

FAL 10

Interviewee: Robert Rivas

Interviewer: Julian Pleasants

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P: This is Julian Pleasants and I'm with Robert Rivas in Tallahassee, Florida. It is August 21, 2003. Would you just briefly give me your background, where you grew up, and why you decided to attend the University of Florida?

R: I grew up in the Florida Keys in Key Largo. As a junior high kid [I] became obsessed with the writing of Hemingway [American twentieth century author] and Steinbeck [American twentieth century author] and a handful of other authors that had at some point in their lives been newspaper people. [I] started to get the idea that that's what I wanted to do. When I was a junior I went to a program for high school newspaper staff members that's put on for a week or two weeks at the University of Florida. I remember staying in Hume Hall and having the journalism school at the University of Florida put on a program for high school kids. That really got me hooked on the idea that I wanted to go to the University of Florida and work at the *Alligator* and pursue a career as a newspaper reporter.

P: What year did you come to campus?

R: 1975.

P: When did you decide specifically that you wanted to work on the *Alligator*?

R: [I decided] two years earlier when I had been at the summer program for high school kids.

P: Now when you went to work for the *Alligator*, did somebody actually hire you or did you come to the office and volunteer your service? How did you get to be a staff writer/reporter?

R: I came in and said, I want to work here, I want to do something, [and] I want to be involved in some way. I was treated kinda shabbily. The people at the *Alligator* tend to be a group of people who are somewhat holier than the rest of the world and they become cliquish people among themselves. An annoying freshman walking in doesn't necessarily get a really warm reception, but I kind of understood that and accepted it and pressed on with continuing to try to do stories. I'd just go over there as much as I could, in between classes and after classes, and try to get story assignments and just work as a reporter.

P: Then once they realized that you did a good job they would assign you stories, is that correct?

R: That's correct, and I probably didn't do a good job until the latter part of the first

year when I first began to have some slight idea how to write a newspaper story, and most of it I learned at the *Alligator*.

P: What was your major?

R: [My major was] journalism.

P: Because you obviously were in the newspaper business after you graduated, do you see a journalism degree as important for a professional career in newspapers?

R: Not particularly. I think that the reason I majored in journalism is because the Hearst Contest [sponsored by the nonprofit William Randolph Hearst Foundation] was really important to me when I came to understand what it was, and you've got to be a journalism major to be an entrant in the Hearst contest. So I stuck with that and then I didn't see any particular reason to change once I had stayed a journalism major for long enough to be an entrant in the Hearst contests all the way through my last year in school.

P: You were very successful in those contests.

R: Yeah. You could minor in journalism or take some journalism courses. I don't think it's particularly important to major in journalism, although there's nothing wrong with it.

P: If you were assessing your newspaper career which would have been more valuable, the experience at the *Alligator* or your journalism courses?

R: In terms of being able to get a good job when you get out of college?

P: Yes, and be successful at that job.

R: By far the *Alligator* [is more valuable].

P: Why?

R: Well you could take a few journalism courses and learn the core things at the journalism school and not major in journalism. You can get the benefit of the journalism school without being a journalism major, and the *Alligator* doesn't care whether you're a journalism major when you go there to work at the *Alligator*. You can get substantive education in some field that you may want to write about or that would be more helpful to you in writing. Economics and business in particular come to mind, but there's countless other things that a well-rounded newspaper reporter ought to know about. [There are] substantive educational

fields that a student can learn while they're in college and still obtain most of the benefits that the journalism school has to offer by taking certain core courses.

P: One of the things that's intrigued me is that not a lot of journalism majors end up working at the *Alligator*, and I'm not sure why that's the case. You would assume that most journalism majors, if they want a career in journalism, would want that practical experience.

R: Was that equally true in the 1970s?

P: Probably not. That's what I was getting ready to ask you.

R: I think it may have been less true. I also think that the trend in the years since then has probably been that there is more and more education in the journalism school in broadcasting. I think there's a new major called telecommunications. Then of course there was public relations, advertising, broadcasting, [and journalism]. There were those four majors back when I was there, and there's a fifth now [which is telecommunications]. I have the impression from what I've heard that the number of students in the other, now four [but back] then three, fields has increased relative to the number that are in the journalism part of journalism. So that may be a large part of the reason why. Advertising majors, when I was at the University of Florida, did tend to come work as advertising sales people at the *Alligator*. That was real popular among them.

P: I know Tom Julin [*Alligator* attorney and former *Alligator* editor, 1977] was a journalism major. When you were there most of the people who worked on the staff journalism majors?

R: I don't even know if it was a majority. I couldn't say. There may have been less than half.

P: Was there a faculty advisor while you were working in the *Alligator* that you could turn to for advice or information?

R: The one that I had the most trust and confidence in was a member of the *Alligator* board for many years, Jon [A.] Roosenraad [former chairman of both the Board of Campus Communications and the Department of Journalism]. I don't know if there was somebody else who was supposed to be officially designated, but as far as I was concerned I'd go talk to Roosenraad about any kind of career issue or ethical issue in journalism. Any journalism related philosophical questions [I had] I would take to him.

P: How significant was the board of student publications when you were there in terms of influence over the *Alligator* or any kind of control over the *Alligator*?

- R: My recollection might be wrong, but I thought the board of student publications didn't even exist anymore.
- P: Well, maybe that's the case. That's right, because the *Alligator* becomes independent in 1973.
- R: If the board of student publications existed in connection with some publishing [of a] University of Florida magazine or whatever other student publications might exist, they didn't have anything to do with the *Alligator* by 1975.
- P: How did the people in the *Alligator* get along with, first, student government and, second, Blue Key [the oldest leadership honorary in Florida, founded at the University of Florida in 1923]?
- R: The very first year I was there was the year of a huge explosion between the *Alligator* and student government because there was a guy running for student body president named Dan Lobeck. Dan Lobeck had been involved in the Blue Key block voting and negotiating system, and he sort of broke from it because they didn't anoint him to be their candidate for president. Instead, they anointed a guy named Jim Eaton [James Edward Eaton]. Usually the Blue Key fraternity block vote is divided between contesting parties, but in this particular year they all fell together and were virtually unanimous behind Jim Eaton. Dan Lobeck, having grown up in that system and been a child of it and a part of it, decided he was going to run against it by being independent. He helped make available to the *Alligator* all the gory details of how things occur in Blue Key and the voting blocks between fraternities, and the *Alligator* did a big splashy story about the Blue Key voting process and the voting blocks. [The *Alligator*] then endorsed Dan Lobeck for president and the endorsement appeared on the day of the election. Jim Eaton and a group of other fraternity/Blue Key leaders organized the theft of the *Alligator* that day and had vehicles going around behind the *Alligator* delivery trucks picking up thousands of copies of the *Alligator* and basically stealing them and hauling them to a dumpster someplace. That's how bad relations were between student government and the *Alligator* at that time. On the other hand, Dan Lobeck actually got elected because the word around campus spread so fast that the non-voting block people all voted for Dan Lobeck. He probably had their support anyway, [but] he wound up winning. It was a total upheaval of the Blue Key system for one year.
- P: Although Jim Eaton won at a later time I believe, didn't he? I think he was president of the student body at some point. [Jim Eaton was elected 1975-1976 student senate president.]
- R: If that's so, I may have forgotten that.

P: Yeah, I think so.

R: He may have run again.

P: Was there any punishment for the removal of these *Alligators*?

