

UFLC 28

Interviewee: Chesterfield Smith

Interviewer: Denise Stobbie

December 14, 1985

Chesterfield Smith is a graduate of the University of Florida College of Law, class of 1948. He practiced law in Bartow for many years and is now affiliated with the firm Holland & Knight in Miami. This interview is part of a series on the history of the UF College of Law.

Chesterfield Smith first enrolled at UF in 1935. As it was during the Depression, he alternated semesters attending classes and working as a soda jerk, claims adjuster, etc. He describes the University in those early years. He eventually received an associate of arts degree.

In World War II Smith served in the National Guard. He was sent to Officer Candidate School in 1942 and was subsequently assigned to the Ninety-fourth Infantry.

After training in a number of locations in the United States, in 1944 he was sent to England and then to France, where he participated in the Battle of the Bulge. He was also involved in the occupation of Czechoslovakia.

He returned home in 1945 and enrolled at the UF College of Law in 1946. He describes UF during these booming post-war years, noting particularly that the student body in general was older and more mature and that class sizes were quite large. He discusses a number of law faculty, especially Dean Harry Trusler and Clarence TeSelle. He was a student assistant to Clifford Crandall and Vernon Clark, and he discusses his activities related to that experience. The topic of women at law school is addressed briefly. Fellow students are also discussed, especially Paul Rogers.

Smith made it a point to work nine-hour days while at law school, between class and study. He graduated in 1948, and he is very proud of his graduating class. It boasts judges and public officials at many levels. He has been married to his childhood sweetheart from Arcadia, Vivian Parks, since 1944, and they have one daughter, Elizabeth Smith Kibbler, a health care lawyer with Kibbler & Renara.

DS: This is Denise Stobbie interviewing Chesterfield Smith as part of the College of Law Oral History Project. The date is December 14, 1985. Would you please state your full name?

CS: Chesterfield Barnaby Smith.

DS: And your hometown?

CS: I now live in Coral Gables, Florida. I was originally from Arcadia when I came to the law school. I practiced law for many years in Bartow.

DS: In what year did you enter the University of Florida for the first time?

CS: In 1935.

DS: And that was as a freshman?

CS: As a freshman in the General College. It was the first year I had in the General College.

DS: What did you study?

CS: Well, they had a prescribed course. They used to call them the C courses or comprehensive courses. There was one on the social sciences, one on the humanities, and one on history. I do not recall all of them. There were six or eight of them that were comprehensive, and they covered the general area.

DS: Did you receive a degree?

CS: No, I did not. I received an associate in arts.

DS: Then you entered the law school right after that?

CS: No, I did not enter law school until after WW II. I entered law school in June of 1946. I had been in the military service for sixty-one months.

DS: A long time.

CS: Yes.

DS: What did you do after getting your A.A. degree? Did you go into the military?

CS: Yes, I went in and out of college and worked. I had numerous jobs. It was in the Depression. I never worked while I was in school, but I would go to a school a semester or so and drop out to work for a year and then come back. I worked in two sessions of the Florida Legislature in 1955 and 1957 to make money. I worked in a drug store as a soda jerk in Boca Grande, Florida, and Miami, Florida. And I was a claims adjuster, a collector for the Marshall Credit Company. I collected installment payments that were delinquent, usually on automobiles. I also had a route truck, selling candies, cigars, cigarettes, and novelties to small merchants.

DS: You have had a variety of experiences. Going back to 1935 for a minute, when you first came to the University, does anything stand out in your mind about the university at that time? Did it seem crowded? Was it big?

CS: Well, it seemed big to me. There were about, to my recollection, twenty-seven

to twenty-eight hundred students. Everybody was poor at that time. I remember I did not work, but my family gave me thirty-five dollars a month to live on, and I was able to live decently well. My rent was something like seven or eight dollars a month. I could buy a meal ticket for a week for five dollars, for three meals a day. So I had five to eight dollars left for laundry and entertainment and movies. Movies were cheap, like fifteen cents. But people were poor in those days, and everybody was in the same boat. I do not have exact information, but I do not believe that there were ten students at the University of Florida that had automobiles.

DS: Were the classes full? Were there a lot of seats available?

CS: Yes, there were very big classes in the General College at first.

DS: I heard that during the Depression people stayed in school because they could not find jobs.

CS: Well, these were beginning courses. Some of them were very big. In the second year you would begin to have some electives, so they [the classes] were smaller, very small. But some of them [the General College classes] were huge, way up into the hundreds, 300-400.

DS: Where did they have those?

CS: Well, I remember having some classes in the University [Memorial] Auditorium.

