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**Citrus Oral History Project
Globalization Research Center
University of South Florida**

Interview with: Joe Davis, Jr.
Interviewed by: William Mansfield
Location: Avon Park, Florida
Date: June 29, 2005
Transcribed by: Wm. Mansfield
Edited by: Wm. Mansfield

[Tape 1, Side A.]

Bill Mansfield: I always put a label on the disc by saying, This is Bill Mansfield, with the University of South Florida's Globalization Research Center, talking with Mr. Joe Davis, Jr. on June 29, 2005 here in his offices in Avon Park, Florida. And Mr. Davis, we always get people to start out by having them state their name and telling us when they were born and where they were born. So let her go.

Joe Davis: Joe L. Davis, Jr. Born in Avon Park, Florida on January 7, 1951.

Mansfield: Okay. Now tell me about your education.

Davis: I have a Bachelor's of Science [degree] in business administration from the University of Florida, with a major in accounting. And I have a law degree, a juris doctor from the University of Florida Law School.

Mansfield: And tell me about how you got into the citrus industry.

Davis: Grandfather Davis was a—ah—almost a first generation Floridian. He was actually born in the south of Georgia in 1890. But my Grandfather Davis was a row cropper in Hardee County, Florida and his father, my great-grandfather, moved into Hardee County, shortly after the turn of the century and homesteaded a tract of land in Hardee County.

My father was not in citrus. He was born in 1923 and his dad was a truck farmer, as they were often called in this area. At that time their cash crop was strawberries, in Hardee County. But my dad bought his first orange grove, a half interest in a twenty acre orange grove, in mid 1950's. After being with Woolworth & Company, as a store manager, and my mother—she was from east Tennessee—she ran a lunchroom or a lunch counter for Woolworth. They met in Alabama, moved to Florida where my Dad was from. Back to Wauchula, Florida. He was born in the next county, over to the west.

After selling insurance and automobiles, he got into the real estate business, (on a percentage basis) at a time when real estate started doing very well in Florida. He started buying orange groves as investments and [basically] because he liked it. From his first twenty-acre grove, our family now has twenty five hundred acres of oranges.

Mansfield: That's a lot of oranges.

Davis: Well, we're not a large grower, but we are kind of a medium sized grower, in Florida. Not small. Not large.

Mansfield: I know there are some folks who have more oranges. But we always get people to describe their current occupation.

Davis: My current occupation is a manager of citrus properties and a manager of other real estate investments, in four counties in central Florida: Highlands, which is where we are now, Hardee, where my dad was born. Polk and De Soto. And that's where our orange groves are. That is also where our ranch and rental properties are. So, I'm an owner-investor-manager of family business, whose primary agricultural product is citrus, but also active in the real estate brokerage business and real estate investors and well as citrus owners and managers.

Mansfield: From what I can understand citrus and real estate management are real closely intertwined these days in Florida.

Davis: That's right.

Mansfield: Because of the pressure on a lot of citrus growers to sell [out]. But you work with Citrus World too?

Davis: Yes, I'm chairman of Citrus World, which is not a salaried position, or in any way a full time position. We meet about twenty times a year. Citrus World, whose brand and operating name is *Florida Natural Growers*. That's their primary brand and it is also our division, who's name we normally take, because, frankly, consumers relate to it better than our technical corporate name of Citrus World. That company is a marketing cooperative, essentially a co-op of co-ops. It's a marketing cooperative, which sells orange, and grapefruit juice as well as other juices, in all fifty states of the United States and in dozens of countries around the world; under the Florida's Natural brand, the Grower's Pride Brand, the Donald Duck Brand and other brands.

We consist of—ah—grower cooperatives who—ah—place our fruit into Citrus World, into Florida's Natural Growers to be processed and marketed. We're the marketing cooperative for twelve grower cooperatives. I'm president of one of those grower's cooperatives. [I] was elected to the board representing that grower cooperative and then the board choose me as chairman, basically.

Mansfield: Okay. Well describe a grower's cooperative, because the researcher listening to this, or reading the transcript, fifty years from now, might not know what that is.

Davis: Most growers in Florida are not cooperatives. There are twelve thousand individual citrus growers in Florida (and that number includes grapefruit, tangerines and oranges), but orange growers—which is what you're interested in—there might be nine or ten thousand orange growers in Florida. Most of those orange growers in Florida are either large growers, who deal directly with a processing plant or they are small growers who sell their fruit to what's called "bird doggers," intermediate handlers who then pool or group small growers fruit and deal with a processor.

But a third possibility is for groups of small or medium sized growers to go together in a cooperative fashion and then to jointly supply their fruit to a processor and that's what this arrangement is. A coop is basically an association. It's set up legally very similar to a corporation, but it is not a corporation. It's a special kind of legal entity that's kind of like a partnership and it's kind of like a corporation. It's kind of like homeowners' association, where you pool your resources, to some extent, and operate with a board of directors and officers. You do certain defined functions. If you organize that properly and comply with the IRS rules and other rules on that, you don't pay but one level of taxation. Basically everything gets passed through to the individual members. But there are groups of growers who organize as co ops who then collectively supply their fruit to processors.

So, Florida Natural Growers-Citrus World is a marketing cooperative of individual, individual growers' cooperatives. So, there are twelve growers cooperative but they, in turn, represent more than a thousand individual growers and approximately sixty thousand acres of citrus groves.

Mansfield: Am I remembering it correctly, somebody said, that Citrus World was started by the eliminations of fruit that couldn't go for fresh fruit?

Davis: Your memory is exactly right. Citrus World was started by a group of packinghouses and those packinghouses were themselves organized as cooperatives. In other words, you've got a hundred individual growers, they take their fruit to the packinghouse. The packinghouse is organized legally as a cooperative, such as Hunt Brothers Cooperative, or Haines City Citrus Growers Cooperative, or Dundee Citrus Growers Cooperative, [or Waverly Citrus Growers' Cooperative]. And some of those names may be familiar to you or you may have interviewed people from them.

Those were packing houses who were organized as cooperatives and their primary function was to source fruit, from individual growers, for fresh. But back in the 1930's, before concentrate, before not from concentrate, the only juice product was canned single strength juice, like you might get in a bar in the Soviet Union, or some were. At that time most of the industry was fresh [fruit]. But [between 20%, and 40% of the crop couldn't

be sold as fresh fruit]. [It was a] relatively small percentage of the crop that couldn't go fresh [because of blemishes or it was a huge crop and more than could be marketed. You needed to do something with those eliminations. So, these packing houses banded together and built a single strength juice processing plant in Lake Wales, at the current location of the where the Citrus World plant is now [located].

