, big headlines. There was a dispute between his daughters and, I guess, maybe his two sons and a daughter. I don't know his children, but I know that the paper was full of it. He left the business there and I don't know if he sold it then or what, but there was a big, big ugly lawsuit about it. Any, Billy.

M: The law firm?

B: No, no. This is something that currently happened in the last year. The paper was full of it. Billy Ellsworth was bright. He went to NYU - to tax school. He was a legitimate tax lawyer. He was the one that had the original contract with Red Lobster and Darden, when they first started, and he went out and found a couple of sites, had leases with Lawton and, I guess, George to. I know that because Lawton often credited him and said that that gave him financial security that he would not have otherwise had, that Billy

Ellsworth did through his investments. They had several of these leases through Red Lobster.

M: Now, did he continue to practice with the Legislature not being a full-time job?

B: Lawton continued to practice until he went into the United States Senate, but he was consumed with Florida politics and he did not really, running and planning. He did some trial work. They merged with another group, it was Bentley, Miller and Sinder; Tommy Miller, the city attorney, Ed Bentley who built Polk Federal, I think, right across from the Polk Theatre. A lawyer bought the building. It was originally Polk Federal's downtown office. With that firm, there were six of them there, Bentley, Miller, Sinder, Carr, Chiles and Ellsworth. They combined all of the names. That was done, I think, just in the late 60s. Then, when Lawton went into the Senate, he withdrew from the firm. They didn't keep his name, I don't think. He had no law firm association after he went into the Senate. He was a practicing lawyer all during the time he was in the state legislature.

M: So, who would you say, during those years, would have been his closest associates or friends outside of the legislature, here in Lakeland? Besides, obviously, Carr and Ellsworth.

B: He developed a relationship with Wilbur Boyd and, I would say, Wilbur became his closest friend of all the people.

M: Did he meet Wilbur in the legislature?

B: Wilbur was a member of the legislature when Lawton was first elected, that would have been the late 50s or middle 50s. Lawton did two or three terms in the house and then a couple of terms in the Senate. So, I would guess he was there 12-14 years in the state legislature and senate before he ran for United States Senate. Probably in the first or second term he was there in the house, he and Wilbur met and they became very close friends. This was a period of great change in the Florida Legislature. Lawton was part of that group that made these changes. They went to an annual session, had a professional staff and they really upgraded the quality of the legislature, although I personally think that sometimes more legislature is bad and less is good. You couldn't argue with the fact that they had a very good legislature then. There were a lot of reforms needed. The lobbyists were the wrong sense of the word. Lobbyists operated differently then than they do now. Lobbyists are a resource now and most of the lobbyists now, as you well know, provide a really distinct service - they try to influence. But, back then, more lobbyists than not would try to buy votes or do favors and things which were just really to get preference, didn't have much to do with the merits. Most of the good lobbyists now try to present the merits. The change that took place was really Lawton and his group who, I think, were really responsible for the change in the legislature. The state changed. You have to keep having new people that will do good. And with, I can't remember his name.

M: Fred Schultz from Jacksonville?

B: Yeah, Fred Schultz, the Speaker of the House, he was part of that group, and he ran, I guess.

M: How do you spell that?

B: S-c-h-u-l-t-z.

M: He wouldn't be kin to, no; that was Sholtz, that's a different name.

B: No, that is Dave Sholtz. He was the first Jewish Governor of Florida.

M: He never admitted it. He did not want people to know that.
So, he is in the legislature. What are some of the issues that came up during the legislature for people in Lakeland that he would have had to deal with? What were some of the issues that the people in Lakeland were really interested in and wanted someone like Congressman Chiles to work on? Would he have, obviously agriculture and citrus, but were there others?

B: Phosphate. Phosphate and citrus, of course, are still important, but they were dominant in the Polk economy. Of course, tourism was also important, but the biggest probably employer then and the one that made the greatest contribution, well I won't say the greatest contribution to the economy, probably was citrus. Citrus did not provide skilled and semi-skilled jobs which were much above the wage scales of other employment. The phosphate industry always had much higher paid employees. Lawton was certainly a strong supporter of the basic industries of Polk County and he was an effective legislator. The specific issues that went through, this was during a period of time that the severance tax was certainly debated and fought. The original severance tax was, Lawton was probably out of the legislature and in the United States Senate when the severance tax was passed. I think probably 1974 was about the time the severance tax was passed. Lawton, as I saw, was a strong supporter of the phosphate industry. He was always an environmentalist. He would fight them on things, but the basic industry could count on him. It was rare that any Polk legislator would not support a basic industry of the county, it was too important. They wouldn't bow on everything he wanted, but Lawton, I can't remember, but I think Lawton probably always supported that ultimately he saw the inevitability of the severance tax, but at the same time, Lawton kept the industry from having imposed upon it, unfair severance tax. Some of them that were originally suggested would have been punitive and unfair.

M: Would he have associated with the big operators? Who were the big operators in the late 50s and early 60s in the phosphate industry?
Which were the big companies.

B: IMC, though names change. I guess it is still IMC Phosphate, but back then it was International Minerals and Chemicals. That was one of the large ones. You had Mobile Corporation, like Mobile Oil Company. Continental Oil Company was a big one; American Agricultural was bought by Continental. Swift and Company, which later became Estech. Armour was one.

M: That is interesting that meatpacking companies were in that.

B: Armour and Swift. Then, U.S. Steel bought, I think they bought Armour. There was, of course, Occidental. They were never in this area, but they were part of the phosphate industry; they came in the early 60s. There were many problems Lawton would have been involved in in the 60s. The phosphate industry always has had feast or famine. They had overproduction and one time they talked to the state about having a quota

system for phosphate similar to what they have in Canada. They called it the Phosphate Conservation Act and the prices had gone down so and it became apparent that this was a way of controlling production and, of course, individual companies couldn't do it and antitrust laws prohibited it, but in Canada, to conserve the resource and boost the economy, they took over control of the industry, that is the amount of production that was allowable. That was talked about here. It was very controversial, and some of the phosphate companies supported such and others were vehemently opposed to it. Lawton was caught up in that and it turned out on two different occasions that the phosphate conservation act, maybe not both times, but the last time, it probably would have passed as it had the backing of the governor, who I think was Reuben Askew at the time, and the legislature was going along with it, and then phosphate rock prices went back up and everybody lost interest in it, but it was an interesting time.

M: Now, I remember when we had Reubin Askew here about four years ago he mentioned that and kind of winked at Mr. Hooks out in the audience. I think they may have been through some of those battles. . . .

B: Homer Hooks was the President of the Phosphate Council.

M: Yes, I think they had been around the block on that issue. They were kind of talking about that a little bit.

B: We were, during that period of time, Chesterfield was a general counsel to the Phosphate Council, which was the name of the trade organization, and then when he moved to Miami in 1970, I guess, or early 70s, he resigned as the lawyer for the phosphate council and I succeeded him. I was the counsel for them then until three or four years ago. When I became 70, I believe I stepped down, maybe a little after that. Time runs by, but I think that is about right. Maybe when I was 75, I quit.

M: You have had a long day, I know. You have been back and forth from St. Pete. We can probably wrap this session up, but I would like to meet next week.