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Peter Klingman: Good afternoon. I'm Peter Klingman, the director of the University of South Florida's Oral History Program. My guest today is a gentleman who has been involved in Tampa for a very long period of time. We're going to be talking about his very special experiences and expertise with county government, and charter review, in particular, and the whole process and history of it. My guest is, in fact, John Lawson, who has served in the capacity as the attorney for the charter review boards for a great number of years. John, it's a pleasure to have you here.

John Lawson: Peter, it's a pleasure to be here.

PK: We're going to have a conversation, because you and I have worked together in a charter review board in my past, and you certainly have been a good friend to me for a goodly number of years since I've come to Tampa. I appreciate the opportunity to let others experience what you know about this whole issue, because it is an issue which seemingly has never gone away in Hillsborough County. As we sit here on June 23 of the year 2000, there is another charter review board in session. So the history of it, I think, is really a significant one.

When did you first get interested and involved in charter reviews?

JL: I first got involved with county government from the inside part, that is to say proposing county government and working on changes relating to county government as such in 1965 or 1966. At that time, my interest was strictly that of an attorney serving a client, the specific client in question being a body known, I think, something like the Tampa-Hillsborough County Consolidation Home Rule Commission, a creature of the

state legislature and our Florida constitutional amendments specifically applicable to Hillsborough County.

PK: Okay. Who, John? Who was interested, and how did it start in the 1960s?

JL: In the early 1960s, the various leaders of the community, which was a mix of people in the chamber of commerce, people in the trades, the labor unions, the government and so forth, became aware of the fact that Hillsborough County was growing. All you had to do was look in a world almanac to figure that out. But that as it grew, it was growing under a governmental form that was really put together back in England hundreds of years before for a much different type of governmental structure, and a much different type of geography, and a much different collection of people and business.

In addition, Hillsborough County had the city of Tampa, and for various political reasons, the city of Tampa was not going to itself be able to grow. People in Temple Terrace weren't going to be willing to be annexed. People in the rural areas weren't going to be willing to be annexed. Plant City had its persona, its identification, and it didn't want anything to happen. Therefore, a group got together in the early sixties [1960s] to start studying that, and the legislature became interested and created a commission, and the commission came up with the idea that what was needed was a constitutional amendment to let Hillsborough County have a change that would permit it to consolidate its government and go to a strong mayor.

PK: A couple of big words you just used: one, annexation; the other, consolidation. Let's take those two things apart.

JL: All right.

PK: Tampa, you've indicated, wasn't going to be able to annex Temple Terrace, Plant City, [or] the rural areas. What was the problem of resistance? Why did those folks in other areas not want to be annexed into the city of Tampa?

JL: A cynic would say one thing: higher taxes. A fairer way to phrase it would be a fear of higher taxes. And higher taxes would be necessary, but higher taxes would be necessary because there would be more services. These services were going to be viewed from a mixed point of view. The services of more streets, more water and sewer, more police were of no interest to the agricultural interest, and by the same token, essential to people building residential communities. There was a natural opposition and a natural favoritism.

But the opposition was so great, the city of Tampa wasn't ever going to be able to expand, in any significant way, its boundaries. Therefore, there were going to be large areas of the county that would not really have a practical way of receiving these services. The difference between a county sheriff patrol and a city patrol by policemen is quite a substantial thing. We're talking about the difference between a deputy car responding to a

call and a police car simply trawling around patrolling. Water and sewer, you can see the situation. It's the same with streets and so forth.

PK: In the 1960s, if annexation is already seen as having a practical limit 'cause it isn't going to happen, who, first, and why did anybody believe that consolidation would work? What was the point?

JL: The object of consolidation was to permit an expansion of the area that could receive those services, I suppose under kind of a sugar coating, because it would be, quote, "Tampa-Hillsborough County," not the "City of Tampa" alone. There had been a successful venture in that regard up in Jacksonville with Duval-Jacksonville—or Jacksonville-Duval, depending on how you want to say it. I think that there was a feeling that that might be something that could be politically sold. I think clearly it was something that the leaders felt needed to be sold if it could be.

PK: Who were the leaders, John?

JL: The most pronounced leaders out front on that—and there were a lot of people behind the scenes—but the ones who were most out front with it, who were the most progressive in their views on it, were Paul Danahy and Terrell Sessums.

PK: Hmm.

JL: I don't believe they were yet in the legislature. As you know, they both became subsequently very important legislators, both for the county and the region and the state.

PK: Sure. The law you described to me allowed—was aimed, if you will, at Hillsborough County. The legislature allowed this exercise to proceed by aiming a specific permissive piece of legislation at Hillsborough County.

JL: It was actually, from a political point of view, much more drastic even than that. It was a constitutional amendment. That is to say, it was a resolution adopted by both houses of the legislature, and not on a local courtesy basis. There was an up and down vote, an argument with people in Dade County saying this or that or the other thing about it, and people in Pensacola saying this or that or the other thing about it. It passed and went on the ballot, and passed in a general election statewide. This was not just the legislature getting together and passing some local bill. This was a statewide resolution adopted by the legislature, and then approved by the voters of the state of Florida.

PK: As I understand it, it's in the time frame where we're still operating under the state constitution in 1885.