Do you know where that plant is?

Mansfield: I believe I've driven past it.

Davis: If you came across on Highway 60, did you? From Tampa?

Mansfield: No I went I-4 to Lakeland and then south to [Highway] 60 East.

Davis: Okay, if look at a map, when you get back; if you take Highway 27 and Highway 60, the Citrus World processing facility is on the northeast corner of the intersection of [Highway] 60 and [highway] 27. And that's where it has been since the 30's.

But it was originally a single strength plant, where you put massive amounts of temperature in there and you cooked it real good. And you put it in a tin can, in a big tin can, unless you were selling to a lounge, then you put it in a small tin can. So it was formed for that purpose, but when frozen concentrate was invited, during World War II, and the concentrate market expanded in the 1950's. Then when not from concentrate was perfected by Mr. [? Rossi?] over at Tropicana and that product became the product that was most desired by consumers. So we've gone through several different evolutions, but Citrus World does date back to 1932, or 1933. I'll fail their test if I don't remember that. I'm almost certain it was 1933 and it was, as you say, originally to do single strength juice for packinghouses. Most of our members, you might be interested to know still have their packinghouse origins. In fact Haines City Citrus Growers Association, Waverly, Dundee, Hunt Brothers, Peace River –most of our twelve members—not may group—we have nothing to do with packinghouses, but most of our origins come from these packinghouse origins.

Mansfield: It strikes me as funny that it started out [as] fresh fruit and now orange juice is really the most important product of the orange industry.

Davis: It is, true. But remember now that the Citrus World group itself never handled fresh. Okay? It was handling the eliminations of the fresh packinghouses, who were its members, which was a single strength orange and grapefruit. And grapefruit juice was very big then, larger than orange juice.

Mansfield: Well the main question I've been asking everybody in this project is about the protective tariff that keeps Brazilian juice from flooding the market here in Florida. So tell me your understanding of the Free Trade Area of the Americas, FTAA and the effort to remove the tariff.

Davis: Our position, as an industry, is basically that we're not against free trade and we're not against globalization. Because we understand that in general terms, for many products, free trade and globalization is the way the world is moving and the removal of trade barriers is the way the world is moving. In the case of citrus though, it is our belief that you have a situation in orange juice, processed orange juice, where Florida and Brazil have 90% of the world's processed orange juice market and distribution system, that it makes no sense for one competitor to be eliminated. Which would basically leave a monopoly with the Brazilians. So, we believe that the goals of free trade and globalization, which are increased competition and lower prices for consumers would not be met. In fact they would be diminished, if we lost our protective tariff on Brazilian orange juice. Said another way, we view our protective tariff with Brazil as a tool that keeps the second largest producer in the world competitive with the first. And there are only two players, of any size in the world orange juice market Brazil basically has 50%. We have between 35% and 40%.

Mansfield: What is that people have told me, about the Citrus Tariff Oversight Committee?

Davis: Yes.

Mansfield: Now you've—

Davis: I'm on that committee, yes.

Mansfield: Tell me about that committee.

Davis: That committee was formed a couple of years ago, when the —ah—President received trade promotion authority to negotiate trade agreements. And when the President began focusing on the Free Trade of the Americas. So that committee was formed and money was collected from growers who contributed voluntarily. And by the way, contributed well over a million dollars, voluntarily, to get our message out on the free trade debate, [that includes] both the Free Trade of the Americas and the WTO [World Trade Organization] negotiations. We believe, in the citrus business, that the WTO is the proper place to talk about orange juice tariffs, and don't favor the Free Trade of the Americas as the first place to talk about it.

Our position, basically, as an industry is that we didn't want to be anti free trade, anti globalization and anti FTAA with a head quarters in Miami. We didn't want to just be [against everything]. We wanted to try and support as much as we could of the President's big picture global agenda. But be very firm on the position that on the particular case of orange juice (unlike sugar, unlike corn) unlike almost every other product you can think about, there are really only two players. Brazil is the world's largest and low cost producer of orange juice. The end points of free trade should be more competition and lower prices for consumers. We feel that we need the tool of a protective tariff with Brazil to level the playing field and basically to insure that there is one additional competitor in the world orange juice market with Brazil. In that regard, as citrus growers, we've supported the Caribbean Basin Initiative, which brings juice from the Caribbean Basin countries into the United States tariff free. We're currently supporting the Central American Free Trade Agreement, which is the one that brings

[what orange juice produced in] El Salvador and Nicaragua, Guatemala and Puerto Rico into this country tariff free.

And while we negotiated very hard on NAFTA, we did in the end, support NAFTA, with the concessions we got—to allow Mexico to bring their orange juice [into the county]. So we have tried to be for free trade and not anti-competition; but we honestly believe it would be no good for the Brazilians to put us out of business and have a monopoly in the world orange juice market.

Mansfield: Tell me about the details of your work with the Citrus Tariff oversight Committee. When did you join that?

Davis: I didn't go back and look up the date, but recollection is that we formed that committee in early 2003. My guess would be January, February or March of 2003. The Free Trade of the Americas conference—and I'm not using the right word when I say conference, or summit meeting. But the big regional meeting was in Miami, and if my recollection is right, November of 2003.

So we wanted to get our message and outreach campaign and our strategists and all of our—we were going to get the Florida orange juice industry as united as possible. Give direction and shape and a consistent message to that effort and ask growers to voluntarily contribute to that, so we'd be prepared to go to Miami and represent our position. We'd follow up after that—do you remember the word that was used? It wasn't a summit meeting, it wasn't a conference. They have a name for those regional meetings. Do you remember the name of the one in Miami? It's called a —I've got a file that large in there. I can't think.

It was the next big regional meeting at which they hoped to accomplish specific things as trade negotiators. I went to Miami and stayed down there for three days, as did most members of our group. We, you know, talked with the press and talked with other groups. The message we carried was basically the message I just outlined. We're not anti free trade or anti globalization, but in the case of orange juice, we didn't think it made sense. Our protective tariff was a tool to insure that we'd remain competitive with the Brazilians.

Mansfield: I've heard some people say that this was for fair trade.

Davis: That's another terminology for the same thing.