DS: Did you think about going onto law school at that time?

CS: Well, I thought about it a little bit. I was not at all sure how I was going to make it. I lacked some purpose and drive. As I said, I never worked when I came to school. I obviously could. Most students did, but I did not. I did not think my family would be able to send me to law school. It was not that I did not think about it, but I did not really have a deep feeling that it was going to work out.

DS: What was your impression of law students at that time?

CS: I did not have any impressions of the law students. I only knew a few of them in a most casual way.

DS: I wonder if they were regarded as the leaders on campus.

CS: Well, yes, many of them were considered the leaders of the campus, but I was not very well acquainted with the leaders on campus at that particular time. And some of the people that were freshmen and sophomores with me in time became

leaders on the campus, and I knew them. I knew the leaders on the campus in the most casual way, and later, as my own life, evolved I became friends with some of them. It is hard to draw the line. Sometimes you tend to think that you knew them more and were closer to them in those days than perhaps you really were. It is not absolutely clear. But, in general, I was a freshman from a small town, and I was interested in my own activities. I used to play poker a lot and gamble a lot. I did not study as much as I should have or as hard as I should have.

DS: Afterwards you went to what branch of the military?

CS: Well, I went into the military with the National Guard as a twenty-one-dollar-a-month private. After I joined we were notified that we were going to be mobilized in the federal service. We joined the unit from Arcadia, my hometown. I left with them and came to Camp Blanding and stayed over five years. I went through the ranks: I became a corporal and then a sergeant and then a private again – I was busted. Eventually I became a staff sergeant. Then I was made – this sounds funny now, but there was a great shortage of personnel in the service at that time [because] it was expanding rapidly--an acting officer, a lieutenant, because we did not have any officers. I was picked to be one, and I did that for a while.

Then I went to Officer Candidate School [OCS] in March or April of 1942. I graduated from OCS about July or August and went to the Ninety-Fourth Infantry division, at that time being formed in Fort Custard, Michigan. We stayed there a few months without any enlisted personnel, just officers. Eventually we were transferred to Camp Phillips, Kansas, near Salina, and we received all of our enlisted personnel. We stayed there for must have been close to a year while we trained all of the enlisted personnel. We went on maneuvers, back and forth from various places. We then went to Camp McKane, Mississippi, and stayed about six or seven months. I got married while I was at Camp McKane, Mississippi, to Vivian Parker. She had been my sweetheart at home in Arcadia. In approximately June of 1944, as I recall it, we went overseas. We got to England and stayed just a little period of time. Then we were shipped on to France.

DS: This was in 1944?

CS: Yes. We stayed in France, over in Brittany, where [General George] Patton had broken through and headed into Paris. There were some isolated pockets of Germans abreast in St. Laurent. We were holding them in those compartments. We stayed there a pretty good period – I would say ninety days – until we finally were moved to the front near Saar River. We engaged in operations there including the Battle of the Bulge and the breakout eventually into the Rhine River.

We occupied some area for a month or two after peace was declared in the Ruhr Valley near Dusseldorf. We then went to Czechoslovakia and occupied some [area] there for about three months. Because I had been there a long time I got to come home pretty early: I came home in the fall of 1945 and prepared to go into law school.

DS: Where did you go to Officer Candidate School?

CS: Fort Sill, Oklahoma.

DS: Then you entered law school in 1946. How did you go about doing that? Where did you sign up for enrollment?

CS: The registrar's office. I do not know.

DS: Do you remember where that was at the time?

CS: No. I guess it was in Language Hall. It was before those many buildings. As I remember the campus, there was not any expansion going on at the time. Without any new buildings to speak of, or without any additional facilities, all of the sudden the school that had 3,000 students or so (maybe it had gotten up to 3,300; I do not know) in 1939 or 1940 had 10,000, 11,000, or 12,000 students, many of whom were quite mature and many married. There were a great many returning veterans that accumulated that had to drop out of school, that had not completed school over the year periods.

DS: Do you remember waiting in lines?

CS: Yes, I remember waiting in lines, but that is not a distinct memory. As a matter of fact, I do not remember it being particularly irritating. We had been waiting in lines for the military, it was not any worse.

DS: So you were used to that.

CS: I got an apartment on University Avenue right across from the law school, and it was very easy for me to walk over to the law school. I spent a lot of time at the law school.

DS: Did you have roommates?

CS: I had my wife, and I had my daughter born here. She is now a lawyer in Tallahassee.

DS: What is her name?

CS: Elizabeth Smith Kibbler. She practices in health care law in the law firm of Kibbler & Renara, which she would like me to say.