JL: The 1885 constitution, which, for these purposes of local government—that is to say municipalities and cities—had not, frankly, undergone much significant change from the

model that had been brought over from England, two hundred years before, into the original thirteen colonies. It had not been brought into Florida, of course, because Florida really came by way of the Spanish territories. But once Florida came under the control of the United States government as a territory, this was impressed on it and ultimately emerged as the model.

PK: In the period in which this happens, which is the middle sixties [1960s], this law allowing the task force to proceed toward a charter for Hillsborough County government. Why you, John? How did you get to be a part of that process?

JL: The charter review commissioned—the charter review commission that was appointed to develop a charter under this constitutional amendment consisted of nine people, nine very intelligent people. I don't say that about all my clients, because not all of my clients are intelligent. These were. They were a very diverse group that was representative of the community, and a dedicated group. There was endeavoring to do the best that they could for the county.

The chairman of that group was a very prominent businessman, an extremely able and intelligent man named Currie Witt. He had a high personal and professional regard for one of my law partners, John Germany, a former circuit judge. He asked John Germany to represent the charter commission. My career has been primarily devoted to project type of work. That is to say, things that involve an intense amount of work and that span several different areas, rather than one given specialty or one type of case and that sort of thing. I became a natural to work with John Germany. That's how I came to be involved. He said, "Hey, Lawson, I've got this, and it looks like something that you and I both would enjoy. Would you enjoy it?" I said yeah.

PK: Okay. So you were no expert on the subject of charters when you first got involved?

JL: No.

PK: And became one, if you will?

JL: Yes, to put it modestly. (laughs)

PK: To put it modestly. All right, John. Who else was on that original charter, besides—?

JL: I'm not going to be able to remember them all offhand. There was an attorney that had a wide base, Ray Tamargo. There was an attorney, Dewey Villareal. There was a CPA, Harry Hobbs—I mean, Harry Hurst. I believe that we also had Jim Shimberg on there. And there was a very brilliant young physician from Temple Terrace on there, whose name I cannot recall now, who had just, a year or so prior to that, been designated as one of the ten or fifteen most promising young men in the United States by the Junior Chamber of Commerce, which was actually a rather significant thing at that time. This is back in the dark ages.

PK: (laughs) In the matter of their appointments, who appointed them?

JL: I believe that they were appointed by the legislative delegation, and that probably would account for the diversity and the quality of it, the delegation coming to a consensus on it, and that would eliminate logrolling and all that sort of thing.

PK: The point I want to clarify is that they were not appointed by the county commission, as charter members are today.

JL: No. The county government was not in favor of what we were doing, because of the natural turf territory. You're going to be straying into our entrenched territory and blah, blah, blah, and all the usual human motives.

PK: One of the things that, when you and I sat down for our preliminary conversation about this interview, we discussed is that it seems like over the years, there hasn't been much change in what those issues are as it relates to people advocating or people opposing changes in the charter that would make government more effective. But clearly, in this first establishment of the charter effort to create a different structure of government, consolidation, which is no longer—it doesn't seem to me, at least—struck with any great amount of viability, that was a prime motive behind creating all of this, wasn't it?

JL: Yes.

PK: I wanted to clarify that.

JL: It had been a success in its form in Jacksonville, and somewhere along the way, some of the people who had been studying the issue for Hillsborough County had been very taken with that type of program in Nashville-Davidson County, Tennessee.

PK: That's where I'm going, John. The logical thing would have been to say, Jacksonville-Duval County, Dade-Miami, should be the model for what we do. Yet, it wasn't. You talk about Nashville-Davidson being a model. How did all that happen, as far as you know?

JL: Well, now, Miami-Dade County was actually not a consolidation; it was just an additional layer of government. And at that time, there was a great deal of resentment of Miami in the rest of the state, and a great deal of disdain in Miami for the rest of the state. Their system—it'd be kind of the political kiss of death. They have it. Good. Let's don't do it.

I don't recall the particulars of why a look at Nashville-Davidson County instead of Duval-Jacksonville, because when I came on board, there had been a informal study, a

formal study, the appointment of a commission, a commission starting to write and suddenly realizing there were a lot of legal issues. They brought us on board to deal with the legal issues. My view was that they were paying me for legal advice, not philosophy. So I'd leave the policy for them, and I'd deal with the law. I didn't really pay a great deal of attention to why we weren't looking at those other places.

PK: Okay. That's fair. What were the legal issues you had to first wrestle with?

JL: The legal issues were that we had a constitution that dealt with local government on a rudimentary basis that had their roots in agricultural England. We had a system of constitutional officers that had been made legally sanctioned sacred cows. We could not touch the clerk of the circuit court, one of the major employers in Hillsborough County. We could not touch the sheriff's office. We could not touch the courts. We could not touch education. We could not touch taxes, tax collector, property appraiser, [and] supervisor of elections, just as illustrations. We had all kinds of state, general, and special laws that we had to either get repealed or to traipse around. There was a great deal of legal work to be done without getting down into the policy, although the policy was fairly simple: get all the power that we could into one government, and get it a strong leader. That was something that was easy to understand, and I didn't have to really worry about how they did that in Tennessee or in Jacksonville.

PK: You wrote the document that—

JL: Looked at the laws and wrote the document. I looked at the laws so that I could get around them or get rid of them, and wrote the document to achieve those two objectives.

PK: In achieving those objectives, you agreed or consented, or just simply ignored the whole issue of the constitutional officers that you just mentioned, the tax collector and so on.