Mansfield: How were you chosen to be on the Citrus Tariff Oversight Committee?

Davis: That group was chosen by the leadership of Florida Citrus Mutual and the leadership of the Florida Citrus Commission. And I was not in the room when they did the choosing. The Florida Citrus Mutual, as you probably know by now, is organized as a cooperative as well. But it is basically is a voluntary association of growers who elect representatives to a board that is active in citrus industry politics and citrus industry market information and other citrus industry matters. Anything from taxes to water issues to regulatory issues.

On the other hand the Citrus Commission—ah—are the board of directors that oversee the Florida Department of Citrus. The Florida Department of Citrus is an agency of the state of Florida, goes back to the 1930's. The twelve lay people, who serve as the board of directors for that state agency, are appointed by the government and confirmed by the [state] senate.

I've never been on the Florida Citrus Commission but my dad has served several times on the Florida Citrus Commission. The Florida Citrus Commission and Florida Citrus Mutual, were jointly working on the issue of retaining the tariff as essential to the survival of the Florida citrus industry. With Florida Citrus Mutual taking the lead, because the Florida Citrus Commission, which over sees the Florida Depart of Citrus—their primary statutory role is marketing.

Their primary role is marketing and they are able to collect mandatory assessments from growers; taxes. They raise that money and they spend it mostly on marketing. On the other hand, they're permitted to get involved in industry issues that effect the well being of the Florida growers. Those two organizations choose, or nominated a list of people to serve on this committee and this committee supervised the effort to retain the tariff.

Mansfield: But I was talking to George Austin and he was telling me that when the committee first got together, he said there were different strategies, different ideas about how best to address the tariff. So tell me about—tell me what you recollect about that.

Davis: Well, there were. There were different strategies. The strategy that was decided upon, after quite a bit of debate, was is the strategy I basically described to you. And the Citrus Industry's position was that we would not be anti-globalization or anti-free trade, per se. That we would recognize the general benefits of free trade and globalization but make the strongest case in the particular instance of processed global orange juice business it made no competitive sense.

Mansfield: Well what were some of the strategies that didn't work? What were some other suggestions for strategies that weren't accepted?

Davis: You know it was at least considered that, or talked about, that there be more of a broad brush debate on the benefits of free trade, or globalization, but in the end that was rejected.

Mansfield: When you said "broad brush debate" on globalization and free trade, could you be more specific?

Davis: Well, I mean I think there are individuals, individuals who are very resistant to the whole concept of globalization. But—uh—we decided collectively, and I think it was the right decision that the citrus industry would not attack the general goals of globalization.

Mansfield: Like you said, take a more "positive approach?"

Davis: Yes.

Mansfield: Who were—I'm trying to get a [better idea of the process]—who were the people that supporting this more "broad brush" approach?

Davis: I wouldn't get into the details of particular people, but the committee came out with a pretty unified approach.

Mansfield: I'm interested in the process—somebody said making policy is a lot like making sausage, you don't want to know how it happens.

Davis: That's right.

Mansfield: And I think future scholars, historians and political scientist would be interested—

Davis: I was never one that believed that the citrus industry could or should deem itself to think that with resources at our disposal, which are rather limited, that should attempt to mount some broad scale attack on the possible dangers of globalization. So it was not my thought. But, you know, I would just have to let other people speak for themselves.

Mansfield: Okay.

Davis: And I'm saying too, that there may have been no one on our committee that really believed, down deep in their heart, but different options and approaches were certainly discussed in confidence, you know.

But that was not—I honestly can not remember any member of the committee who, after it was discussed and talked about, that, that would be a very wise approach. To simply be perceived as a group who wanted to educate the world on the general dangers of globalization, because there are obviously huge benefits in reducing trade barriers. In the general concept, you take lots of industries—well I don't talk about the—I don't want to step on anybody's toes. So I want talk about the textile business in North Carolina or South Carolina.

In our view, you do have to look at these things on a case by case basis. And getting back to two of the general tenets of what free trade and globalization should accomplish would be: lower prices for consumers and more competition. And in those industries which you can end up with much lower prices for consumers and much

increased competition, those industries need to make their own case of why you should not remove—ah barriers.

Mansfield: Okay. So the Citrus Tariff Oversight Committee decides just to address the particulars of the citrus tariff. So how do you feel that has [worked]? Has that been effective?

Davis: We really feel like we took the right position and we think it's been very well received. I don't have a list of all the editorials from—I do remember that we were delighted, right in the midst of this, when we got a wonderful editorial from the main paper in Palm Beach. Now I don't even remember its [name]. Is it the *Palm Beach Courier*? Whatever it is—bit any way, in other words we got very positive, “ringing” editorials from many of the urban news papers in Florida, that have very little citrus in their county. And frankly [tend to be free trading newspapers with] a lot of international residents and have a lot of international business in their counties.

I think that most people felt that—some of the other things that we talked about were that there are eight hundred thousand acres of citrus in Florida. That citrus provides oxygen. That citrus provides wildlife quarters [habitat]. That citrus provides aquifer recharge areas. And Florida is a very rapidly urbanizing growing state. You probably know that we've been number-one in the country for job creation the last three years, even ahead of Texas and California. Our population grows by hundreds of people every day, net-net.

So, the areas where citrus grows, if we lost that area to the state—I know you've heard these numbers, nine billion dollars in impact to the Florida economy. Ninety thousand jobs. We had all of those numbers, obviously part of our approach. Of course realizing that every industry that wants you to make an exception of them has similar economic numbers. But in the case of Florida, the eight hundred thousand acres of green space and oxygen producing trees—unlike maybe a row crop you are actually talking about orchards, trees—Okay? The benefits that [those trees] provide to Florida from an environmental perspective, was another one of the [arguments that we used]. And it was another thing that, I think, was fairly well received in the urban areas.

Mansfield: Tell me about how the Citrus Oversight Committee, the steps that you all took to get this message out. Who did you approach? How did you move up the decision chain?

Davis: Well, you know, we had legislators—I mean the people—the group of people, the twenty, or so (I don't remember the exact number, but there were eighteen or twenty of us on the committee). And I would say that when the leadership of Florida Citrus Mutual and the leadership of the Florida Citrus Commission chose those people, one of the things they were looking for was people who had been somewhat active in political circles and somewhat active in organizations. Any thing from the chamber of commerce to—like in my case, I'm the former chairman of the Southwest Florida Water Management Board.