DS: So you were married the whole time you were in law school?

CS: Yes. I got married in 1944.

DS: Do you remember if they were accepting anyone who wanted to go into law school at that time?

CS: Well, anybody that had at least an associate of arts.

DS: Did they have a problem accommodating the number of students that wanted to go to law school?

CS: Well, there were more than they had ever had in law school. The classes were very big. My recollection is that at the height of the veteran enrollment, the law school, which had around 100 students in it, went up to about 500. Of course, it is more than twice that now. So the enrollment was not huge, but it was a much smaller building and a very small faculty, and it taxed it to the limit. The classes were outrageously large, and individual attention was difficult. In fact, in retrospect the law school was not a very good law school at that particular time, even though they had some fine faculty members who gave good service and tried very hard. Their resources were just not up to the task. I do think that the student body was exceptional, perhaps because they were mature, but they were more than that, I think. Looking back in retrospect, the people that were in school with me have done remarkably well.

DS: I wanted to ask you about that. A lot of very successful lawyers have come out?

CS: Yes.

DS: The first half year?

CS: Yes.

DS: Do you think that it was because they were more mature?

CS: Well, I never have tried to analyze it, but I do know this, that most of them have turned out to be about what I evaluated them when I was a student. Since they have been uniformly successful, and some of them exceptionally so, my evaluation of them at that time must have been pretty high, because I hardly ever have been surprised at how they turned out. A few turned out to be no good, and generally I thought that at the time about those few.

DS: [Are there] any that stand out in your mind while you were in law school, that were top of the class?

CS: Well, in those days people went to school all of the time; I mean, they did not have breaks. We had wives and children, so we did not go anywhere because our families were here. Many times on Thanksgiving or Christmas or spring breaks I would stay here in Gainesville instead of going to my home in Arcadia.

We had people that were graduating in February and in June and in August in about equal amounts. We had classes with all of those and usually a semester or two on both sides because they were generally electives. The law school was crowded and burdensome with people coming back from the wars. It was difficult. I remember in my freshman classes having people that were juniors because they had the problem during the war of not being able to take certain courses, and they were trying to catch up. The administration had a very difficult time.

One of my first classes that I had was taught by a wonderful dean, Harry Trusler, who had been here for many, many, years. [He came here in] I think about 1912 or 1914, and he had been dean for something like twenty-five or thirty years. [Trusler served as dean from 1915-1947. Ed.] He was really too old. He was a wonderful man. He was not quite that old, but his mind had failed some. But you also could tell that he had been a magnificent person. I remember a class the old dean was teaching. I went into the course primarily because I had heard about him and admired him and knew that he was near his last teaching stint, and I wanted to get the benefit of him. I enjoyed him, even though I could see that he was not the greatest teacher that had ever been.

DS: How was he when you had him?

CS: Well, he was kind of funny and maybe very forgetful, far more than usual – the prototype of the absent-minded professor. He was becoming at least partially senile, I think, but there was enough left that you could see that he had been a hell of a man, and must have been a hell of a professor.

DS: What did you mean when you said that you could tell that he had failed some?

CS: Well, he could get diverted so easily by the students. He cared very much about pretty young women in the law school. I do not think he had been used to women in the law school. And while there were not many, for the first time there more than one or two. I would say right after the war there probably were twenty or thirty women – nothing like now, but more than one or two. I think it dropped off some after that in the 1950s and perhaps early 1960s, and then it started really increasing in substantial numbers towards the 1970s. At that time there

were a few, and he paid undue attention to them. We always noticed.

DS: What did he teach? What classes?

CS: He taught Florida Constitutional Law here, I had it.

DS: What other professors stand out in your mind?

CS: Well, the class character. The person everyone remembers and talks about was a regular old professor named Clarence J. TeSelle. He had been there for a substantial period of time [1929-1959]. He was frail and crippled, but mentally he was a giant and as busy as he ever had been. He believed in the Socratic method of teaching in that he pummeled and humiliated and interrogated and devastated and destroyed all of the students one by one. He would pick a person each day and go into a friendly dialogue with him, and before long he would have the student torn apart, admitting that he had made two or three misstatements. He was just an old, old trial lawyer, and he used the Socratic method somewhat like the professor in [the movie and then TV series] "The Paper Chase." Everybody usually loved or hated him. Nowadays, thirty or forty years later, they all love the man, but at that time they all loved or hated him. I always made good grades from him.

DS: Did you ever hate him?