JL: I could not do anything with them. I had to build around them. They were, as Currie Witt put it, seven—I think he called it seven chimneys. You can build any house you want, but it's got to have these seven chimneys, and it's got to have certain outhouses.

PK: (laughs)

JL: That starts getting challenging.

PK: In this day and age, charter review boards—certainly the one I served on in ninety [1990] that you were also the attorney for, in 1990—could or would make an argument that the constitutional officers would belong under the office of a county mayor, were that ever to have happened.

JL: That's correct.

PK: What's changed? Why would that argument be more valid in 1990 or the year 2000 than it was in 1965?

JL: For one thing, it's constitutional to abolish them now, and it wasn't then.

PK: Ah. Okay.

JL: We didn't have the constitutional power to abolish them. We were constitutionally mandated to preserve them. That makes a big difference.

PK: A huge difference.

JL: The reason it's difficult to abolish them now is their political clout.

PK: Exactly.

JL: The reason they were so legally entrenched in our day was the same thing, their political clout. It's just that they'd been able at that point, with their political clout, to even get it to be anything you could vote on, much less anything you could do anything about if you could vote on it.

PK: Does the current—I don't know the answer to this, John. Does the current constitution, state constitution in Florida, still specify those offices as county offices?

JL: They are county offices, but they may be consolidated with or abolished now, under the 1968 constitution.

PK: Okay. Good to know, 'cause we'll come back to the politics of the current environment with those offices. In that early stage, that's an important distinction, that you were legally not able to have transferred the power of those offices to a single consolidated government, if it had passed. Is that a fair statement?

JL: That is correct.

PK: In characterizing that first piece of legislation, you described it to me as an "awful legal document." And you wrote it?

JL: Right.

PK: Okay, so why did you write an awful legal document?

JL: Because I had to deal with all these fool laws and constitutional provisions. I didn't call them that in those days because there were—(laughs) their authors were still around, but that's what they were.

PK: How did the board, which had nine members in 1965 when you were drafting this first document effort at consolidation and a charter—how did the board participate back then? What did they do? Did they have regular meetings? Did they tell you what to write? How did it occur?

JL: They had gone through a long, lengthy study, not dissimilar from what you went through, with various officials coming up and telling them what great Americans they were and how indispensable their office was.

PK: (laughs)

JL: Others [were] coming up and telling you how dispensable these people were and what a rotten job they were doing. They'd gone through all that. They then moved through the various phases of government that they could do something about, and also a delineation of what they couldn't do anything about.

In other words, somebody might make a proposal. I suggest that we do the following with regard to elections. They would then talk about why they wanted to do it or didn't want to do it, and I'd just sit there and let them talk. If they decided to do something about it, they would take a vote. That would be: We want to do this. Then I'd take it back to the office and try and figure out some way of doing it. Then, ultimately, it and all the other things that were agreed upon were taken to a style and drafting committee that I worked with—very fine people, but I don't want to blame them for any of it. They simply kept insisting on getting it into as least legalese that we could and the most sensible that we could. We did that, but it was still a lousy legal document 'cause it had to deal with all that fool legislation.

PK: I guess, like a lot of things done by committee, it didn't have a consistent structure and sense to it.

JL: No, the committee was quite good in that regard.

PK: Okay.

JL: No, we did not—it was not a horse, by virtue of the skill of the committee, and particularly not by virtue of the skill of the drafter. It was these fool laws. It's one thing to cook up a giraffe out of thin air. It's another to have to wind up with a giraffe because you've got to fill the following space. That's where we were.

PK: Today, ten out of fourteen votes. I presume it's still the same in the year 2000 as it was in ninety [1990] in order to get something passed in permanent form. What was the situation in 1965? You only had nine members. Was it a simple majority or a super majority?

JL: Peter, I don't recall. My recollection—and I am not positive of this—my recollection was that it was a simple majority with an agreement that they would all endeavor to support whatever wound up.

PK: So this document, good or bad, notwithstanding the laws for the moment, when it's finally written and comes out of the charter task force commission, goes to the public. And?

JL: Got defeated roundly and soundly.

PK: Why?

JL: Well, of course you have a lot of people who are (inaudible). They were going to vote against it. There's a difference between a referendum and an election. The (inaudible) have a problem in an election. They've got to decide on one person or the other. In a referendum, they just pull the no ballot vote.

Then, you have two or three of the largest employers in the county. You've got the city. You've got the county. You've got the clerk of the circuit courts. You've got the sheriff. And the sheriff and clerk of circuit courts think, "If they do this to them, someday they can do it to me." The city and county are doing it, too.

Then we leave the city limits and get over to Plant City. Oho! We're getting ready to lose our identity and be made part of this mess over there? Give us a break. And then you've got the farm vote and so forth. Then you've got an awful legal document, unavoidably awful. The defeat was built in.

PK: John, back then in 1967, some of the bad stuff we're going to talk about on the county commission of the eighties [1980s] hadn't occurred, but was the perception of what commissions were capable or able to do, was that different in the middle sixties [1960s]?

JL: Until that point, the executive problems—I'm going to say till the late fifties [1950s]. The executive problems that the county commission was dealing with were the problems not really that distant from what was going on in rural England. When I was growing up in Tampa, outside of the city limits—well, not on the Interbay side, but other than that—was rural anyway. You have a rural form of government, and that's great, because what you've got is a rural area.