R: The state attorney investigated for some time and then, as I recall, finally concluded that the matter couldn't be prosecuted because, since the *Alligator* is distributed free, you couldn't define it as being a crime to take more than one. That's a legal question that is the subject of [debate]. The *Alligator* isn't the first and won't be the last; it's been going on all across the country. Every once in a while both student publications and free publications of all sorts have run into this problem of, if it's distributed free does that mean it's not a theft to go around stealing massive numbers of them from news racks? It still is a legal question that the state [is debating].

P: What about paid advertising?

R: Paid advertising, that's basically what gets stolen. The goodwill and the value of the newspaper that day has been stolen. It may not be quantifiable by twenty-five cents a copy, but it's quantifiable in some way. It's the value of the advertising sales, that's one of the important things that actually gets stolen. But the state attorney ruled that he couldn't prosecute this case.

P: This was Gene Whitworth [state attorney of Florida], right?

R: That would have been Gene Whitworth. The *Alligator* filed a civil lawsuit against the wrongdoers trying to get them brought to justice that way by making them pay damages. The *Alligator*, during the course of the litigation, asserted the reporter's privilege against identifying certain confidential sources for the information that they had about who did the theft, and the court dismissed the case. That's another thing that comes up all the time in First Amendment libel litigation. Particularly if a newspaper won't reveal their source, then they get punished in some way in the context of the civil litigation for failing to reveal the source.

P: The university brought no investigation or punishment for the wrongdoers?

R: I don't think so. I'm not sure I remember correctly.

P: It seems to me, from talking with several people, that there was this sort of inbred conflict between the *Alligator* and Blue Key and student government. It was an ongoing sort of conflict and the student government was always protesting that the *Alligator* was too tough on them or that they wrote too many negative editorials. Was that your sense of what happened at the time that you were at the

paper?

R: It was clearly true. In fact I think that there's a deep cultural divide, and it begins to show in adult infancy in this college setting. There's a deep cultural divide between the people who want to be the insiders of the government and the power structure and those who think of themselves as being more outsiders, more spokesman for the people who don't have power, and those are the people that tend to go into the newspaper business. I think that in the late 1970s a cultural phenomenon was underway where it was even more true than it normally is. I think that this phenomenon of the haves and the have nots and journalists being outsiders against the establishment is something that, over the decades in this country, some academic could probably find proof to measure and track and find that it goes up and down in waves as does conservatism and different social characteristics of society. I think that it may have been the absolute peak in the late 1970s, because the fallout from the Vietnam War and the Nixon administration actually wasn't fully felt among college students until half a generation later. It was the late 1970s and early 1980s when the people who were made cynical about government and about the trustworthiness of the power structure became the dominant types of people at university campuses.

P: I talked with Tom Julin and Ron Sachs [former *Alligator* editor, and former spokesman for Florida Governor Lawton Chiles]. Both of them thought that as editors part of their job was, and I quote them, "to raise a little hell," to challenge the establishment. I just wondered if some people on the newspaper at that time thought of themselves as potential [Robert Upshur] Woodward and [Carl] Burnsteins [*Washington Post* reporters who first cracked the Nixon-era Watergate scandal]. I wondered if they thought about the *Washington Post* and Watergate [scandal regarding President Richard M. Nixon], and thought that on a local level they could achieve the same kind of success.

R: That's exactly the paradigm that was foremost in our minds. That was very true. That was the reason that I went into journalism, and eventually it came to be the reason I got out of it.

P: [Laughing.] What about conflict with faculty, alumni, or the university over what the paper was publishing? Did you have quite a bit of that?

R: Yes, we were just constantly being denounced by the university administration for publishing things that they said were wrong.

P: How about faculty members, did you have any criticism from them per se?

R: All the time.

P: Did it usually deal with First Amendment issues?

R: It usually dealt with them feeling that the *Alligator* was unfair over some issue.

P: How about alumni, did alumni ever get involved?

R: I don't recall alumni being a major factor. Unlike a lot of other university institutions, the *Alligator* has never had any alumni financial support. There's just nobody out there who thinks he can yank the *Alligator's* chain by referring to the amount that [he's] given because nobody gives anything.

P: Although I do know at one point, and of course this is the time when the *Alligator* was recently independent and still owed the university something like \$93,000, it was a time of difficult financial circumstances. Jim Eaton, this may have been a little later, was going to withhold the student government allocation to the *Alligator* because he didn't like some of the stories. So if the *University Digest* pulled out and student government pulled out, then that would really be a heavy blow at that point, would it not?

R: It would have destroyed the *Alligator*. I don't think the *Alligator* could have survived it financially. One of the things I recall taking place during the four years that I was there was the fact that the Wage and Hour Administration came along and said the minimum wage had to be paid. There was a lot of talk at the moment that that ruling came down, that that was going to destroy the *Alligator* because it was going to make it impossibly expensive. There was a small stipend that was given to reporters prior to then. It was a petty amount that wouldn't have been anywhere near the minimum wage.

P: Do you remember what you made both before and after that?

R: No.

P: Some people I've talked to thought that Steve O'Connell [Stephen C. O'Connell, President of the University of Florida 1963-1973] really wanted the *Independent Florida Alligator* to fail. Do you have that sense?

R: Well I wasn't personally there for the events that took place around the Ron Sachs era that led to that, but I did then and I have over the years regularly talked to people who were involved. As you know, Ron Sachs is a good friend and a client now. They all seem to be convinced that O'Connell wanted to make sure that the terms were such that the *Alligator* would fail because he didn't want to just take over the student publication, he wanted the *Alligator* to have to come back on campus of its own necessity.

P: Then he would have total control at that point.

- R: Then he'd be in control and he could try to spin the whole history of it as if he tried to let the *Alligator* be independent but it wouldn't work.
- P: He would get credit for hoping that it would be independent, but in fact, he was trying to make it fail.
- R: Exactly.
- P: He could have forgiven that \$93,000 debt for example.
- R: That's right. Apparently within the [Dr. Robert Quarles] Marston [seventh president of the University of Florida] administration, and Marston was president the entire time I was there, Marston himself must not really have wanted to kill the *Alligator*. I really do think that if he had conspired with student government to withdraw funding and if he had yanked the *University Digest*, as they often threatened to do, [it would have failed]. Hugh Cunningham [Director of Information Services & Press Secretary to President, University of Florida, 1955-1973] was always trying to do sort of a Henry [Alfred] Kissinger [Secretary of State, 1973-1977; assistant to the President for National Security Affairs, 1969-1975]. [He would say] you know the madman in the president's office is going to yank your funding. I'm trying not to make that happen, but you have to be more responsible; you've got to work with me here in order for me to save you from the president. I never believed him then and still don't believe that there was ever any truth to that. I think that the president probably really didn't want the *Alligator* to fail, because it would have been within his power to do that.
- P: Although he wasn't very happy with it either.
- R: No, he was always unhappy, but Marston was a big picture kind of thinker. I wouldn't be surprised if he took the slings and arrows and said to himself that's what happens, I've got to accept that.
- P: When you were doing reporting did you ever have any confidential sources?
- R: Yes. At the *Alligator* the only confidential sources that come to mind were student government people. Student government people were always trying to pull us this way or that way and lobby us to do stories a certain way and they'd tell us some confidential stuff.
- P: It was nothing that you'd have to go to jail for to defend that kind of source.
- R: [It was] nothing anybody cared about that much. In retrospect it all seems awfully petty.

P: What was your reaction to the first story you wrote and when you saw your name in print? I have your first story from September 24, 1975, about the UF Vocational and Psychological Counseling Center on campus and what it did. Do you remember that story at all?