CS: No. I tended at least to excuse him when he destroyed me more than some people he gave horrible grades to. Some of the people that cared about grades a great deal and had uniformly high grades he would not give high grades to. Some people thought he was mean and malicious and that he might have done that on purpose. I doubt that, but I do know that his grades did not turn out like grades in other courses. I had good grades all through law school, and I was a rare one that had good grades in other courses and made good grades in his course. Often the people that made high grades in other courses would not make them in his course.

DS: How is it that you had good grades? Did you study a lot?

CS: I think it is because I write short and quick exams, frankly. I answered the precise question without giving exceptions and qualifications. But it is hard to know. I was basically a good student and was not surprised to make acceptable grades. I studied regularly. As a mature person I put in a nine-hour day, just like working. Now, that does not sound like much, but I did it every day. If I went to class five hours, I would study four hours. If I went to class two hours, I would study seven hours. [I did that] five days a week, just like working. I had been through that enough. I did not participate in the bull sessions, as some

students did. There were exceptions, of course.

DS: Do you think that having worked and been in the military service before law school helped you to discipline yourself?

CS: I was much more mature and purposeful. I was interested in making higher grades after the war than I had been before. At that particular time there was not the system you have now, where those with high grades have far better employment opportunities than those without them, so that was not what motivated me. But I think by then I very much wanted to be a good lawyer, and that was what was motivating me. Most people in my class did not think that they were going to get employed. They thought they were going to hang out their own shingle and start a new practice. And a great number of them did exactly that. Only a few got employed. So it was not anything like now. Those few who got employed were not those that made the high grades. There were no recruiters like there are now. If anything, it was usually a contact they had back in their hometown [where] they could get employed. [Of course, there were] a few exceptions.

DS: Was there anyone at the law school to help students?

CS: Yes. In my junior and senior year I worked for the law school. I was a student assistant. My basic job was to do whatever the professor wanted me to do as a student assistant, which sometimes included helping him grade papers, especially when they were mechanical-type questions, with true/false or something of that sort. But what I usually helped him on was two nights a week for about an hour and a half we would have tutor-type course in which I would review what the professor had been teaching in class, trying to help those that were having difficulty assimilating it. I worked as a student assistant for Professor [Clifford W.] Crandall, who was the oldest person on the faculty and who had taught Common Law Pleading and Civil Practice and Procedure. He got sick during part of the time that I was a student assistant, and they brought in a well-known lawyer not much older than I was from Gainesville named Seldon Waldo. "Doc" Waldo was very prominent for a young man. He taught Civil Procedure and Common Law Pleading in lieu of Crandall one time, and I helped him some.

I also was an assistant to Vernon Clark, who was a professor of Criminal Law. I think that Professor Clark is still alive. He is not much older than I am. He lives in Bradenton, I think. He was just beginning to teach law, and he had not fully perfected his technique at that time. He believed very much in what I will call the "black letter rules." He would discuss a case, and he would give you the rule that you should remember from that case. I remember he would go over the case. He would go over the black letter rules and explain some of them that were not understood. Sometimes my [tutoring] classes were at night and

would be very large, like sixty or seventy people. [The regular] daytime classes would have 100 [or] 120 [students], and half of them, maybe, wanted extra help. I was paid, as I recall it, at a rate amount of \$125 a month. Seeing that I was also getting \$115 on the GI Bill and drawing about \$100 a month out of savings, I perhaps lived as well as I ever have while I was in law school.

DS: So you put yourself through school?

CS: Law school, yes. I did not have help from anybody. I had saved money during those five years during the war. Well, I had not had an opportunity to spend it in a better way to put it.

DS: Where did you have those tutoring classes?

CS: In classrooms, as I recall. A lot of them were in the big, old courtroom that was over there. They were so large. There were two other student assistants, [although] I do not remember who they were. We were designed basically to tutor freshman courses, both of those courses I had for freshman courses. This was when I was a junior and senior.

DS: Do you remember if they extended the class periods during that time to ensure that all of the students would get their classes?

CS: No, I think that they just made the classes bigger.

DS: Do you remember how other professors mentioned Trusler and how other professors treated the women in the classes? Did they adjust to their presence?

CS: Well, there were not enough women to make their presence material. I think that nobody else did. I think that Trusler, in all honesty, was getting beyond his prime. I like him very much, and I hate to talk about him here. To some extent students are cruel, and I am cruel when I say these things. We probably exaggerated a great deal, but he was the kind of person that would just like the girls so much that he would look at them all of the time and never notice if any of us were in the class or not. It was not as bad as I say. It was kind of the way students were. That is the way I remember it.

DS: Do you remember the professors calling on women in class?

CS: Well, Professor TeSelle called on everybody, and he devastated women fairly and equally with men. He got everybody and tore them apart; he stripped them naked.