We didn't have government in the sunshine, which made it possible for the people of good intentions and the people of intelligence to meet in private and discuss. You see, government in the sunshine doesn't do anything but cripple the intelligent people. The crooks were going to meet in private anyway, and are still meeting in private. Not having government in the sunshine was wonderful, because then people could sit down and

discuss things and work it out in private, which was fine because it was a rural type of thing. And so, the temptations and the mechanism were—well, as I say, the temptations were not there, and the mechanism wasn't there.

PK: In the document when it comes out, you describe the idea of leadership as being beyond consolidation, the other very big issue that this was an issue of leadership in sixty-seven [1967]. Clearly, in all the charter review boards ever since, that's still been a major issue. The difference is that you were talking back then about one—not options as the law of Chapter 125 today allows. You were talking about one option: the production of a county mayor, an elected direct official. Am I correct in that?

JL: Yes.

PK: You did not have Chapter 125 permitting the three different forms that you can do today.

JL: Yes, that is correct. The portion of Chapter 125 that provides an automatic mechanism that requires a selection among three forms of government, that had not been written, but that was even written under the 1968 constitution. That would not—you couldn't have written that in 1965.

PK: That's where I want to go next. That is that, between your first charter, which didn't fail, and the second is the rewrite to a new state constitution in 1968. What difference did that make on this subject, if you can just kind of put it in historical perspective?

JL: The 1970 charter that was proposed was a much more streamlined document. That was because the 1968 constitution had done away with a lot of the, quote, "rural English inhibitions," close quote. Therefore, we could deal with more, and we could deal with it more succinctly, if you will. You may say, "Gee, if you can deal with more, it would take more words." Not necessarily. If you can get rid of all the legalese, you can say, "This county shall have all local governmental power under the Florida constitution." That just got rid of a part of Chapter 125 that goes on for a page and a half. That was true in a lot of other ways, too, but that's illustrative. The 1970 charter read well, and it read well because we had a good style and drafting committee that did work with their lawyer and make their lawyer get rid of all the legalese.

PK: There are a couple of other elements before 1970, but certainly after 1965, that dramatically changed the—I think of it as dramatic—changed the intent and the possibilities and the windows. Civil rights becomes an issue, does it not, by 1970, or no?

JL: Civil rights—federal civil rights laws were not a problem in 1970. There was a point at which an effort was made by one or two of the black members of the charter commission to do something to the school board. I forget what it was. I studied the issue and concluded that, while we could deal with most everything, we could not deal with the

school system, because the Florida constitution has a specific article on education, and it provides—the legislature shall provide for a uniform system of education.

PK: Right. And that didn't change.

JL: If we did something that would break the uniformity.

PK: The 1968 state constitution creates the opportunity for a cleaner charter document, creates the opportunity for inclusion of issues that had not been able to be there under the 1885 constitution.

JL: Correct.

PK: Did the seventy [1970] charter go before the public?

JL: Yes, it did.

PK: And?

JL: It was defeated. The vote was not nearly as resounding, although it was drubbed.
(laughs)

PK: Same reasons? Same players? Same people?

JL: Yes, and I suppose the reason that the charter did better in seventy [1970] was that it read better. It was more streamlined, and now we had more people who had come into a county that was already previously experiencing problems. So nothing could happen, but those problems would get worse.

PK: The same people were opposing it: constitutionals and so on, rural areas?

JL: Yes.

PK: Still talking about consolidation as a possible outcome from it?

JL: That's my recollection, Peter. I have been trying to recall that since you mentioned it at lunch, and I'm pretty sure that's correct.

PK: In the growth in population in the 1970s in Hillsborough County—and there was a lot, certainly not dramatic in terms of the downtown it would become in the 1980s in terms of growth, but certainly Hillsborough County is undergoing transformation into an urban county environment in the seventies [1970s]. You've got people who don't know the history, moving into a community from places where, I presume—at least that was my experience—where the form of government in Hillsborough County would have

struck a newcomer as sort of odd in some ways: the factionalism, the arguments, constitutional separations, and all the things that people who want to see a charter government change today would argue, yes, that's why you vote for it.

Why didn't the politics work, John? Maybe that's a more naïve question than I mean it to be, but it would seem, with all of the new people coming in, that those who wanted this change to occur—the business community, the developmental interests—would have found a way to communicate with the newcomers about the importance of it.

JL: Well, I don't recall a great deal of discussion by newcomers—let's say in the form of letters to the editor, in the form of speeches at civic meetings, in the form of questions to panels, and so forth—that drew upon some sort of basis such as “I lived in Bergen County, New Jersey, and I moved down here, and up there we had blah, blah, blah, and how come you've got this,” and so forth and so on. I think that the newcomers were aware of problems, and those who really looked into it could see a cause and effect between the nature of our local government and those problems. I think that's why there was more votes for it in 1970 than 1967 or sixty-eight [1968], whenever the first one was voted on, and then in 1972 than in 1970. But it still was not enough to tip the scales.

PK: I think what I'm asking is probably not related specifically to the charter of seventy [1970] or any other given charter, but maybe a more general question. Certainly I thought about it in ninety [1990] when I served as a member of the charter review board. Writing a charter is one thing. Making an argument for doing and creating the change is another. But a political campaign to carry it out is another. Maybe this is not a fair question to ask an attorney, but I also know you're a very astute political observer. If I could sum it up, John, it would sound something like this: The very people who wanted to see this happen were very skilled politicians, yet I have yet to see what I think of as a skilled political campaign in support of a charter. Agree, disagree?