That's the agency that includes Tampa, where you live now. Hillsborough County? The sixteen counties in southwestern Florida, the people who regulate and help provide water (there are many different groups involved) but the regulators in water use for the sixteen county area, well 'm the former chairman of the Southwest Water Management District. I've been involved in water politics and environmental politics and also involved in just pure politics. Politics. For years we've been active at the state and federal levels. My dad is a former chairman of the Florida Citrus Commission. So they were people who knew folks who were decision-makers and policy makers and in assembling the CTOC, they] thought that we could get the message out.

We did hire a strategist. Uh—we did hire a Washington law firm that helped us with strategy. They consulted with the group of us and helped us refine our strategy and then when the strategy was decided upon they, you know, they helped carry our message to individual members of congress.

Frankly, our Florida delegation, we try to stay in pretty close touch with our Florida delegation, the Adam Putnams, the Katherine Harises, the Jim Davises. We know them and are involved with them in their campaigns and they are accessible.

But the Washington strategists could help us carry our message, which we thought was a very good, very solid message to other federal representatives and senators and members of the administration, who were involved in trade policy.

Mansfield: Well, from what you've told me, when they put together the Citrus Tariff Oversight Committee, they looked for people with political experience and—

Davis: Business or public policy experience, like, you know, the [?swift mud?] thing with me, the water management district. That's politics but it's really more public policy and being involved with other groups, I would say is perhaps one of the reasons they chose me.

Mansfield: I think of politics as being public policy—

Davis: Well that's right, politics is. Politics to some people is a dirty word, but it shouldn't be. Politics means that people can vote. And—

Mansfield: We won't talk about the dark seamy side of politics. That makes me grit my teeth and clench my fists.

Davis: [laughs] Well, I will tell you though, just so you'll know, when we're talking about Washington strategists, lobbyists and so forth, none of this money that we raised in the industry as a part of this group, went into political [election] campaigns. I'd just like to make that clear.

Now, Florida Citrus Mutual, which after all is a—uh—grower organization that does get involved in politics. They have a political action committee, separately from that growers on this issue and many, many other issues, you know, contribute to their PAC, either contribute directly to politicians or contribute to Florida Citrus Mutual's political action committee. But this money that we're talking about here, in this effort, there were no [election] donations. No hard or soft money [for election] involved. It was basically to educate and carry the message of why the Florida citrus industry and why the Florida citrus growers were worthy of special consideration in the trade debate.

Mansfield: Somebody said the Washington group that is helping you all. Gump is the name that sticks [in my mind].

Davis: Well, the law firm is named Aiken & Gump. That's just a big law firm. If you go look that up, they've got a web site. It's one of the large influential law firms in Washington that gets involved in political strategy and lobbying.

Mansfield: So what information did they give you all about how to change your strategy, adjust your strategy, to accomplish your goals?

Davis: Well—we—you know, the goal was that we would make a case of why we were entitled to special consideration and why a protective tariff, which was essentially a tool to insure competition, not eliminate competition was necessary.

You know, we talked with them about that, but they didn't come up with the strategy. I think really many of us growers had been through the Caribbean Basin discussion. Which was under President Reagan, to help the Caribbean Islands. Citrus and many other products were allowed to come in here tariff free, years ago, back in a much different era. We have a little competition from that area. There are some oranges grown down there and there are some oranges that come in.

Then the NAFTA debate was obviously a big debate, because Mexico is the third or fourth largest citrus producer in the world, after Brazil, the United State and then either Spain, or Mexico—I'd have to look it up. And they obviously have a lot of inexpensive land and a lot of inexpensive labor. Okay? And they are closer to this country than Brazil, obviously. So we had been through this debate, as an industry, before. Trade agreements. Globalization, free trade. What should our position be? And most of the people that were chosen remembered the NAFTA debate, which happened under President Clinton. Again we negotiated long and hard in NAFTA, but ultimately came around to supporting the agreement, with certain protections.

Frankly, I think we growers would have ended up with more or less the same position. The Washington strategists helped us refine the message a little bit and then were able to help us carry our message to certain people in Washington that are easier for

them to communicate with than we are. I mean, think about it, you communicate not only with congressmen and senators, but the US Trade Representatives, office and those people, the Department of Commerce and those people and the White House administration it's self. Not so much George Bush, obviously but all the people there who know no more about orange juice, or the situations than you did, until you [started this project]. So for all they know oranges are grown in fifty countries in the world and there are fifty counties that produce—I mean really.

I think most people intuitively know that, but I don't think they realize, frankly, that the Brazilian [orange juice]—which is basically controlled by four companies (it's really a cartel) are the largest low cost producer in the world. Their processing and distribution capacity is basically controlled by just four entities.

So, it's a—the dumping issues. One thing I brought and I guess I left it in the other office [are] the results of the latest anti-dumping situation with the Brazilians. Has somebody given you that?

Mansfield: No, the last thing I'd read is that it was still in court.

Davis: Well, if you're interested and I know you're doing an oral history. But I've got a copy of the opinion of the International Trade Commission. They do a preliminary finding and then they assess damages and do a final finding. The preliminary result was unanimous, that it appeared that the Brazilians had illegally dumped orange juice and on NFC [Not From Concentrate], and you're getting pretty sophisticated in this.

Do you know the difference between FCOJ and NFC?

Mansfield: Frozen concentrate orange juice and not from concentrate.

Davis: Right, not from concentrate—real tricky on that one.

The vote was 6—0 on the preliminary dumping on FCOJ [Frozen Concentrate Orange Juice]. That happened just this last fall. And we've had these cases before, obviously, but this—And then on NFC [Not From Concentrate] the evidence is not as

strong. It was 3—3 tie, on the preliminary vote of the commission. But in that case when you get a tie, you still proceed to the final investigation. You don't have to—

So anyway I don't know if you wanted me to copy that and ship it to you? But I would if you wanted me to.

Mansfield: That would be a good thing.

Davis: It has some wonderful information in it, background. All of this stuff and it actually has the opinion of the International Trade Commission. But, anyway, you know, all of those government agencies involved in trade policies, were people that our Washington strategists could [carry our message to and communicate with]. And it is just difficult for a group of Florida growers, to go back and forth and get [to] every office that you need to get into. We can do a pretty good job with the Florida delegation, obviously, but—ah—

Mansfield: It sounds like [the Washington law firm] just knew the territory and knew who to talk to up there and saved you all a lot of trouble in that respect.