R: I remember the existence of that story, but I don't remember anything about it basically. One that I do remember that was right about that time that was one of the very firsts, and maybe the second or third, was about some research into infant brain development. I remember asking a young lady who I was hot to flirt with what she thought of it, and she said, I thought it was really trite. I looked at it again and realized yeah, she was right, it was junk. [laughing]

P: How did you feel the first time you saw your name in print?

R: It was pretty exciting. Looking back over my career, though, it just doesn't compare. There were times at the University of Florida when I would have a story in the *Miami Herald* as a freelance stringer for the *Herald*. I would get up at four o'clock in the morning and go wait for the *Miami Herald* truck to arrive. That stands out in my memory much more than the first *Alligator* story. I realized when I did my very first *Alligator* story that it was really a very picayune thing having this little marginal feature story published in the *Alligator*.

P: I know you had several different jobs at the *Alligator*. First you were staff writer, and then at one point I think you were managing editor or news editor. Could you describe what the process was like prepublication? Where was it printed? How did you go about getting this paper out everyday, because most of you were full time students? To turn out a newspaper everyday is a tremendous responsibility.

R: It was remarkable that it continued to happen. The reporters would come in and there was a newsroom that was maybe forty feet long and twenty feet wide at the back of the College Inn [former restaurant on University Avenue in Gainesville]. It was really run down and there was a long row of typewriters and a couple of desks that were the news editors' desks. Everything would be typewritten on big heavy Royal manual typewriters. All of my life I have never gotten over my habit from those days of being very heavy on the keyboard, even when I'm now touching real soft touch computer keyboards. People point out to me that I'm banging on my computer. But the copy would flow through to the news desk and then it would be edited and it would go to copy editors in the same room who were at little tables that you had in high school cafeterias. Then it would flow back to production and it would be typed in and it would come out in these little strips of paper that would all be waxed and glued down onto the pages. Then the pages would ultimately be in the back room. The whole process is flowing around

these various rooms before it comes out the other end. Back in production there was a guy named A.C. Harper who was not a student. He was a regular employee at the *Alligator* who was in charge of production for the years that I was there. A.C. ran his production thing like it was his fiefdom. You couldn't do anything without being in danger that A.C. would yell at you for it. But people would go back there and mark things up and blue pencil things and have things run back again through the computers to be spewed out in corrected form and pasted back down again when they'd catch mistakes. Ultimately, the pages would be photographed in some great big giant camera machine and these negatives would be taken down to a printing facility that was in Ocala. There was a printer in Ocala. The truck would go down there and the printing would be done between midnight and three o'clock in the morning, and then the truck would come back with the *Alligators* and distribute them.

P: I understand during this time that the number of distribution locations increased fairly significantly. The figure I remember went from something like 20,000 to 27,000. You were obviously getting more newspapers not just to the students but apparently to the community as well.

R: Yeah, we did make a big push to try to get stands in the 1976-1977 years, right around that time, to try to get more of our circulation distributed all over Gainesville.

P: Describe the atmosphere in the newsroom as you're getting the paper out. Somebody told me that some of the typewriters were so close together that the carriages were clacking together and that it was rather frenetic.

R: And people smoked. People would yell at people who smoked. People who didn't like cigarettes would sort of complain about it. Back then nobody really thought that the people who didn't like cigarette smoking could do anything about it, like it was just tough luck except to complain. There would be ashtrays. There was an effort to prohibit alcoholic beverages from being introduced into the entire *Alligator* newsroom and everywhere else at the *Alligator*, but some people just did it anyway as long as they used a container that wasn't conspicuous. People would be talking on telephones, and I learned early on, the habit of taking my notes on the typewriter, so I would type my notes. I may have had a bit of an advantage in that because I learned how to type as far back as junior high school, so I was a pretty fast typist and most *Alligator* reporters were learning it for the first time. The racket that would be surrounding me as I would be interviewing people on a busy afternoon, well, it was quite a racket. People were very irreverent. They'd take pictures of distinguished people and write funny headlines, and sometimes profane headlines and comical headlines, and put them up.

- P: There were some practical jokes obviously.
- R: [There was] practical joke kind of stuff pasted on the wall. People would make fun of each other with stuff and paste it on the wall. The walls were always quite interesting displays of stuff. I remember Ben Bradlee [Benjamin C. Bradlee, former executive editor of the *Washington Post*] coming as an Accent [UF Student Government sponsored series bringing prominent speakers to the university] speaker one time. He hooked up with me and a couple of other *Alligator* editors and walked over to tour the *Alligator* before he went and spoke to the students.
- P: At this point we should point out that Ben Bradlee was the editor of the *Washington Post*.
- R: He was the editor of the *Washington Post* and he was an icon in American journalism at that point for having been the guy in charge of breaking Watergate. We asked him, what do you want to do for lunch and he said, don't you have sub shops around here? We said, sure, why don't you come on back with us and we'll get a sub at Subway [franchised sandwich shop] and take it back to the *Alligator*. So he sat around and he was quite entertained reading all the stuff on the walls. He said, yeah, we don't get away with that at the *Washington Post*, we can't do quite as much of that stuff. Some of it was cruder than what they would have allowed at the *Washington Post* newsroom for fear that some distinguished person would drop by and see it.
- P: He's quite a powerful personality.
- R: [He's] quite an impressive personality, too. I remember he was wearing a long sleeve dress shirt that he rolled up just a couple of steps to his elbow, not fully rolled up but halfway rolled up. There's a picture of me sitting at the news desk with my elbows on the desk looking up at him, and he's leaning over the desk talking [and] making some little hand gesture. I've got that picture and it was posted on the wall at the *Alligator* for a long time from Ben Bradlee's visit. I remember noticing his shirt sleeves and thinking, that's where I learned it. I've rolled up my shirt sleeves to my elbow once it's time to take the tie off. I've done that all the rest of my life, and I think I learned it from Ben Bradlee that day.
- P: Plus, looking at that picture everyday reminded you.
- R: [I was] seeing that picture and being reminded of that style.
- P: One question that always comes up, is how did you manage to balance your academic obligations with the amount of time you spent at the *Alligator*? Could you give me some sense of how many hours a day you might spend over there?

- R: Sometimes I'd spend forty or fifty hours a week at the *Alligator*, and I really did not succeed in balancing my academic life with the *Alligator* very well at all. I don't think I did very well in school. I don't even remember. I didn't care much. It comes to mind that the only two people I can think of who were major *Alligator* people in my generation that actually did seem to do very well in school were Tom Julin and Pat Cronin.
- P: Did you ever take any courses from Buddy Davis [Horance "Buddy" Davis, editorial writer for the *Gainesville Sun*] ?
- R: I signed up for one of Buddy Davis' editorial writing class. I went the very first day and I immediately dropped it.
- P: He terrifies everybody, I understand, the first day.
- R: Yeah, he tries to do that. I wasn't as terrified as I was offended. I just didn't want to have anything to do with it.
- P: What about the social life? Did most of the *Alligator* staffers party together? Did they stay after the paper went to bed and get pizza and that sort of thing?
- R: Yeah. Most people who were really dedicated to working at the *Alligator* didn't know anybody else. They didn't have a life except the *Alligator*.
- P: Did some have social activities outside the *Alligator*? Were some people in fraternities, for example, or sororities?
- R: There were very few fraternity or sorority people, although there were some. The degree of outside life depended on how much you were an editor type and how much you were somebody who was not totally obsessed with the *Alligator*. The whole succession of people who became editor generally were people that didn't have much else that they did during the period of time that they were there.
- P: So I imagine there was some, shall we say, social liaisons. I know of at least one or two cases. Phyllis Golub, for example, ended up marrying an *Alligator* staffer. Did that happen a lot, did they date each other?
- R: Yeah. Cindy Spence [of the *Tampa Tribune* and former *Alligator* editor, 1980] and I dated for a long time in college. She became the editor of the *Alligator* about 1980, sometime shortly after I left.
- P: Do you keep up with the people you worked with at the *Alligator*?