JL: (laughs) I think that most of the people who were leading the effort were politically keen, but everybody on the other side was politically keen. The people who were leading the charge in Plant City certainly knew the political track very well. The people who were leading the charge in the lower eastern part of the county were the same way. The various governmental officials whose offices were going to be abolished or encroached on or threatened—obviously they understood politics; they were already in office. And obviously, they were able to convey the message to their employees, and all their employees' friends.

PK: Ten years ago you and I had a discussion on that very subject. I remember it. You may not, but it dealt with the idea of why shouldn't there be a—I'll use the term PAC [political action committee], or special interest campaign—put forth with the money to counteract all of that, by those who wanted to see a charter passed, with all of the intended things one does, if one's conducting a political campaign? In all of the charters from sixty-seven [1967] to now, none of that has ever happened. Is that partially at fault, or is a reason for the failure to have a charter, do you think?

JL: I would imagine that if there had been a big war chest and that had been used properly, that would have helped. It may be that the people with money weren't that persuaded that this was as important as spending a whole lot of money, that this was such a problem that it was worth spending a whole lot of money.

PK: That's one of the things that has always interested me. I've never quite been satisfied that I understand just how important this charter change that people want to see happen here. Just how important is it, really? Because of that very issue, there never seems to have been on the pro-side the same amount of financial enthusiasm or support for it that I'm sure the people opposed to it would have and could have mustered, had there been one.

JL: Peter, do you realize how much Tampa has grown since the 1950s in population? I'm sure you do. Sometimes it takes a while for leadership to catch up with that kind of growth. We've had some very splendid leaders in this community, but they would sometimes be dealing, Peter, with people who simply inherited businesses and were trying to operate a business that had been on Franklin Street and had made a lot of money for Pappy and Grandpappy and couldn't understand why nobody was down on Franklin Street. That creates some real difficulties. The various businesses that we have that have grown with this community are not that large.

PK: Mm-hm. That's fair.

JL: One of the great visions of my law partner Peter O. Knight, Junior was to see the desirability of going nationwide for leadership for his bank and his electric company.

PK: Let's name names for a minute before we leave the sixties [1960s] and seventies [1970s]. Who in your mind stands out as the three or four most prominent pro-charter change people? Who were the movers of that whole—most articulate, and most verbal, most public, most powerful?

JL: I think that I have to first mention our friend Jim Shimberg. I think that he is the most sincere, dedicated, and the most consistent supporter of it. Once I leave that—leave him—I would feel awkward in naming others by virtue of omission, and by virtue of the fact that we had some supporters who were very helpful in the monetary area, but for perfectly legitimate reasons, could not be a part of the actual movement. I can think of a couple of political figures who were helpful, but it wouldn't help them for me to name them.

PK: Okay. I hear a duck of a question when I ask it.

JL: Well, I am ducking. I don't want to—

PK: That's fair.

JL: —embarrass those people.

PK: Sure, John. You know I don't—

JL: A lawyer has to deal in the integrity of somebody telling him something because they know it won't go anywhere.

PK: All right. Well, let's take it off by segments. Occupations, if you will. Shimberg, who you mentioned, clearly is a prominent developer. He developed Town 'n' Country. Shimberg Cross today is big, Fish Hawk Trails. Is it the development community types who were the most pro-charter in the sixties [1960s] and seventies [1970s]?

JL: I think some of them were. I'm not sure. Some of them were pretty comfortable with the system we had. They'd kind of figured out how to get along to go along and how to go along to get along. I quickly concluded that Jim Shimberg wasn't doing it because of the impact that it would have on any given project of his, because Jim's not actually that big of a developer in relation to a lot of people, because he had made his money and was devoting a lot of his efforts to the community out of gratitude for it.

PK: Mm-hm. Yes.

JL: There were other significant developers who were in favor of it because it would help them and it would facilitate the growth of the community. If you are a developer, it's a lot better to be able to walk in to a strong mayor and say, "Mayor, this is what I want to build," and have him say, "Good," or, "Only if you do so-and-so," or, "I ain't going to let you." Now you know where you are. You want to build it, go somewhere else, or modify it, or no problem. That's the way to do business. This business of having to deal with five, seven, or nine politicians, that's like walking on quicksand if they were all intelligent.

PK: We won't pursue that last comment at all.

JL: (laughs)

PK: Occupationally, John, still on the pros. What other parts of the community can you describe as being pro? If we're talking at least some developers, we can talk about some of everything and anything. But just generally speaking, were bankers pro or con?

JL: In my judgment, all the segments of the community whose interests were linked to the interest of Hillsborough County were in favor of it, uniformly. That is because they could see that, "My interest is linked to Hillsborough County. If this is good for Hillsborough County, that's good for my interest."

PK: Is the reverse of that true, that then, if their interests were linked precisely to the City of Tampa, that they may not have been in favor?

JL: That would be true, but that was a very small segment of people. Probably the only real instance of that from the point of view of a serious sit-down, let's use a list of pluses and minuses, would be downtown property owners. Other than that, there would be no particular reason for people with stores on Dale Mabry in the city to have a different view than people with stores on Dale Mabry outside the city, and people who have houses in Tampa Heights and Tampa Palms.