Davis: Exactly right. I can honestly say that they did not come up with this message in Washington and bring it down here and sell it to us. The folks that were on this committee, again, we'd been through the Caribbean Basin debate. We'd been through the NAFTA debate. We'd been through anti-dumping actions against the Brazilians, before.

We also pretty much know the general tendencies of the world trade and the way things are going. [We knew] that we would have to have a strong case to be able to make a case of how we should be entitled to special consideration. And we feel like we've been pretty successful.

Mansfield: Okay.

Davis: These things are not over, it's not like a foot ball game. There'll be continued discussions on the Free Trade of Americas. There'll be continued discussions at the World Trade Organization.

The latest thing that's really come up in the last month (I'm sure someone has updated you on) is that we actually took a position in support of the Central [American] Free Trade Agreement. Which includes citrus and obviously there is a limited amount of citrus there, but that has increased competition for us and the Brazilians. All of those countries do grow some citrus. And the sugar industry was not particularly happy with citrus' position on that, I might say.

Did you read any of that? Just any of the "back and forth" on that?

Mansfield: I've read about the CAFTA [Central American Free Trade Agreement] agreements and how they were proceeding, but there was still—that US Sugar were the ones that were objecting to that. The smaller Central American countries that did produce orange juice were supporting keeping the protective tariff in place. They could already bring their orange juice—ah—oranges into the United States, for free, no tariff and if Brazil—

Davis: Well, actually all of these countries couldn't. But your point is probably accurate. Obviously the sugar people in Florida and Louisiana, and other states would be more effected than citrus [interests] on this particular agreement. But actually, these countries could not bring all of their orange juice into here, free and they could under this agreement. But it wouldn't be a liberalization of the amount of orange juice they could [import]. But they are not major orange juice producers. They are not major orange juice producers.

Mansfield: They don't pose the threat that Brazil does.

Davis: Obviously, no.

Mansfield: So moving to another subject, there is that lawsuit against the Florida Department of Citrus. So tell me about your perception of that.

Davis: My perception of it—‘cause I’m not directly involved—well I’m an attorney, though I don’t practice—

[End Tape 1, Side A. Begin Tape 1, Side B.]

Davis: — law. I never have practiced law, but Constitutional law is just a funny thing. You don’t ever know. The Lower Courts had not given much credence to the “government speech argument,” which basically is that, “When the government is speaking every taxpayer doesn’t have to agree with the message.” For example, when the Florida Tourism Department promotes tourism in Florida, I’m sure there are individuals in Florida who would be glad if another tourist never came here.

Mansfield: [laughs]

Davis: But when the state of Florida’s economic development posture is to promote growth and tourism, some of your taxes may go into that effort, because it’s government speech. That’s basically what the Supreme Court decided in beef case. That the US Department of Agriculture, who is collecting an assessment from all beef producers, and doing marketing campaigns, such as “Beef, it’s what’s for dinner.”

While some individual beef producers said that they didn’t want their taxes used in that campaign, they thought it was ineffective, or that the importers weren’t paying their fair share—some argument against [the add campaign]. The government was doing the speaking and therefore, as government individuals didn’t necessarily the First Amendment right to object to it.

That Argument was argued at the fist two courts here in Florida, but the first two courts didn’t buy the argument. They didn’t say that our situation here in Florida falls under the government speech exception to your First Amendment rights. But the

Supreme Court's language, in the beef case, was so broad and so closely analogous. Of course that was the USDA and beef producers. This is the Florida Department of Citrus, an agency of the State of Florida, created by the legislature, and orange growers. So [the two cases] are obviously not identical but the analogy is so strong that I think most everybody you talk to would agree that the position of the Florida Department of Citrus has changed over night. It looked like they were 80% going to lose that case. Now it looks like 90% that they are going to win it.

Even if there are certain large substantial growers who say that they don't want to have taxes levied against them any more to run generic advertising campaigns that they say aren't as effective as they used to be; when Anita Bryant was singing about the virtues of Florida orange juice. We've lost the equalization tax against importers. We used to be able to level a tax on importers of juice, so that, that juice was taxed too. That law was struck down a few years ago under a different agreement, under restraint of trade argument; not under a First Amendment argument, a completely different case.

In any case, as a lawyer, it looks now to me that the Department of Florida Citrus is going to, 90% to 10% going to prevail in that action.

Mansfield: As a citrus grower, or as a citrus person, how would you assess the Department of Florida Citrus in their assistance, or hindrance, to the Florida citrus program?

Davis: We've been supporters. You know, I will say my Dad served many times. [He] was appointed by two different governors and has been the chairman two or three or four different times. He's not now, but we've been supporters.

You know—ah—the effectiveness of [the Florida Department of Citrus] is probably not as great as it was at one time, when Florida was the largest producer of orange juice in the world and when virtually all orange juice came from Florida. So when orange juice sales increased—Excuse me.

[Interview interrupted by the arrival of Mr. Davis' father and a friend.]

Mansfield: (Let me get this thing going again.) Okay, so you all feel that the Florida Department of Citrus has done an effective job?

Davis: Yes. We feel like it has done an effective job. Is it as effective as it used to be, when there was no Brazil? See, [Brazil doesn't] pay their share of the taxes. See you have a free rider issue for the imports

Also, in the supper market, in your national—think about everything. Think about it at the advertising level. There used to be three major [television] net works. For advertising on TV you basically covered everybody that had a TV set. Most of the people who could afford to buy orange juice had a TV set. Today, what's the three major net works share of the TV audience?

Mansfield: Not very much.

Davis: You've got dispersion, you also have more competition and you have a cost of advertising that has escalated dramatically. We're getting the same, or less (much less in inflation adjusted dollars) for our orange juice than we did thirty years ago, twenty years ago, if you adjust for inflation. But the cost of advertising has gone up dramatically more than inflation. In other words, what I'm saying is that our dollars don't buy as much bang for the buck as they used to. There is a lot more competition, in everything from blended product to carbonated beverages to waters and water blends. There is more competition. Thirdly, we're not the world's largest producer any more. And to a certain extent, we're selling orange juice, other than Florida orange juice.

So for all of those reasons the model that worked fantastically [thirty years ago, doesn't work in the same way today]. We had an economic assessment done and the return on every dollar invested in the Department of Citrus's marketing in the 1960's [we got ten dollars back].