R: As a matter of fact, some of us keep in touch for different reasons, but some of us keep in touch through *Alligator* activities. There's an *Alligator* reunion here and there. There are people who I wouldn't have otherwise seen much but for getting together at *Alligator* Hall of Fame things and stuff like that. But there are other people who all these years since then I have been in very regular professional contact with, who were people I first met at the *Alligator*. Kathy Pellegrino was the copy desk chief when I was the managing editor at the *Alligator*. She went on to a career at the Ft. Lauderdale *Sun Sentinel*. We didn't see each other for some years, hardly ever, but then [we] began to see each other regularly when she went to law school. When I left journalism to go to law school she happened to go to law school at the same time without leaving journalism. She actually managed to get through law school while continuing to be an assistant city editor at the Ft. Lauderdale *Sun Sentinel*. Now she's an in house legal advisor and I still deal with her regularly on First Amendment related concerns that she and I are both involved in. Tom Julin I deal with all the time on First Amendment related matters and in [Florida] Bar functions as members of the Media and Communications Law Committee of the [Florida] Bar.

P: Just briefly let's talk a little bit about your career, because you left the *Alligator* and went to work for the *Miami Herald*. You were there for a few years and then you went into the Peace Corps, is that right?

R: Yeah, and let me tell you a little footnote. I was never the editor of the *Alligator* and it is something that has always nagged at me and given me this conflicting sense of whether I did the right thing. A lot of people, as they were approaching the point where they could have graduated, sort of extenuated the period of time that they were at the University of Florida by taking less than a full load in order to stay around to be the editor [of the *Alligator*]. I think I would have been the obvious prospect to be the editor of the *Alligator* in the fall and winter of 1979-1980. But because of the *Alligator* and because of my work as a stringer for the *Miami Herald*, and because I'd go down to relieve reporters and bureaus during Christmas vacations and worked summers and just regularly worked at the *Herald* on things, I was assured of a job immediately upon the conclusion of summer which was when I technically would have just exactly enough credits to graduate. I struggled with whether to stay at school, but I was told by the *Herald*, we've got this position in Key West for you.

P: That's where you grew up.

R: Actually Key West is 100 miles from Key Largo.

P: Oh, I'm sorry.

R: Culturally, the divide is quite enormous. Key Largo is more like a suburb of Miami

practically, and Key West is like a different part of the universe. But I just couldn't possibly turn down an opportunity to be the *Miami Herald's* reporter in Key West. It's one of the greatest news towns in the planet. It generates more national and world stories per capita. The entire Cuban boat lift took place on my watch while I was down there and I was one of the lead reporters for the *Herald* covering it.

P: The Mariel boat lift [referring to the large exodus from the Cuban port of Mariel in 1980]?

R: The Mariel sea lift, yeah. [There was] drug smuggling, corruption in government, hurricanes, freighters sinking at sea, and then the usual list of wacky, only in Key West, weird features kind of stuff that goes on. It was just a fabulous assignment and I couldn't possibly turn it down to stick around and be the editor of the *Alligator*. But it's always been something that I've felt left out [of]. I've felt it missing from my life that I was not the editor at the *Alligator*.

P: Did you ever officially apply for the job?

R: Yeah, [I applied] twice.

P: How did they go through the process of selecting the editor?

R: There would be public meetings of the board of directors at that time, being as radical as we were about making the university administration have all of its meetings be public under the Sunshine Law [Florida law requiring meetings of boards and commissions to be open to the public]. Although we recognized that we were not bound by any legal requirement to meet in the open, the board of directors of the *Alligator* always opened its meetings in spite of the fact that it's very uncomfortable to talk about which candidate you're going to pick to be the editor in a public meeting. But the candidates would submit applications and come and be interviewed. The first time I did it I knew that I had no chance, but I was told by several people, if you want to be the editor of the *Alligator* someday you should go through this process because being interviewed is a good rehearsal for the next time when you're really serious about it. The second time I applied it was Dennis Kneale [managing editor at *Forbes* magazine] and me. It was a close vote and we both felt very intensely about it. We both really thought we were going to win and it was really a head to head thing, and Dennis prevailed. Particularly given the circumstances and history of these things, it was kind of obvious [from] the votes that went for me that I would have been able to be the next editor after Dennis. That was when the *Miami Herald* offered me Key West and I had to leave.

P: Well, Dennis has turned out to have a pretty good career in journalism.

- R: Dennis has done alright. I keep seeing him on MSNBC commentating about business stuff. He's the managing editor of *Forbes* now. He was at the *Wall Street Journal* for a long time.
- P: So when you were at Key West at some point you left that and went into the Peace Corps, is that correct?
- R: Now let me get back to answering your question [of] what happened in my career. I was in Key West for two years and then the *Miami Herald* transferred me to Palm Beach County. So I spent a year in Palm Beach County, then I left the *Herald* to join the Peace Corps. I was in Jamaica and in Barbados in the Peace Corps. When I left the Peace Corps I just wanted to stay abroad, and I became the foreign editor of a business publication based in Puerto Rico called *Caribbean Business*. I just traveled very extensively. Then I took an Inter American Press Association [IAPA] Scholarship [to aid media professionals in America or Canada who hope to study or work in Latin America] to go be based in Costa Rica, and from there I freelanced all over Central America. Then [I] was offered the position of deputy metro editor at the *Palm Beach Post*, and [I] came back to take that job. [I] spent three years as deputy metro editor at the *Palm Beach Post* and left journalism to go to law school.
- P: Why?
- R: The changing of the world that I wanted to accomplish was not going to be done by American newspapers anymore. I think that the fire in the belly that existed in the 1970s just was transformed into a sort of corporate mentality in the 1980s. By the mid 1980s it became clear to me that the whole business of journalism was one that was just not as interesting to me as it was before. I began to realize that as a lawyer I could control my own activities. Whatever one could say about the bar in general or the field of law, I could be in charge of who my clients were and what I was going to do with my time, whereas as a newspaper editor you've got no choice but to do what a very large corporation tells you to do. You've got marching orders to be part of their plan, and you can love it or leave it.
- P: And of course since that time it's become even more prominent with conglomerates and the controls and the bottom lines.
- R: The whole field has become much more questionable, much more suspect, than it was back then.
- P: When you look at your career, both as a First Amendment attorney and in your career as a journalist, how did your experience at the *Alligator* help you in those careers?