Let me tell you a little story. I do not know what is true and what has been

added over the years, because I have told it so many times, but it is worth telling.

It turned that one of Florida's greatest trial lawyers was in law school at that time. His name was [William S.] "Bill" Frates [class of 1968]. As the story goes, Mr. TeSelle worked Bill over and tore him apart. He began to like it very much, and Bill could not stand it very much. Bill always insisted that TeSelle call him Mr. "Fray-tees"; he explained that his name was [pronounced] Fray-tees. Finally one day Professor TeSelle was calling the roll, and he said Frates. Bill jumped out of his chair said: "Mr. TeSelle, you have continued to humiliate me and embarrass me, and you do it deliberately. Being a lawyer is the most important thing in my life, and you control it. But I will not be humiliated anymore. My name is important to me], and unless you can call me by my name, I am not going to stay here. If you ever call me Frates again I am going to walk out of the class. I know I will be dismissed and will never be a lawyer, but I want you to know it would be your fault." Well, the old man looked at him, and he said, "F-r-a-t-e-s is [pronounced] Fray-tees?" and Bill said yes. The old man said, "Very good."

Well, as luck would have it, there three other people on the class roster who's names are significant to this story. When the old man was calling the roll the next day the first person's name on the role was Anderson, but the second was Bates, and then the name immediately before Frates's happened to be Gates, and the last name on the roll was Yates. So for the rest of the year we had a Bates [Bay-tees] and a Gates [Gay-tees], a Frates [Fray-tees], and a Yates [Yay-tees], and that made Bill far madder than he had ever been before.

DS: I wonder how it made the other students feel?

CS: The old man did not care, I would say. He would call Frates "Frates" the rest of the year if he would have wanted to.

DS: Let me touch back on Seldon Waldo. Did you say he was brought in to help out?

CS: He was a practicing lawyer downtown. It is my recollection this was 1946-47, that he had gotten out of law school in 1942 or 1943 and was practicing downtown. He was doing well, and he came out and taught the course.

DS: And he taught Crandall's courses?

CS: Crandall's courses. Crandall became ill.

DS: Okay. Do you remember them bringing in other professors to help out with this problem?

CS: Well, they were hiring new professors. The year I started [Vernon] Wilmot Clark

and Frank Maloney were hired, both full time. [Maloney eventually became dean, from 1958-1970]. And they eventually added some more. [William Dickson] Macdonald started before I left. I have known Bill Macdonald for many years. I did not have a course under him. He was a great professor that was well known. [There was also] George John Miller who taught for a period of time and brought in Mr. Magnese, who was a great old practicing lawyer from Harrisburg, Pennsylvania, and was active in many things. They were adding to the staff; the basic staff was about six.

There was a very wonderful professor named James [Westbay] Day. I guess it is all right to call him wonderful, because I took more courses from him than any other single professor, and I made an A every time, so obviously he liked me. He was a real property expert and was recognized statewide at that time as the most knowledgeable expert in Florida real property law. He, however, was just a very dry, mundane, academic man. He was not exciting and colorful and enjoyable like Professor TeSelle. Many people ducked his classes because they had to work hard and because he was boring.

Another professor who was young at that time was Professor James R. Wilson, who may still be alive as a practicing lawyer in Daytona, I think. He is only a little older than I am. He has been a very successful practitioner over there. He left the law school about 1948 and went over there to practice law, so he has been a practitioner for thirty-five years at least. He taught primarily Property and some other courses.

I had an older professor that was named [Dean] Slagle. Professor Slagle was old and beyond his prime – if he had a prime. He was known openly among law students as the professor ready to give high grades for no work. He asked questions on the exams that he had always asked before. We had [old copies of his exams] to study in those days, if you studied them you almost certainly would have the answers. Sometimes 30 or 40 percent of his total class would get an A. And a lot of other people that did not make A's anywhere else in law school made A's with him.

DS: What did he teach?

CS: I do not remember everything. He taught Admiralty and he taught Constitutional Law. He did not teach anything, to tell you the truth, but he had classes in those subjects. And that is awful close. Judge [Robert Spratt] Cockrell was still around here, and I had seminar classes or two with him. But he had failed a great deal; he was not the man he had been. He had been a great professor here in the 1930s and perhaps the 1940s.

DS: Was he retired and just teaching seminars?