PK: Let's shift gears. Let's go back to Chapter 125. After the current—and after the 1968 constitution—the charter allows for three different forms of government, which then became a very different set of issues for local charter review boards in Hillsborough County than had been true previously, where you could only deal with the county mayor.

JL: In about 1975, the legislature passed an act that, unless you did certain things, you'd have to fit one of the three forms. I want to be real precise there. The legislature could free you up so you could do it otherwise, but go ahead.

PK: Let's describe the three forms.

JL: The three forms are: a strong county commission, which names a county manager. The next form—well, let's deal with the poles. Let's take that as one pole. The other pole is a strong mayor that runs the county, as a mayor would run a city, and a county commission that is a legislature, as a city council would be. In between those two poles, under the particular section of the statute that you're talking about, there would be an elected chairman of the county commission. That chairman would appoint the manager of the county and the county commission would become a legislative body with certain advice and consent powers, similar to those of Congress or the state legislature.

PK: The issue of which of those three forms of government changes the nature of the charter review debate from what it had been pre-1968 state constitution, where the whole issue had been consolidation and the failure to achieve any further annexation, to a debate about the power of the leadership position, it seems to me. That's been there ever since.

JL: That is correct.

PK: I think every charter review board, including the one I served on, that is the consuming subject.

JL: Right.

PK: In that, John, it seems to me that there were other changes that made other issues of how you were going to address that—no matter which of those three forms—became

very important that hadn't been important in the early period you talked about, one of those being legislative districting. I think it would be helpful if you shared with us what that was all about and why those things became an issue, along with just the form of government.

JL: When a county commission appoints a county manager, who serves at the pleasure of the county commission, there is a certain amount of executive power in the hands of each county commissioner. If there's a five-person county commission, three of them can get together and hire or fire the county manager.

PK: Correct.

JL: If there's a mayor, they can't. They have to enact an ordinance saying, "Dear Mayor, you can't spend any more money on the Bayshore [Boulevard]," or, "Dear Mayor, no more prowl cars in Lutz," that sort of thing.

If it's in between, they have the same problems. Now, it's not the county chairman who is saying, "Send the prowl car," but it's somebody answering to that county chairman that's saying, "Send the prowl car." So if the county chairman doesn't like it, the county chairman says, "I'm going to fire you."

It's a question of the executive power. In either the strong mayor or the county chairman naming the county manager, the legislature has no real executive power. Executive power is a very important function of government. Government, under our system, and for all practical purposes under any system, consists of the judiciary to adjudicate disputes—Solomon did that; that's historic—the executive to lead armies or do whatever, and the legislature comes down with the Ten Commandments or whatever. It's just that simple. Under the county commission form of government, the executive and the legislature are combined. The judicial is already—that's over in the state, so that's not going to get tinkered with.

In the South, historically—not so much true in Florida, but that doesn't matter. In the South, historically, you could usually find some correlation between a change in the form of government and some way of trying to do in the blacks. You could go through a lot of fancy folderol, but that's the fundamentals of what you'd find in most instances. And so the Civil Rights Act passed to prevent that, with regard to voting rights. The object was if you're going to change the form of government, it has to clear certain hurdles.

With that act in place, and it was in place in 1983 when I wrote what is the charter for Hillsborough County, any change in the makeup of the county commission or the power of the county commission affects the power of the black voter, 'cause the black voter is voting for the county commission. That has to be studied. Each change has to be studied in the connection with its impact on the minority voter. We happen to be on the list because of Hispanics, but the real point of study is blacks.

PK: The list that you're talking about is the federal court—

JL: Justice Department.

PK: Justice Department.

JL: United States Justice Department compiled a list. It was mandated by the voting rights act to compile a list, and it did.

PK: Right. And Hillsborough County is on that list. That list requires that before we do something of that sort, the charter would have to be “pre-cleared” by the Justice Department

JL: Or a court.

PK: Or a court.

JL: Federal court.

PK: Excuse me?

JL: Federal court.

PK: By a federal court.

JL: Actually the United States District Court of the District of Columbia, but go ahead.

PK: From a lawyer's point of view, can you explain to us what that really means?

JL: What that really means is there's a practical matter. You go to the Justice Department and show them why you are not going to be impairing the voting rights of, in our instance, the blacks.

PK: And what—I know what occurred in 1990. In 1983, was the same issue there in terms of talking about the logical outcome, needing to redistrict as a result of consolidating more executive power away from the legislative body to this executive form? It would have required or mandated, in your mind, a redistricting of Hillsborough County by increasing numbers. Something of that sort, right?

JL: Yes, and having single members.

PK: And having single member districts. And we do not have single member districts.

JL: Oh, yes.

PK: We're not totally single member districts at this point.

JL: No, no, not all—

PK: That change needs to be discussed a little bit. Had it gone through, what would have had to happened, John, to pre-clear the Justice Department in terms of creating single member districts? I know you advocated that, at least on the ninety [1990] board.

JL: I advocated that and achieved it in the 1983 charter. When we drew the 1983 charter, we had, for all practical purposes, an old English system. We had a five-person, five at large, county commission. We had an appointed county manager, but that was under a legislative act, and predated the Civil Rights Act. With the 1983 charter, we went to an appointed county manager. An appointed county manager dilutes the executive power of a county commissioner, because before, the vote would be, "I move that we have a prowler car in Lutz." You'd have three votes for it, or you don't. Okay.