- R: The *Alligator* experience was primarily indispensable for getting me started when it came to journalism and teaching me how to do what it took to be able to get the hook into the *Miami Herald* with the first freelance stuff that I did. I would often come and do stories for the *Alligator* and freelance some other version of the same thing to the *Herald*. In 1977 I started doing a lot of politics. At the *Alligator* I was sort of the political editor or political reporter and covered the Bob Graham [U.S. senator from Florida and Florida governor, 1979-1987], Bob Shevin [Robert Lewis Shevin, attorney general of Florida, 1971-1979], and Jack Eckerd [founder of Eckerd drugstores, 2 time candidate for Florida governor and 1 time candidate for U.S. senator] races in 1978. During all of that I was regularly filing stuff to the *Miami Herald*. So it was part learning, but it was also just part practical opportunity to be out there doing stuff that got you noticed by the big newspaper.
- P: Let me talk about some of your articles now. I don't want to do all of them, because you did so many. One of the things that you did that I thought was interesting was that you explored the university's underground steam tunnels. Of course nobody even knew they existed prior to that time. How did you happen to get interested in a subject like that?
- R: One of the grizzled veterans of the *Alligator* was aware of those steam tunnels. I have a suspicion that every generation forgets the existence of the steam tunnels. I'll bet you that since then somebody has done that story again, because every four years you've got a whole new crop of kids who didn't know anything about the steam tunnels. It's just darn interesting to discover that you can go underground at one point and come up miles away in a sort of secret underground campus. There's really not much to say about it except it's just an interesting thing to know exists, and that was the only point of the story. It was a fun little story. The person who first told it to me was some old timer at the *Alligator* who assigned me the story, and I think it was Stuart Emrick.
- P: That would be right, yes.
- R: You know that?
- P: Yeah, it's down here because he was then the managing editor of the *Alligator*. So most of these stories were assigned to you in the beginning, and then over a period of time you sort of set your own agenda?
- R: Yeah. After a time, like when it came to politics for example, I knew more about what needed to be written than anybody else. So the editors started talking to me sort of collaboratively about what would I like to do rather than what's my assignment.

P: So the managing editors and news editors would give stories to the less experienced reporters, and then the more experienced reporters would sort of create their own beat?

R: Exactly.

P: Here is another story you reported on that was very interesting. I don't know if you recall, but a professor named Councille Blye [assistant professor of English] was fired. It was interesting because he was black, but he was also gay. He charged that he had been fired because of racial bias, which I thought was an interesting take. Nowadays it might be a different standard. Do you remember anything about that case at all?

R: Not really.

[End side A1]

I remember Councille Blye. I just have a general recollection of the nature of the controversy, but I believe that all I ever did was went down and covered either an administrative hearing or wrote stories based on documents that were filed about the legal proceedings that were under way. To me the reason it doesn't stick out in my mind is that I didn't really do anything particularly enterprising. I just covered the existing legal proceedings. That's a very routine thing for a reporter to do as opposed to going out and truly breaking something, doing some enterprise that takes a story where the signature of the reporter is all over the fact that this reporter did something besides cover the proceedings. That's why I don't really recall the Councille Blye story very much.

P: Another interesting story you did was on Frank Constantino, who was a former gangster who came and said that he had decided now to become a priest. You also did a story where I think you must have gone with [R.] Sargent Shriver [first director of the Peace Corps, an in-law of the Kennedy family, and 1976 candidate for US vice-presidency] when he was running for president. You must have gone to New Hampshire and gone on a little tour with him. What was your reaction to his candidacy? He's obviously a Kennedy, at least through marriage.

R: I remember never thinking he had much of a chance. I didn't travel out of the state with him.

P: Oh you didn't, okay.

R: I think the way that arose in context was that a number of different of people were assigned to each to do a profile of a candidate. Somehow I must have met with him when he was visiting Florida, but I don't even remember anything about it.

P: Another issue that comes up, and I thought this was sort of a little bit different thing for you, you wanted to do some inside stories on fraternities and you actually went through a rush process with one fraternity. How did you respond as both a student and a reporter to that experience?

R: Yeah, I went through rush and I carried a little notebook and I did the whole rush thing. The thing that struck me about what rush was like was that I would go in and drink a beer with the boys in some fraternity and have them tell me about how great their fraternity was, and maybe I'd say a few things, maybe not. Maybe I was charming, maybe I wasn't, but at the end practically every fraternity I ever set foot in asked me to join.

P: So they did not know you were a reporter, they thought you were just a student.

R: No, and as a matter of fact, I think that ethically I didn't have any obligation to tell them that because I really was there [as a student]. There's nothing misleading except the fact that I was going to go write something about it. They didn't anticipate that, but it wasn't as if I was pretending to be somebody I wasn't. I was a student who was there to go learn about rush and decide where I wanted to join a fraternity. I just wrote this first person story about what it was like. The essence of the story was that everyplace that I walked into they offered to make me a member of. Everyplace that I walked into I didn't really much care to be a member of, so I walked away from the whole thing thinking it's not for me.

P: You never joined one.

R: But everyplace I walked into wanted to offer me a membership. When I wrote the story, the funniest comment [came] from one of the journalism professors. I think it was Ed Weston, a journalism professor at the time. I might be mistaken about which one it was, but whoever it was said something after reading my story, and he had been a Greek in college. He said, when I was in college they faulted us for being too exclusive and thinking we were too good for anybody else and not letting anybody in. Now this Rivas *Alligator* guy does this story that says the problem with fraternities is that they want everybody to join, they don't care who they are, they have no standards. I mean which is it? He was frustrated.

P: There's another story you did that I thought was very interesting. You thought that there had been a lot of thefts of bicycles, so you actually worked with a friend of yours and, in public, actually cut the chain on her bicycle and stole it. Nobody stopped you. Somebody said something like that's not your bike.

R: Yeah, I remember the guy hollering, hey man, and then riding away.

P: What was the ultimate purpose of that, just to say that the rest of the campus was unconcerned about bike theft?

R: I think the purpose of it was more just to remind bike owners that you need to do something to guard your bike. [Use] Stronger chains? I don't know.

P: [laughing] One of the major stories you've already alluded to is this business of the Sunshine Law. As we know, the university was holding important meetings deciding on the selection of deans and vice presidents. They were holding these meetings in private, and by the Sunshine Law those meetings should be open. So, in essence, the *Alligator* challenged the university. I know that at least on one occasion one of the reporters was arrested because they would not leave one of those meetings. Were you involved in some of those activities?

R: Yes, all of us were involved in different activities. I remember Tim Smart [*Alligator* editor in 1979, deputy assistant managing editor at *U.S. News & World Report*] was arrested [and] Barry Klein [*Alligator* editor in 1980] was arrested. But it was a movement that was underway by the *Alligator*, and Tom Julin probably had more to do with it than anybody else. It was a movement that was underway, continually challenging different kinds of meetings. The law gets to be quite technical about which kinds of meetings are covered and which kinds of meetings are not. The one that I remember the best of my own personal involvement, and I was part of the kitchen cabinet of people that were sitting around cooking this stuff up all the time, but the one that I personally did that was most memorable [concerned the Florida Blue Key]. We decided that the Florida Blue Key tapping was a Government-in-the-Sunshine-controlled committee meeting that was required to be held in the open. Looking back on that, as a lawyer now who is regarded widely as an expert in the Government-in-the-Sunshine Law, I realize that there was really no merit to that contention. Nonetheless, I thought, well they have the tapping in the cafeteria at the P. K. Yonge [Developmental Research] School [established at the University of Florida in 1934 to encourage innovative K-12 education], which is the university lab school, it's a high school. The lab school cafeteria was turned over to Blue Key. I think more than 100 Blue Key members would come, which is why they needed a good sized cafeteria and they needed it to be someplace where they felt they were secure.