CS: Yes. I remember so many talented people in law school that I hate to single anyone in particular out, but one of the people that I particularly liked and was

close to and admired was [John B.] "Jack" Orr, who later became mayor of metropolitan Dade County. He died in office. I remember when he was state legislator [representing Dade County] he stood up in the state legislature and opposed segregation in the public schools. He was wanted by everybody very early after he graduated from law school in 1951--1953 at the latest. I remember Paul Rogers [class of 1948], who was a very smooth campus politician. He has been and is one of my close, close friends. It is my personal judgment (with a lot of knowledge) that he made the greatest impact on the nation of any person who ever served in the congress in Florida. He was the draftsman and the advocate of much of the great social legislation that we have had in this nation in the health field and in the environmental field. I do not think that we have ever had anybody from Florida who so impacted the nation as he did. He is now a very successful practicing lawyer in a large law firm [Hogan & Harston] in Washington [DC].

DS: By the way, I will be interviewing him later on.

CS: Well, you should. He is a great man. Sometimes the people of Florida have not known what an impact he had on the nation. There have been other Floridians who have been a great service, such as my own partners for whom the law center was named [former U.S. Senator Spessard L. Holland, 1946-1971] and me. I think that Paul Rogers was one of those unique Americans who we owe a debt that will never be repaid. Mark Carlson is part of a prominent Jacksonville law firm who has accomplished many fine and wonderful things in this state. He was in the law school and was one of the better people in it. He has been a great credit to the state in the things that he was involved in. He was then--and he is now--one of my closest friends. I recall, literally, twenty or thirty people that I was very close to in law school who have impacted in a monumental way the state, who have done great things for the state.

One of the unsung heroes is a circuit judge here in Gainesville, John Crews, who stood up, representing Baker County, a small north Florida county, in the Florida legislature, and demanded that legislative representation be equalized so that the large counties, like Dade County and others in the south, could get some votes. All of the other small county people were fighting it. They had the votes, and they were not going to change it. Crews fought for it because it was fair and right. He was castigated, of course, by his brethren and colleagues. It was a courageous and right and proper thing. He has done many other things like that. These days he is no longer recognized as a great champion like that, but in his youth he was.

I think of many more. When I graduated from law school I was number one in my class, as I recall it. I gave all my notes to Earl Faircloth [class of 1950], who later became attorney general of Florida [1965-1971] and ran for governor [in 1970]. He says they [my notes] were quite helpful to him to getting through the law school. Sam Gibbons is a dear friend of mine and was a

classmate of mine. He has great seniority in the [U.S.] Congress [Florida's 7th District, 1962-present], and it is my personal opinion that his integrity and intellectual independence [have given him a reputation] as one of the real leaders of the House, in particular the House Ways and Means Committee. [I also believe that] he has been the best single force in the Congress protecting free trade and fighting protective tariffs in the nation. I mentioned that he was a superior person in my class. It is typical of the fact that many in my class have achieved all kinds of things, and I have been very proud of them. [Prior to his election to the U.S. Congress in November 1962, Gibbons served in the Florida House from 1953-1957 and the Florida Senate from 1959-1962. Ed.]

DS: Did you all study together?

CS: Well, some of us. I studied with [Joel A.] "Joe" Smith [class of 1948] and [W.] Reece Smith [class of 1949], and I studied with Paul Rogers and Doug Shivers [class of 1948]. Doug Shivers is a judge on the First District Court of Appeal in Tallahassee. I studied with my cousin Harold, who is a retired circuit judge in Naples.

DS: Did you study at the library, or did you get together elsewhere?

CS: In homes; I do not remember whose, though. Most of the class turned out about like I thought they were going to. Most of them have been pretty diligent.

DS: Were your classes intense? Was there competition among the students?

CS: I think they were too big for that. There was some competition among those who were trying for grades – and there were a few that were trying for grades. The class that was one semester behind me – but they were almost always in my actual class – had some very brilliant scholars, and they competed very hard to see who was going to be number one there. There was less competition in my actual graduating class, although I think our class felt more competition than those that graduated a semester before us. The classes a semester ahead of us and a semester after us both had some very brilliant scholars in them. Evidently I think our class may have achieved as much or more than either of those did. But in the law school we were all one [class]; when we come back now we were all the class of 1948. Some of them graduated in February, some in June, and some in August, but they were all the class of 1948.

Incidentally, I think I will just mention, although he is dead and gone, that I think that Frank Maloney was a colorless person. He was a brand new law professor when I came here, and he tried so very hard. He worked very hard, and I remember him now by remembering the things he taught me. He was about my age. I remember he taught a new principle of law; well, I remember hearing it first from him. Later he became dean of the law school here for many

years [1958-1970]. [He turned out] to be a plodding, diligent, first-rate fellow whose honor was good and who was kind and hard working. That was the way he was as a professor. I think I should mention, because I now recognize him, that even though he was a beginning professor, [I remember him] as being a superior professor. But most of all I remember Professor TeSelle. I have never tried a case in which I did not remember him and something that he said or did.