Under a county manager, you have to enact an ordinance, or you have to be able to go down to the county manager's office and tell the county manager, "I'm going to get you fired if you don't get a car out there." So there's a dilution, because no longer is the county commission going to be voting typically on the issue of a prowler car for Lutz, or a water system, or whatever. That has to pass pre-clearance. In other words, the 1983 county charter was diluting the executive issues that came before the county commissioners, and therefore was diluting the county commissioners, which was diluting the minority to the extent they voted on them.

PK: Okay.

JL: We went to a three-four form of government, in which we had three at large that everybody voted on, and we had four that were voted on individually by four different districts in the county, which created a district that, by virtue of the way the blacks vote, was almost certain to get them a black county commissioner. So we were diluting the executive power of the county commission, but at the same time, specifically enhancing at least the visibility of black power on the county commission. That was an offsetting compensation. In 1990, we obtained pre-clearance by virtue of increasing it even more to get where it would be two.

PK: Right. In eighty-three [1983] when you got pre-clearance—and in ninety [1990]—for the purposes of education—and whoever watches this tape in years to come, John, pre-clearance. Did you actually carry the document to Washington? Did you make an argument before court? What did you do?

JL: I did not handle the pre-clearance in 1983. In 1983, because of the crisis created by the indictment and ultimate conviction of three county commissioners—

PK: We'll talk about that.

JL: —I was asked by some leaders in the county to please volunteer my services as a pro bono assistant county attorney, so to speak—or special counsel, I guess, is what they called me. I drafted the thing, and when the pre-clearance came on, the county commission's regular attorney handled that. In 1990, I compiled a detailed brief, and then Mr. Shimberg and I went to Washington and sat down and visited with them, answered their questions, and offered some elaborations and so forth.

PK: How long did pre-clearance take?

JL: My recollection is that we started that in something like November or December, and it took until about the following September.

PK: And I take it from the length of time, it was really studied? Your brief was really studied by the Justice Department?

JL: I think so. Based on the questions that they asked when we were up there, I think that that corroborated my belief.

PK: In 1983, John, going to the four-three or the three-four model, the mix of at-large and single-member districts, what was the model for that? Where did you derive that that was the right answer?

JL: We had done some math. I forget who specifically did the math that concluded that four single-member districts would permit, with the proper gerrymandering—

PK: That would be the term.

JL: That's it, gerrymandering. With the proper gerrymandering, that would permit the election of a black commissioner, and I advised them that they needed to have a majority of single members. The math gets pretty elementary then. Four will get the black member. And we don't want to have—we want the four to be a majority, so that sort of caps it at three.

PK: Let's discuss that just a tad further. In recent charter review boards, the subject of all single members versus some mix of at-large and single-member always comes up. And one of the arguments you can frequently hear commissioners raise is that commissioners are different, based on whether or not they're representing an at-large or a single-member district, in how they vote, who they perceive their constituents to be. Is that a good or a bad thing?

JL: You mean, is that a true thing?

PK: That's maybe a better way to phrase it.

JL: It's a very true thing. Is it a good thing or a bad thing? That depends upon your point of view. As I have frequently told my black friends who are active in this area: Have you folks ever sat down and figured out that y'all control about 20 to 22 percent of the vote in Hillsborough County? Have you ever thought of exactly how many doors you could open and how long you could keep them open by walking in and saying, "I represent 20 to 22 percent of the vote?" You ought to think about that some time. You may want to be able to do that with more doors than you're doing it with. But they didn't ever buy that.

PK: In the process of creating, in 1990, the discussion for the third option—or the middle option, as you described earlier—which was to have an elected county chairman appoint a city manager, if I remember correctly what we did. I think we thought of it as a compromise, given the fact that, by this point in time, there's the need to find a way to get ten out of fourteen votes if anything's going to go on the ballot.

JL: Right.

PK: We did that with the certain assistance of the people who really wanted to see it happen on the board, myself included. So, we thought we had passed a charter with the change, and we thought in 1990 after you told us that it was going to go for pre-clearance, and it did, and it did get it. It should have been on the ballot. But John, we both know it never made it to the ballot. What happened?

JL: What happened was that one of the county commissioners claimed that the title to the charter was misleading and improper. The county would not fund a lawsuit, and I didn't have the time to be able to clear everything else that I was doing and handle it. So they went up and got a circuit judge to sign an order to that effect. The circuit judge had only heard one side—and I'm not criticizing the circuit judge, and I don't remember which one it was—

PK: I don't, either.

JL: —but there was no lawsuit.

PK: It just simply was removed from the ballot?

JL: Yes.

PK: We are continuing on, and I think we would both agree. This is the second—as we sit, there is the second charter review board since 1990. The one that occurred four years later wasn't successful in getting anything on the ballot. We remain unaware of what this charter would produce.

Let's back up for a minute because it's an important conversation.

JL: Sure.

PK: All of the stuff that we've been describing has changed again in the middle 1980s, because of three commissioners doing some bad things. Not everybody knows much of the history of that. Why don't you give us a rendition of what that was all about?

JL: There were three commissioners. I'm trying to recall their names—[Joe] Kotvas and [Fred] Anderson and [Jerry] Bowmer. They were convicted of taking bribes, or soliciting bribes—I guess soliciting would be what they were convicted of—in connection with a large land development in northwest Hillsborough County.

PK: How did that affect, or how did that influence, the direction of the charter review boards that occurred immediately thereafter?