Now don't hold me to those figures. There is a published study—have you seen it?

Mansfield: I have.

Davis: You can get that from the Department of Florida Citrus. They would send it to you.

But we hired an economist from Texas A & M to come in and evaluate it. Thirty years ago their projected returns were something like for every dollar spent, we got ten dollars back, in increased revenues. Today—and you can't ever do it up to the last minute—but the more recent numbers we down to maybe one dollar gives you three dollars back.

And some people would question that. Some people would say it's getting less and less every year, because of the issues I just told you. Because really the dollars you spend today give you dollars going forward for a period of years. What you're measuring today was money that was probably spent two or three years ago. So is it as good as an economic investment, these taxes that go for marketing as they used to be? No, it's not as good an investment as it used to be, but we remain supporters of the program in general.

Mansfield: Well, in your work with Citrus World, Florida's Natural, how reliant are they on imported juice from Brazil?

Davis: Well, we don't import any, not from concentrate, which is our primary product. Our primary brand is Florida's Natural, the one on the [business] card [I gave you]. That is roughly two-thirds of our sales and none of that product is imported.

Mansfield: So you all aren't—

Davis: We don't import any of that. All of that is Florida orange juice and a little bit of—since you asked the question—California orange juice. On the west coast we blend Florida orange juice and California orange juice, putting mostly Florida [juice] but we do blend a little bit of California juice, on the west coast, because of the transportation costs.

On concentrate, we do import a small amount of Brazilian [juice]. Blend it with Florida [juice]. Our concentrate brands, which are—Donald Duck, would be the one you might recognize. There is not much sold in a little can in the freezer section any more.

But we do import a small amount of Brazilian for single strength and canned juice sales and for concentrate sales. But it's not very much.

Of course it is dependent upon the years. Some years, we don't import any at all. But if we have a short crop and we're short of product we will import a small amount of Brazilian or Mexican.

Mansfield: I ask that because the processors, many of the orange juice processors in Florida, I believe about half of them, are now owned by Brazilian interests.

Davis: That's right. Of the four huge companies in Brazil that basically control the process and distribution system down there, Cutrale, Citrusuco, Citrovita and Dryfuss, three of the four are here. Three of the four are in Florida.

Mansfield: And people have said that to maintain a standard level of production the processors have to get juice from somewhere, so if there is a bad year in Florida, or as the year moves around, they will bring Brazilian juice in. So I was curious about the processor's position on the tariff. Would that be different from the growers?

Davis: In the case of Florida's Natural, no. Because our board, are the grower members. [laughs] So some of the other processors, which are owned by Brazilian interests—you know, it's kind of interesting. They may be conflicted to some extent, but none of them actively resisted the effort [at lobbying] that I described to you. For example, the voluntary contribution system, that we utilize, a kind of a check off system, was collected by the processors.

In other words, it was a check off system that we set up, with their cooperation and the growers checked off and the processor actually cut the check to our Citrus Tariff Oversight Committee. And every processor, including [those owed by the Brazilians] cooperated. It didn't cost them any money, but theoretically they could have stood upon their first amendment rights and not even collected and remit it.

Mansfield: Explain that system to me again. I thought I understood it but I'm not sure that I do. The processors check off the assessment—uh—?

Davis: The funding for the effort to preserve the tariff, which was administered by the Citrus Tariff Oversight Committee (this group chosen by the Mutual and the Florida Citrus Commission). We requested that all the processors in the state of Florida, upon being receiving a written request by the grower, that they would withhold from the growers check and remit to our committees account the amount to fund that effort. The processors cooperated in that. They wanted a written piece of paper. We standardized it. Gave it to every grower in the state of Florida and asked him to check over it. "Yes you may take out one and a half cent per box out of my fruit checks and remit it to" So we gave them written authorization to do that and all processors cooperated. All!

Mansfield: Why would they go through the processors rather than the individual growers?

Davis: It's easier. Processors are more organized than individual growers, who like any agriculturist are a famously unorganized group. The other thing is that there are several other assessments that are collected that way. The regular dues for Florida Citrus Mutual are collected that way. And we have research taxes that every Florida citrus grower pays that are collected that way. The Florida Department of Citrus per box assessment for advertising is collected that way. Harvesting is normally paid for that way.

Actually, poor growers, poor us. But if you were to see it, there is a long list of deductions. You have a gross check and there is a whole line item deductions. That's the way it was set up and frankly, at least it is less checks and bookkeeping for growers. There was a history and practice of a lot of other things being collected that way. We thought that would be the easiest way to collect it and in fact it was. If the processors had refused to collect it we would have had an issue, but they didn't.

Mansfield: Well I guess that's where the money changes hands so it's easier to collect it there.

Davis: What they basically do, just so you'll know, as processors they have hundreds of growers. And then they'll write one check per month, presenting all of that. So you don't have a thousand checks a month on every load of fruit. What they would do would be to send their money in one a month. That's easier than a hundred growers writing a check every week.

Mansfield: I appreciate you explaining that to me.

Davis: But I think that answers your question. Your question was, "did the processors strongly resist, or have a completely different view?" I can't read their heart of hearts but they cooperated in the effort.

Mansfield: Why was there a need to create a separate entity, the Citrus Tariff Oversight Committee, when you had Florida Citrus Mutual and the Department of Florida Citrus?

Davis: We wanted to make sure that the growers would be comfortable, that the money wasn't intermingled or used for anything else. We just felt that this was the way to do it.

Mansfield: I'm trying to think of what it was. Wasn't it an Ad Hoc committee?

Davis: The committee was Ad Hoc, yes but there is a name for the type of organization and the type of forms you have to [file] and that's an area of the law I don't know much about. But we basically segregated the money and kept it in a special account to make sure that it wasn't spent for other uses. We just felt that people would feel better about that.

Mansfield: It was Mr. Austin who said that something about the fact that—

Davis: George would know because he was our chairman. I was just a guy that went to the meetings and talked about policy issues. But he was actually involved in signing checks and everything, so I'm sure he would know better than I [would].

Mansfield: And in the committee meetings, once they agreed on the initial message, how would you describe [a usual] meeting? Were they hotly debated meetings?

Davis: We certainly had some issues that were hotly debated. They were private meetings. We're not public officials, in Florida we have a very extensive public records law. I don't know if you've read anything about, or that or at familiar with that at all.

Mansfield: The Sunshine law?