DS: What condition was he in when you were here?

CS: Oh, he was crippled. He was often in a wheelchair. He walked with two canes. It would take him fifteen minutes to get from his car to the law school building. He labored under intense pain, I am sure. He was a rough little man, a mean tyrant. He had fun, too. You could just see how much he enjoyed sparring with the students.

DS: I understand the students at one time would go and pick him up at his house and bring him to school?

CS: Yes. Oh, many adored him. He was fun if you were not the object [of his abuse]. It was fun to watch him, especially if he got somebody that was a little pompous. I remember we had another fellow [in our class], a prominent lawyer in Tampa now and a good friend of mine. We used to play golf all the time when I was in law school. His name was Julian Litzy. He was insulted [once], and Julian told Mr. TeSelle something like: "Mr. TeSelle, you insult me and embarrass me. I want you to know that I am not an ordinary student. I was colonel in the army. I had troops under me, a significant number, and I had control of large dollar amounts of equipment. I want to be a lawyer, and you just humiliate me." I do not remember exactly what Mr. TeSelle said, but he said something like: "Well, if that is your decision, all right. I will ignore you." From then on he never called on him, only the rest of the class. But he would always do things like this instead: he would say, "Now, let me give you a hypothetical, a pure hypothetical," he said. "There is this brilliant girl, and beautiful, walking down the street, and a dirty, low-down scum who was the worst of all people – his name was Litzy – attacked her and raped her in some bushes over there," and he went on with the story. "Litzy was the scorn of every decent human being." But he would never talk [to Litzy] in class or call on him. Of course, Litzy would get mad enough. "No offense intended," TeSelle would say. "Purely hypothetical. These names mean nothing." But he was that kind of fellow. As I said, [he was] somewhat, in a very dramatic way, like "Paper Chase" professor.

DS: Even though he was frail?

CS: Frail. You wondered if he was going to die before he got to the next class. But he was vigorous in that class with his voice. His voice and his brain were not

failing or feeble.

DS: So even though you did not have the best of instruction, a lot stayed with you from this professor?

CS: Well, I especially remember Maloney and Day and TeSelle. I remember principles of law that they inculcated in me in school. Others had impact on me, but I remember them especially. I would say that everybody remembers TeSelle. Many remember Day, but all of them would say that Day was the dullest and driest professor they had here. But he worked so hard. He wanted to do so well. He cared so much. He would stay for hours and talk to you after class. He was a good man.

DS: Did you participate in a debate team?

CS: It seems to me I did. In undergraduate school, you mean?

DS: Well, the University had a debate team.

CS: I did not participate in that. I thought you meant at the law school.

DS: I am trying to find a little more about that.

CS: I think Rogers did. Did you talk to him?

DS: There was a John Marshall debating team.

CS: That is what I seem to have some recollection that I may have participated in. I do not quite recall it.

DS: Okay. I do not know much about it. Well, let me see. I am about out of questions. Can you think of anything you want to add?

CS: Well, I certainly want to say that without preparing I have not [mentioned everyone whom I really should]. I included the names of a few of my classmates, but that excludes some that I thought even more of or that I was even closest to. I thought of those who for various reasons popped into my mind. And I guess that I would say that the most outstanding single graduate in my particular class was Paul Rogers, not because he was the best student or the best man, but because he made such a magnificent impact on the nation and helped the nation in so many ways later on. So his *achievements* are the greatest, maybe, rather than saying that *he* was the greatest. Maybe there are some other people that I might pick above him, but none of them have achieved more than he did. As I say, I think no Floridian in the whole history of the nation

has ever served in the system so much as he.

But we have had a very good class. We have had judges on every level and public officials on almost all levels. I suppose that never again in the history of the law school [will there be a class] where there were so many people who could be impressed with the Florida Bar. Never will there be two Smiths who could be president of the American Bar Association.

DS: You graduated in what month of 1948?

CS: June of 1948. I think it was June 1. My recollection is that I was sworn in as a lawyer on June 8, [so I must have graduated] sometime before that.

DS: Did you have to take the bar exam back then?

CS: No. We had the diploma privilege.

DS: Did you go through a commencement ceremony?

CS: I do not know. I have been honored by the University since then a few times, so I have been to several commencement ceremonies. I have spoken at both University ceremonies and at law school ceremonies--probably at the law school three or four times. I do not believe that we had a ceremony at the law school, but we perhaps did at the University.