JL: This charter that we have was proposed to the voters by the county commission. We did not have a charter review board. It's a charter commission.

PK: Right.

JL: The charter commission—the charter—I'm sorry. The county commission, at that point, consisted of the two remaining members of the commission who had not been indicted and the three that had been appointed by the governor. The two that were not indicted were not indicted because they weren't involved. I was pointed to the fact that I had a project that received only two votes, (laughs) that of Ms. [Fran] Davin and Ms. [Jan] Platt. I said, "You can't get any cleaner than that." (laughs)

PK: Absolutely. Absolutely right.

JL: The feeling was that the county had grown to a point where diluting the vote of the electorate, the perception of the electorate, the concepts and images that the electorate had of its various officials, didn't admit of that much concentration of power. That is how you had come to have people of the bribable caliber on there. Something had to be done. Part of that dilution by the charter installation of a county manager and a separation of some of the powers of voting by virtue of cutting down—see, everybody was voting for five, and five had all the power. Now the most you could vote for was four. These were at separate elections, you see. Now the voter could take a closer look, and be more likely to spot somebody that was of particularly low caliber.

I think that the caliber of our county commissioners since then has proven the point to be well taken. We haven't necessarily had a great deal of Jeffersons and Lincolns, but we haven't had any really bad eggs either.

PK: Yeah. Nobody left the courthouse in handcuffs.

JL: That's right.

PK: That's true.

In 1990, the other issue that seems to have been, as I remember, somewhat critical as an argument for, "Don't change any of this," is that we were on one side, and on the other side, of course, people were saying just the opposite. They'd dealt with the longevity and time of appointed county administrators. [There was] a lot of turnover in the office. It seems to me historically that happens in counties all over the country with appointed county managers and city managers. They're like baseball coaches, and they don't have a long tenure. Here it seems that that was an ongoing concern.

JL: A county manager had seven bosses, so to speak, or a fear of a consensus of any four. Would you rather have a money-back-guaranteed four-year contract that a mayor's got, or be at the peril of four splendid people? I think you'd say, "I'll just go the four year route and not worry about the splendid people." When I said that we have had a fairly good county commission, I don't mean that we've had nothing but splendid people throughout.

PK: No, I know.

JL: (laughs)

PK: I understand the difference.

Some people have also said during the time, and still are saying, that the problem with having an elected county mayor is that they won't be responsive to the local issues. Certainly members of the county commission would probably still make that argument. Ronda Storms would probably make the same argument Jim Selvey made ten years ago that, "My constituents need me, and they recognize me in the local grocery store. They don't recognize the county manager, either appointed or elected, too far removed. (thumping noise) I'm the closest person. Why change the apple cart?" How do you respond to that observation?

JL: How I respond to that is that I'm not sure it is true in a community of—what do we have, a million people?

PK: Getting close.

JL: —that has the segments that it does. We don't have that many different segments to this community. But to the extent that there is a dilution, that may be beneficial, because at the other end of the stream, you've got a county commissioner looking at potholes and a mayor looking at the entire fabric of the transportation system.

PK: And then I guess the last major argument one often hears is about charter reviews and the mayor's powers is that there needs to be a co-equal balance with a strong mayor of the City of Tampa.

Leaving aside that, we're sitting in the year 2000, and we're into a discussion of whether term limits will be overcome for Dick Greco so he can serve a third term or should he be a strong county mayor. Leave aside the issue of the personality of Mayor Greco. What about that argument that what needs to happen is to counterbalance the city of Tampa's strong mayor? That's the argument for an elected county mayor.

JL: We've seen that happen in the number of different ways where, within the past ten years, there have been discussions about, "I'm not going to walk down to the courthouse because there's nobody that's my equal, and I'm not going to walk to city hall if that person doesn't think that I'm their equal."

PK: Right. If you could—two last questions. First, if you could go back and look at the proposed charter of 1967, and had it been in place, how do you think Hillsborough County would have been different in the year 2000? What would have been really different, as concretely as you can, John?

JL: I think the most likely difference would be that with one person as the executive, in the formative years of the growth of the—Sarasota to Pasco County, the Gulf coast to central Polk County—with one person in the center representing the largest number of people and the most vital group of people, we would have had more coordination, and perhaps had a central arts complex, a central sports complex, growth so that there wasn't a competition between this industrial park and that one. There would have been someone in the center able to give some vision to everybody.

I believe that Hillsborough County and Tampa have been very hampered by that. I think we have had mayors uniformly able to do that from their own personal skills, but uniformly unable to do that because of the lack of the legal power, and we've had the same at county commissions. I have seen, in my work with the sports authority, by way of specific illustration, who I've represented for years and years and years—I've seen an element of cooperation from St. Petersburg, believe it or not, that could not be reciprocated over here because of the lack of leadership.

PK: Last question: Do you think it's ever going to pass?

JL: Oh, I don't know. I don't know.

PK: That's probably as good a place as any to end it, John, on this subject.

I can't tell you how much I appreciate the opportunity to have this session with you today. It's very important, I think, again, for newcomers who come in and listen and see

or wind up here in the middle of an annual—whatever we would call that, every four or five years—debate about the structure of government in Hillsborough County, to have an opportunity if they wanted to get a perspective. I’m going to send a copy of this tape down to the local charter review board that is currently meeting this year and let them have the benefit of your insight and your historical experience with it. I thank you for this, John.

JL: Sure.

End of interview