Davis: Yes, and I don't know if North Carolina's is that active, but in Florida, if you're an elected or appointed official in Florida, with governmental status, everything is open [to public scrutiny], your E-mails—there are a few exceptions, for like pending litigation, but it is basically very open.

But our group was a private group, even though they purportedly represented the citrus industry as a whole. Our meetings were closed and it was debated in private. You know we had lots of good discussion on lots of issues. Every thing from funding and assessment levels to how we'd collect. A few people that wouldn't want to participate, to exact strategy and fine tuning strategy. Which groups would we most closely ally with? How would we reach out to other organizations or countries that might be perceived as natural allies. Those were debated, but it was good discussion.

Mansfield: Well, I hope you won't take this question the wrong way, but the political scientist of the future would be interested in knowing why you would want to keep the doors closed on the meetings?

Davis: Because, like any industry there are differences of opinion and just like a private corporation's board meetings are closed. There were no government funds, no tax payer funds. All the contributions were voluntary. If you had a large grower or a small grower that didn't want to contribute, they didn't have to contribute. We just decided that thrashing out the policies and the tactics would be better done in private.

But, you can debate that. Surely, there were a couple of people in the industry that thought our meeting should have been public. Frankly, [there were] a few individuals that thought since they were contributing money they should have a right to come. But we decided not [to open the meetings] and in the end a lot of people understand that there are some things that are better discussed privately. [And once we arrived at a position] we always made our positions public.

Mansfield: Well I think there is efficiency and an economy to a private discussion.

Davis: Oh yes. Once you have a public meeting, everybody that shows up, one or forty, needs to be heard out. So you're right, there is an economy in that.

Mansfield: A friend of mine said democracies are not efficient.

Davis: Oh absolutely. That's why we don't have true democracy. We have a representative democracy. And that's what this really was. Even though it wasn't true democracy, in that there was never even a vote for the people who served. They were appointed. But in the end we decided they would be private meetings but with public announcements of our positions.

Mansfield: I've been asking you questions for about the past hour, or so. Is there anything you want to comment on that I haven't asked about?

Davis: I don't think so. I'm sitting here thinking. Obviously, there are some bullet points that I always like to get across on this. We've talked about economic impact. We've talked about environmental impact. We've talked about processors. We talked about growers. We talked about Florida Citrus Mutual. We've talked about our position. I really think I've—ah—

Just the one little small thing that I didn't mentioned is that—and it does not give you a legal entitlement to special consideration. But one of the other things that citrus growers mention, when they talk about special consideration and the free

trade/globalization debate is that the Florida citrus growers tax themselves (you've probably heard this one before) at a relatively high rate for a commodity. About fifteen to twenty cents per box, a box being ninety pounds. If you trace that back to what net returns are than can be can be your whole net return sometimes, fifteen to twenty cents a box, net-net.

[They have] taxed themselves since the 1930's through this state agency. The United States market, per capita, is far away, the highest consumer of citrus juices in the world.

Mansfield: This [country—the US] is the market.

Davis: This is the market. The European market is growing, but on a per capita basis it is not near what our market is. So [the Florida growers] have sort of bought and paid for this market.

That's not to say that you can't find another industry, the watch industry and others, where a country or group of people didn't do a lot and then have someone come in at a lower cost and replicate it. I'm not saying we're totally unique, but we taxed ourselves for a long hard way to create this market.

We do allow imports in, but there is one other thing I might mention. Are you aware, under the draw back position, that even when you bring imports in and pay the tariff, if a like amount of product is exported, within three years, you basically get your tariff back. Has anybody ever talked to you about that?

Mansfield: Allan Morris. I interviewed him and he tried to explain it to me.

Davis: It's a little complicated, but just try to think about it like this. You have big crops and little crops, up and downs. If you import FCOJ and pay the tariff and then you re-export an equivalent amount, within a certain period of time (and I believe it is three years) you get a rebate of 90% to 99% of the tariff paid back.

You can say, "*Joe, they still paid the tariff.*" But my point is you import in short crop years when you need it. But if you run into a situation where another market

(Europe, of Canada, or other countries) need it at a later time and you export and create a market in another period of time you do get a rebate of the tariff back.

I can't think of anything else Bill.

Mansfield: Okay. The one question I close with is, tell me what you think the future holds for Florida citrus?

Davis: It's tough. I wouldn't tell you otherwise. There is a lot of competition for our land. The canker issue is really front and center and those hurricanes really hurt us in spreading the canker around.

You know they have canker in Brazil as well, but they don't have hurricanes. Just when it looked like we getting a pretty good handle on it we had those three hurricanes last year, from two different directions. So it is tough. We've got to work real hard and we've probably got have a little better luck going forward than what we've had the last few years. But it's a wonderful product. It's environmentally sound product. It creates a lot of jobs and it creates an attractive life style. It's worth doing and making feasible as long as we can possibly do it here. But, you know, there is a lot of competition for land. It's tough. I wouldn't tell you otherwise.

Mansfield: Okay—

Davis: You do know—one other point—we grow more tonnage per acre, in Florida than anywhere else in the world. Were you aware of that? Our climate—if it is too tropical the trees never go dormant and they bloom, and bloom and bloom, like they do in Brazil. If it is too cold, the cold kills the trees. You've got to have a semi-tropical climate like we have, with the cold enough winter to make the trees go dormant. That gives us not only the—

I'm not just making this up, it's true. We have the highest quality juice oranges in the world. Not the pretties for fresh, we're just tropical enough to have blemishes on the peel. But we have the highest quality juice oranges in terms of natural brix, that's

naturally occurring sugar. We grow more tons per acre of orange juice than anywhere else in the world.

Now, Brazil has cheaper land, cheaper labor, doesn't have the environmental regulations issues and etc. So it's not completely a forced situation that this happens to be the one spot on earth where you can grow more juice per acre than anywhere else in the world and the highest naturally occurring quality.

Mansfield: That's what everybody has told me. I know you're not making it up.

Davis: Well, you'd think that maybe every producer says that. But it is scientifically true in Florida.

Mansfield: You've got the geography and the climatology on your side.

Davis: Everything, that's right.

Mansfield: You've brought up something that makes me want to ask one more question. Have you got time for me to put another disc in and ask just one more?

Davis: Oh sure.

[pause as discs are changed]

Mansfield: This is Disc #2 of Bill Mansfield's inter view with Mr. Joe Davis, Jr. on June 29, 2005 in Avon Park.