DS: Do you remember who gave you your diploma? Was it mailed to you?

CS: I do not recall.

DS: I guess [John J.] Tigert was president of the University then. [Tigert was president from 1928-1947. Ed.]

CS: I think it was J. Hillis Miller [1948-1954].

DS: Miller. Okay.

CS: Tigert was when we came back from the war, but Miller came somewhere like 1947 and was here like a year before I graduated.

DS: Can you suggest other people who you feel I should be sure to include in this [series of interviews on the] history [of the College of Law]?

CS: Well, I think Harold Smith [class of 1948] would be very good. He loves to reminisce and ramble more than most people. He is, as I said a retired circuit

judge in Naples. I think Harold Crosby [class of 1948] would be worth getting. [See UFLC42, Oral History Project, University of Florida. Ed.] He was later a professor here. He was president of Florida International University and president of the University of West Florida, and I think he is head of something like government research bureau or something at FSU [Florida State University] right now. He is basically retired. He just does not do much. And I think I would ask [Talbot] "Sandy" D'Alemberte [class of 1962], who is the dean at FSU law school. [See UFLC55, Oral History Project, University of Florida. Ed.] Joel Adams Smith [class of 1948] would be very good. He is professor of law at the Mississippi [College] law school. It is not a part of the University of Mississippi; it is a law school in Jackson, Mississippi. It is a separate law school. He would be wonderful. He was one of the best students that did not ever achieve that much. He became a professor, as we used to say. He remembers everything. He knew everything about the law school and the people, especially the people of my time, like Mrs. [Ila Roundtree] Pridgen [College of Law librarian, 1930-1954]. He would be wonderful. Have you ever talked to Reece Smith? He would be worth doing. He taught here, too. Reece graduated in 1949 and became a Rhodes scholar. He came back in 1952 and stayed until 1953, 1954, or 1955 as a [n interim] professor. So he has a long period of recollections. You are getting into the 1940s, now, are you not?

DS: Yes. I will have to see if I can get in touch with him. I will be interviewing Leo Foster up in Tallahassee and Justice [Raymond] Ehrlich. [See UFLC31 and UFLC34/UFLC53, respectively, Oral History Project, University of Florida. Ed.]

CS: Yes, they graduated in the early 1940s. [Both are from the class of 1942. Ed.] A delightful fellow who has kind of a unique perspective on the law school in my class was Lucien Proby. He was a total Gator football fan. He was the county attorney in Key West. He was a circuit judge in Miami, and he retired to the Keys. He is great. Another person that would be delightful is David Yoakley [class of 1948], who was [Marshall] Criser's partner – Gunster, Yoakley, Criser, Stewart, etc. in West Palm and Palm Beach. [Criser was president of the University of Florida from 1984-1989. Ed.] Yoakley was a mountaineer. He knows everything. Those are a few good ones. Yoakley is one of the best I have said.

DS: He was in your class?

CS: Yes. Robert Ervin would be a great one. He is a prominent lawyer in Tallahassee in the early Varn, Jacobs, etc. law firm. He graduated in December of 1947 right ahead of me, and he had done everything. He has been the president of the Florida Bar, and he is extremely active. His brother [Richard W. Ervin] was for many years [Florida's] attorney general [1949-1964] and then a justice [of the Florida Supreme Court, 1964-1975]. He had been heavily

involved in government politics, but as a lawyer, not as an office holder.

DS: Well, alright. I will be going to Tallahassee.

CS: Well, he is a great one to use. Stephen O'Connell.

DS: I need to interview him. [See UF186, Oral History Project, University of Florida. Ed.]

CS: He lives in Tallahassee. He was in undergraduate school when I was, but he graduated from the law school in 1940, I think.

DS: I think I need to spend a couple of days in Tallahassee.

CS: He would be a good one. Did you interview George Smathers?

DS: No.

CS: George Smathers graduated from the law school about 1939 or 1940 would be my judgment. [Smathers was from the class of 1938. Ed.] He was a United States Senator for eighteen years [1951-1969]. He was [President John F.] "Jack" Kennedy's best man when he married Jackie. But he is a practicing lawyer in Miami now at Smathers & Thompson, a large law firm.

DS: I need to go back to my hometown.

CS: Where is that?

DS: Miami. I was born and raised there. My sister is still down in that area, so I can stay with them. My dad lived in Miami from the time that he was six years old.

CS: John Crews would be a good one to talk to.

DS: I need to interview him, too. He is on the list.

CS: Osee Fagan was another circuit judge who was in my class and who has made a fine record.

DS: Okay. Well, I will not keep you.

[End of the interview]