I just walked in and sat around among them and had people walk up and say, hey Rob, good to see you man. Everything was very cheerful and friendly. They'd say, so what are you doing here, we're going to have tapping. I'd say, yeah, that's why I'm here. They'd all laugh and say, what do you mean? One thing led to another and finally they started to try to get underway. People were buzzing

back and forth saying, hey, this guy thinks he's going to sit here while we have our tapping. In a tapping, you have these fraternity presidents who barter and make alliances. Three, four, or five fraternities would support Julian Pleasants for entry into Blue Key, and then they make a deal, well we'll get Julian in if you're other block will all agree to let Robert in. That's the way Blue Key tappings go. It's an intensely political and somewhat ridiculous process. They all got excited about it and called the police and the police came out. I held it up. They were scheduled to start at something like eight o'clock on a Friday evening. The police came and I said, officer, is there anybody among these people that's got the authority to tell me that I can't be here? This is public property, and isn't the principal of the high school the only one who can tell me that I can't be here? Who's got the authority to tell me that I'm trespassing? There was nobody but all these students walking around and the cop says, yeah, I don't know how I can say you're trespassing as a crime absent maybe the principal of the school coming along. He's the person with the authority to order me off the property. So the cops finally gave up and left. They said, there's nothing we can do here, this is just not a police matter. Then by ten or eleven o'clock they called Art[hur] Sandeen, who was the vice president of student affairs, and he personally came over. He was just as friendly and cheerful as can be for having been gotten up shortly before midnight on a Friday night to come out and talk to me about this. He just came and sort of debated with me for a while. [He said] why do you think that you're entitled to be here? Why do you think this has got to be open? We talked about it for half an hour and he finally said, if I'm not going to dissuade you I guess I'll just tell them that there's nothing I can do for them and they're going to have to decide what they're going to do. They all ultimately got together and decided that they were going to cancel the tapping meeting and reconvene, and they did reconvene at a secret location.

P: They didn't tell you right? [Laughing.]

R: [They reconvened] at an undisclosed location on private property this time. I may have even found out when and where it was, but they went to someplace that was physically inaccessible to me. [They went to] somebody's ranch or somebody's house, a place that I couldn't possibly claim to [to have a right to be there]. But by picking P.K. Yonge's cafeteria, they put themselves in a place where they couldn't make me leave. They couldn't have the police haul me off.

P: I bet they were really happy with you weren't they?

R: They were really quite irritated over the whole thing. It was quite a confrontation, but it didn't lead to the kind of fall out that the Tim Smart and Barry Klein events led to.

P: But it was interesting, because I did read your article on that and it did point out, I

think you may have put in that situation that everybody thought being in Blue Key was such an honor, and then when you figured out all this horse trading that went on it wasn't quite as great an honor as everybody had thought it would be.

R: The story we used to tell was just to laugh about the fact that Reubin [O.] Askew [Florida governor 1971-1979] was not admitted to Blue Key because he was on the outs in the horse trading between fraternities when he was a University of Florida student. Blue Key likes to claim that all governors are Blue Key members, which may have been true until our generation. For the first time, the University of Florida is not so dominant. But after he was in the Senate and running for governor, or after he became governor, Blue Key tapped him as an honorary member so that they could continue to claim that every governor has been a Blue Key member.

P: In the end, as I recall, the Florida Supreme Court either wouldn't take the case or did not force the university to open their meetings. Is that correct? Do you recall?

R: Well, the problem is that there are several different kinds of meetings. [One type is] when there is a committee appointed to search and screen candidates. For example in the one case, *Wood v. Marston*, Terry Wood the editor of *The Verdict*, the University of Florida Law School publication, [was] represented by Tom Julin. They went to the Supreme Court and the Supreme Court ruled that the search committee was a public committee meeting. From that followed the requirement that they couldn't talk to each other outside of meetings about what they were supposed to talk about in the meeting. They had to meet in public, they had to provide notice of the meetings, and they had to publish their minutes. It was established that search committees are covered by the Government-in-the-Sunshine Law. Another category of meetings that we thought should be open was [the] counsel of academic deans. I think that's the right terminology for it. There's a group that meets that gives advice to the president, and they're called the counsel of academic deans. For very technical reasons having to do with the application of the government and the Sunshine Law, that was deemed not to be controlled by the Sunshine Law, so you got no access to those meetings.

P: What year was *Wood v. Marston*?

R: 1984 or 1983.

P: I know that there were some searches held during this period, in 1978 and 1977, that were not open, that were searches for vice president and one for dean. Since that time they have all been open.

R: Well, Tom Julin tells the story that it was frustrating to him when he was the editor that he kept trying to get lawyers in Gainesville, Larry [G.] Turner [current Alachua County circuit judge] in particular. Larry would always say, I don't think

this is a good case. I'm afraid you're going to lose and set a bad precedent. [He would] basically talk him out of it or just wouldn't agree to bring a lawsuit. These instances you're describing in the late 1970s and early 1980s, when committees did meet without being public for a long period of time, Julin was out there trying to get a lawsuit brought to stop it. He was not finally successful in getting it done until he himself was in law school and he could [bring the lawsuit].

P: I know he met with Marston on at least one or two occasions trying to work out some sort of compromise, and Marston was not particularly interested in accommodating him. Let me talk about some other stories that you wrote about. I think one of your most important stories was the construction of a nuclear power plant on Blount Island in Jacksonville. I think that was one of the ones that you won a Hearst Award for, is that correct?

R: Yeah, it's right over there [points to the medallion displayed on a bookshelf in his office].

P: How did you get started on that story?

R: The truth is I was trying to think of a candidate to win a Hearst Award. I read a lot of Hearst Award-winning stories over the years and made a sort of laboratory study in my own mind of what it takes to win Hearst Awards and what kinds of stories will and won't [win] and what kinds of stories are the best candidates. Then I started, just for months, walking around looking at the world, at media coverage of things, and just trying to keep an eye out or an ear to the ground in search of what would be a good story. The nuclear power plant proposal for Jacksonville eventually came to jump out at me as an ideal candidate to be a Hearst Award winner. It was a very, very burning issue in the late 1970s, this thing about nuclear power plants and whether going nuclear was a real bad move and whether there were going to be long term consequences that would be regrettable. The nuclear industry was always putting a cheerful face on it and saying, no, there's no way any of this bad stuff could happen. It was a burning controversy. For the *Alligator* to take on doing a really thorough, in-depth story about that would be kind of an ideal in depth Hearst award project.

P: This was right before Three Mile Island or after Three Mile Island?

R: The story was right about that time and I think that the Three Mile Island had not yet happened. I also think that the Jane Fonda movie, *The China Syndrome*, had not yet happened. It was long before Chernobyl.

P: But it was interesting, because in reading the piece there were really concerns because it was on an island, Blount Island.