And the question I want to ask you is, you've talked about the environmental advantages of orange [groves] and that got me thinking about environmentalist. I've heard orange growers [who] have different opinions of environmentalist.

The question I have is, when you got the Citrus Tariff Oversight Committee together, who were the people you looked to ally with to maintain the tariff? I ask that because people told me environmentalist became good allies in this.

Davis: Yes. I think because of the environmental benefits that orange groves provide the environmental community was a natural ally. I consider myself an environmentalist though, not in the same way that might consider themselves environmentalists.

Orange groves, the natural functions of the trees provide a lot of oxygen to the atmosphere and are natural filters. Many of the groves are planted on some of the best drained land in Florida, so they provide natural aquifer recharge areas. They provide wildlife corridors. For example, wild turkeys love, absolutely love to be in orange groves and eat weed seed and bugs. I hardly ever go to our groves in De Soto and Hardee counties when I don't see one, or sometime as many as three or four groups of wild turkeys. They love to come up and eat the weed and grass seed and dine on the bugs that come to that fertilizer grass in the groves. You know, when you fertilize the orange trees you fertilize the some weeds too.

So, you know, that contrasted with mobile home parks or wall to wall houses, is just something the environmental community would love for a substantial part of Florida to stay in citrus just as long as it is possibly feasible.

Mansfield: Well, who are some other people that you allied with?

Davis: We have natural allies in terms of our employees and suppliers. We talked about a nine billion-dollar impact on the Florida economy. We talked about ninety thousand jobs. Not all of those people work in processing facilities. That'd be tractor dealerships, fertilizer companies—ah—

Other natural allies would be every country in the world that grows citrus, except Brazil. Because we trade with some extend and would encourage production from every other part of the world. Like I said, at Citrus World we take some juice from Mexico. Any country except the largest producer in the world, with a huge cost advantage would be a natural ally.

The chambers of commerce have generally been very supportive. I think generally appreciated our position of not just trying to bash globalization, and free trade in general. But be cognizant of the general benefits of free trade and the general position that if we

are going to have an FTAA that Miami would be a great place to have it. But just make a strong case as possible for the exception of citrus and why it should be exceptional.

I'd have to say I don't know of—I can't think of anybody that lives in Florida, I really can't [that would support maintaining the tariff].

You brought up the obvious one, the Brazilian owned processors. Why wouldn't they be against you, even though they process your oranges? Even they were not against us. Basically everybody we asked, that we took the facts to [supported our position].

I'm sure our strategists told us what we wanted to hear. But their message back to us, was that all of our allies, politically and in the business community received our message very well. They just thought the orange juice business was a no loose business in the sense that sometimes people do support a business that do create a lot of problems; environmentally or otherwise. You know what I'm saying? We could talk about tobacco and the problems that it causes. We could talk about sugar and the problems with processed sugar, in term of obesity and in terms the fact that most of the sugar in Florida is grown in or on the edge of the Everglades.

A lot of the manufacturing industries that some one might want to protect, iron or steel, or something cause a lot of air pollution problems. There are no particular negatives [with citrus] that we have to confront and fight.

That doesn't mean we're perfect. We didn't have anybody that we asked for help [turn us down]. I'm not saying that everybody dropped what they were doing and went and helped us. But the editorial writers, from across the state, even in the urban areas we never got a negative editorial.

Mansfield: Do you see any adversaries? We've talked about the allies and that covers a large group. But other than Brazil, [who are your adversaries]?

Davis: The Brazilians, obviously. When all agricultural commodities, soy beans, beef sugar—go right down the list—would like to have completely tariff free world. I would say that there academics—and—ah—thinkers who are so completely for globalization and free trade that they would make no exceptions, regardless of the facts. And I'm not going to point out any individuals, but I am sure there are some academic thinkers that

are so convinced of the advantages of free trade and globalization that think there should be absolutely no exceptions, regardless of facts or actually lessening competition and creating monopolies. We would argue that any monopoly that you have, ultimately turns out to the disadvantage to the consumers. It may lower prices in the short term, until the competitors are dispensed with. But in the long term, most monopolists, with no effective competition would maximize their profits.

Mansfield: They could do what ever they wanted.

What about the real estate industry? You'd be a good person to tell me about this, since you work in real estate. I have heard that the pressure on orange growers to sell their lands for development is increasing.

Davis: It is, but I don't think the real estate industry—Theoretically if the Brazilians put their minds to it and ramped up production and planted more and took a very predatory approach, they could put us out of business in short order. (Just hold the price down long enough until we go out of business, then bring it back up to what ever you wanted it to.) I don't think the real estate people necessarily want a flood of property all on the market at one time.

You, know, when the price gets high enough in the right location, people will make economic decisions. And when a price in a given location that badly needs a shopping center, or up scale housing development, or what ever, gets to ten times what it is worth for agricultural purposes, some people are going to take that option.

And I think the development industry in Florida has been strong enough that they have not—I don't think that they would want all of Florida citrus to go out of business all at one time.

I don't think that they would be some one who is against our position. Florida real estate developers, per se, are not people that we [sought to help]. Chambers of Commerce, yes. The Florida Chamber of Commerce endorsed our position precisely. Basically they picked up our argument and the president of the quoted us. But the building industry, per se, I'm not aware that we asked the Florida Home Builders Association for an endorsement. But I don't believe they would be against our position.

Frankly, they would probably be neutral. It might make some additional land available at a less expensive price, but on the other hand in a county like this county, we're in Highlands County, which is beginning to develop some. We've got about eighty thousand acres of citrus here. If we lost the tariff in a flash and eighty thousand acres of citrus were let go and everybody sought to develop it all at one time, you might flood the market with projects and that might not be good for developers. To have too much available land all rushed into something at one time it certainly wouldn't be good for their existing projects.

Mansfield: Well, I'm sure I'll think of something else to ask later on, but let me thank you for taking the time to talk with me. And also remind you that the information you have shared with me will be deposited in the Special Collections of the University of South Florida library to be available for research. In order for scholars to have access to this information, I have to ask you to sign a release form.

Davis: Okay.

Mansfield: Also, I've been taking everybody's picture. Would you mind if I took your?

Davis: No. I don't know why you would want to take my picture, but if you want to take it that's fine.

Mansfield: Okay. Let me shut this off.

[End of interview]