- R: Yeah, but more than that what the story was about is the fact that it would be manufacturing these floating nuclear power plants and manufacturing them on Blount Island. The plant is on a barge and the barge gets floated anywhere in the world, so you can turn out nuclear power plants like Ford turns out cars and send them floating around the world. They had a whole elaborate engineering program where they would park the barge off of a city that needed electricity and they would build these giant bulkheads with huge things that looked like a child's jacks, but they're twenty tons each and they're made out of concrete and they're all stacked in a big pile of jacks all around the nuclear power plant just to stop the water. The engineers were most insistent that it would be okay, but it all seemed to the average lay person like this is really kind of wacky. That, I think, was the focus of my story. I guess that view was vindicated, because it never got off the ground. It was called Offshore Power Systems. It was a joint venture between Westinghouse and some other company that was a big nuclear power plant maker.
- P: Talk about the Hearst competition. How did that work? They selected your story and then they put you in a write off or something like that where they would give you a story and you'd have to write it immediately?
- R: There were eight national finalists slots in the Hearst contests. There were six monthly competitions during six academic months of the year. Each one was a category. [There was] editorial writing, spot news, in depth reporting, [and] feature writing. In each category, month by month, there would be a first place national winner. Each of those six first place national winners automatically went to San Francisco for the write off, and then there were two others that would be called wild card winners. Each month there would be a first, and then they would actually give awards for the first place through the twentieth place. They'd give recognition awards to the last fifteen. But among the people who got several second, third, fourth, or fifth place Hearst awards, who did the best but never got a first, two per year were selected to go to San Francisco for the write off. Both years I was one of those. I won a second and a third, and a second and a fourth, and went to the write off. They wine you and dine you, and you have a wonderful time for a weekend in San Francisco. [At] the conclusion of it you sit at a press conference. Somebody comes and holds a press conference and you just get to act like you're at a press conference and ask him questions when he's done making his spiel about whatever it is, which was basically nothing. Then, all the reporters would retire to a room and bang on their typewriters and write a story about what they just learned at the press conference and produce a story. These eight stories would go to the judges and the judges would come out with a decision. They would give a first, a second, and a third place award, and then five runner-ups. I was a runner-up one time and either second or third one time.
- P: There is pretty stiff competition, I'd imagine, at that level.

R: It's very tough competition. One of the years, they had a guy who was the family chief of staff guy, the main employee of the Hearst family. On the day of the write off, Patty Hearst was sentenced to prison time for her role in the bank robberies that became so famous. He came and he talked about some issue at the press conference, but before or after he talked about the issue that he wanted to talk about he started referring to the fact that Patty Hearst the day before, and it was all in the newspapers that day, had been sentenced. He sort of started railing about how unjust it was. There was this tremendous ambiguity to all of us [about] are we allowed to write about that or do the rules say we're supposed to write about the press conference? His ranting about the injustice of Patty Hearst going to jail certainly would have been a story, but we felt like we were under this artificial constraint [and] we were required to write about what took place at the press conference. Every single one of us wrote about what took place at the press conference and didn't get into him ranting about Patty Hearst's sentence. One of the judges later told us that that was the worst news judgement decision that he'd ever seen and he couldn't believe we did it and that we all did it. He said, if one of you had written about what he said about Patty Hearst you would have won first place for sure, even if you did a terrible story, because it would have showed better news judgement than writing about the press conference. We certainly all felt rebuked, but at least I felt like I was one of eight guys who were all misled into thinking we had to write about the press conference.

P: But that was not done deliberately?

R: No, [it was] just the way it unfolded. We all thought that we'd be disqualified from being a possible award winner if we wrote about that instead of the press conference.

P: Let me ask you about a couple of other things. You indicated that you were particularly interested in politics, and obviously you covered the Bob Graham/Bob Shevin Democratic primary where Graham upset Shevin.

R: Then he predictably beat Jack Eckerd.

P: What did you think about Graham, because this was at a time when he was a state senator and not very well known?

R: He was really stiff. He was a really poor speaker. He's not good now, but in the first two years when he was governor he was told again and again that he was a terrible speaker. [He was] really academic, stilted, [and he] used a lot of unfamiliar words. He worked real hard to become better and he improved 100 percent during the first two years of his first administration, but on the campaign trail he was a pretty bad speaker. I thought it was amazing that he could

generate enough of a publicity machine and advertising and so forth to run a successful campaign. One of the things about him, you know with his little notebooks and stuff, is that he has this powerful ability [to remember people]. He may have a fabulous memory, but I think maybe also it's got something to do with staff work and the little notations in notebooks as well. If he saw me one day and then he saw me a month later, he'd see me across the room and call out to me, hey Rob. He was very personable with reporters. He really knew how to work reporters and endear himself to them, and he retains that to this day. It was a lot of fun covering his campaign. There were a couple of times I made observations that became little pieces in the *Miami Herald* of daily campaign coverage that the other political reporters in Florida hadn't even noticed.

P: Of course part of it is that Bob Shevin was not the most scintillating campaigner either. [Laughing.]

R: The joke was that his campaign went down because he sweated too much. I mean the guy had to have the room be sixty-nine degrees and no warmer or else his shirt would be soaked with sweat.

P: And, of course, Jack Eckerd, who was well known, had a lot of money, but this is a time when the Republican party was still sort of on life support in the state of Florida. So it was pretty well understood that the Democratic nominee would get the general election.

R: It would have been totally implausible for Jack Eckerd to win.

P: One of the more interesting things I think you did was your interview with John Spengelink. Talk a little bit about why you decided to do that and how you were able to get access to him.

R: At that time, I was interested in the death penalty. It's just something that college age kids are particularly drawn to as an interesting philosophical issue, you know, is it right or wrong? I was interested in it, and I began reading about it and learning about it and talking to people about it. What was the year of the last death sentence being carried out before the Supreme Court found them all unconstitutional?

P: It was 1964.

R: For many, many years there was an interregnum in executions. The Supreme Court ruled that the process of determining who gets sentenced to die was just terribly flawed under virtually every state law in the country, so executions came to a complete halt.

P: I should point out this is the state of Florida. Gary Gilmore was executed in Utah in 1977.

R: Well, they came to a complete halt, and I was going to say, except for this one little foot note that Gary Gilmore was executed in 1977. That's kind of an odd exception because he kept insisting on it, and he succeeded in committing suicide at the hands of the state. But other than Gary Gilmore's suicide, there were no executions since 1964. When I talked to a death penalty expert, I found that you can sort of make a chart or spreadsheet of the appellate process for all of the inmates in the country and determine, based on certain time lines and events, their right to appeal here and their right to appeal there, where everybody was. I learned more than a year in advance that Spenkeliink was already known to be the one who had exhausted the largest number of appeals and who had the sort of clear frontrunner status as the one who was most likely to completely exhaust the last of his appeals first. So he would be the first person, again other than the footnoted Gary Gilmore, to be executed in America since 1964. Hardly anybody seemed to be aware of that, and that was a fascinating fact to even just know, particularly in Gainesville where Starke is only half an hour drive to the north.

Once I learned that, I figured I've got to go talk to this guy. It was a simple matter to talk to the people at the Department of Corrections. They had policies in place for interviewing inmates. All I had to do was submit my application, have them check me out security wise, sign certain forms, and arrange it. I wrote back and forth to him, went there and did the interview with him, and wrote a story, which again was one of my second or third place Hearst Awards.

P: What was your impression of John Spenkeliink, because his crime was not particularly heinous? He had shot a guy, he claimed in self defense of course, once in the back and once in the head. I know you wrote in your story that he had been abandoned as a child.

R: I just thought he was a pathetic, lame brained, probably totally harmless guy. As far as I was concerned, I wouldn't feel that the world was threatened if he was just let out of prison, although I'm not suggesting that that should have been allowed to happen.

P: This is no Richard Speck [serial murderer in the 1960s] or anything like that.

R: No, he shot a guy and there's a big debate about whether it was in self defense. He and the other guy were in a hotel room together, and some of the medical evidence indicated that the guy was shot while he was laying face down in the bed, so he may not have. Battered wife syndrome wasn't very big back then, but Spenkeliink described how he had been sodomized and abused and slapped around and beat up by the guy fairly regularly for some time. You know you or I

would ask, so why don't you just stick out your thumb and go pal around with somebody else? But he was just not very smart and the sort of guy who was helpless about how to lead a life.

P: Was he kind of a drifter?

R: He was a drifter and the other guy was a drifter, and he sort of fell under the other guy's influence and drifted with him. He maybe got sick and tired of the abuse and shot the guy. They may have done some robberies together. I just thought it was an outrage that the state of Florida, that Bob Graham, picked him to be the first [execution]. If his case was reviewed right now by any court in the country his death sentence would have been vacated. There's no question that he did not meet the criteria that are considered essential to be [executed]. His murder, as absurd as this may sound in a sense, was a particularly average murder. Only a particularly atrocious and heinous murder, or multiple murders, is supposed to be the subject of a death penalty. His wouldn't qualify.

P: Also, you did another article later on when apparently he got in a fight with prison guards. Do you know what the circumstances were there?

R: Nobody ever knows the real circumstances. I just know he wrote to me and told me that he had been beat up by the guards because they were mad because of the attention, primarily because of my work, that had come to be focused on him as the death row inmate with the mark on the forehead of being the one who was most likely to die first. Some kind of controversy arose within the prison and he says that they just came into his cell and beat him up. They say that he did something, [that he] attacked a guard. Having interviewed him behind bars, I couldn't see this guy attacking a guard.

P: In the end, all the appeals were denied. I think the cruel and unusual punishment arguments came up, and I think they even talked about "Old Sparky" [nickname for Florida's electric chair] at this time, about electric chairs being cruel and unusual. All of the appeals failed and he was the first executed, is that correct?

R: Yeah. As a matter of fact, when his execution took place I was on an internship at the *Tallahassee Democrat*. I was supposed to be on the internship to cover the legislature. Again, this is something that benefitted me by being at the *Alligator*. All the political coverage that I had done in 1978 during that gubernatorial election and a variety of other political matters I covered during that year led to the [*Tallahassee Democrat*] sort of creating a special internship just for me to go cover the legislature for the 1979 legislative session. [It was] just to increase the amount of staff that they had covering the legislature for that session. So I took off spring quarter and came to Tallahassee and did that. While I was there, the last of Spenkelink's appeals was denied and the governor signed a death warrant. I went

down to Starke to cover the execution because of the fact that I knew all the lawyers involved. One of them that I got to know back then was David Kendall, who [later] represented President Clinton in the impeachment stuff. It's such a small world, these little connections. David Kendall also represented the *National Enquirer*, and for some time I helped represent the *National Enquirer* in South Florida because of the David Kendall connection that had developed when I was working on the Spenklink stories.

When the [*Tallahassee*] *Democrat* sent me down there, there came to be a series of events that took place over the course of a week where there would be temporary stays of the execution granted. I'm not going to remember this correctly in detail, but [I can] hypothetically give you the correct impression about what it was like. It was like he'd be scheduled to die at 6:00 p.m. Monday, and at 4:00 p.m. Monday there would be a stay entered. The stay would be dissolved by noon Tuesday. Then, they would schedule him to die at 6:00 a.m. Wednesday, and at 11:00 p.m. Tuesday night another stay would be entered. This back and forth with stays and rescheduling of the execution took place with this incredible free for all of several days leading to his execution. Finally, the last of the stays were denied and he finally really was executed.

P: This was national news.

R: It was the biggest story in the country. He finally really was executed. All the Knight Ridder newspapers picked up my stuff from the [*Tallahassee*] *Democrat*. In fact, another one of these small world things, I was occasionally working with Barry Bearak [2002 Pulitzer Prize winner for International Reporting], who was a reporter for the *Miami Herald*. The Herald editor said, yeah, talk to Robert Rivas too, he's there for the [*Tallahassee*] *Democrat* and he's been a stringer for us. So we all worked together and knew each other. I'd write for the [*Tallahassee*] *Democrat* and he'd write for the *Herald*, but sometimes our stuff would get edited together because they're both Knight Ridder newspapers and they'd move on the Knight Ridder wire. So some of the stuff that I did about Spenklink, while I was still a college student, wound up being on the front pages of Knight Ridder newspapers all across the country.

P: Did you actually witness the execution?

R: No. The people who get slots as witnesses are limited and very carefully defined, and I could never have qualified for any one of those slots. There was this woman who had a strange relationship with him. They talked about each other as if they were husband and wife, although she never had met him until he was in prison on death row. She had these two kids. Anyway, I was with her and with his mother at the actual moment of his execution, and there were reporters from all over the country out. We were out in the field outside of Starke, outside the prison. When all the stuff about the stays and the rescheduling of the execution was going on,

some of the reporters who were much less knowledgeable and didn't know all the people and stuff were saying, see that guy there, watch him. If you see him run from here and go jump in his car and go somewhere, that probably means that there's something going on that we don't know about yet. If you want to find the family that he keeps quoting in the *Miami Herald* stories, we need to follow him and find where they are.

P: That's pretty unusual for a college newspaper to be way ahead of all the national news and networks and everything. You stole a march on them didn't you?

R: I was way ahead of everybody on all of that.

P: Did that change your views toward the death penalty?

R: No, I think my view in opposition to the death penalty was probably solidified long before that. It made me more convinced of my views.

P: One question I wanted to ask you about, and I'm not clear on this, at one point were you on the board of directors of the *Alligator*? Did you serve as a student member?

R: The managing editor is always a member of the board of directors, so while I was managing editor I was always a member of the board of directors as a result of that.

P: How important was the student voice on that board?

R: It was dominated by students. Jon Roosenraad was on the board as an editor and he was with us in practically everything. I don't remember who else was on the board.

P: I guess [Charles] Ed Barber [Alligator general manager and president, former UF Student Publications director] would have been. No?

R: Does the president get to be on the board? I don't think so. I don't think he has a vote on the board.

P: Usually, there's a journalism person. I know Jack Detweiler [professor at the UF College of Journalism and former Student Publications director] was on there at some point.

R: [The people on the board were] the editor, the managing editor, Roosenraad, there was a law student and another professor. Two out of five votes were staff members, and being able to get one of the other three to side with us on virtually any issue was not hard. It would be rare for an issue to come up where all three

non students disagreed with us, so if the students were united in support of something they pretty much could accomplish whatever they thought they needed to do.

P: Discuss a little bit your pro bono work for the *Alligator* since you've left law school.

R: It's been really very little. Ed Barber is so appreciative that he tells people all the time that I've done a great deal of pro bono for the *Alligator*, but basically it's been limited to the *Alligator* editors call[ing] me. They describe a situation where there's a problem unfolding and ask me what their legal rights are and how to handle it. [They want to know about the] reporter's privilege, Government-in-the-Sunshine [Law], access to public records, [and] things like that. I have actually never represented the *Alligator* in court.

P: What's your view on the [Dale] Earnhardt [famous race car driver who died in 2001] photographs [withheld from public and press and controversial because they may indicate faulty safety equipment]? Obviously the Florida Supreme Court ruled against the *Alligator* on that.

R: I think the Earnhardt photographs were just political dynamite. Most people don't understand that eroding the principles of access to government and Government-in-the-Sunshine Law is, in and of itself, a really bad thing to do. It's bad even to erode the principles even when you point to a specific incident where some documents maybe shouldn't be made public. Maybe these documents shouldn't have been made public. Maybe the photographs and the Danny Rolling [Daniel Harold Rolling, serial murderer in the 1990s] murder trial shouldn't have been made public, but these are examples of situations where the really extreme situation makes a lot of political support for closing the documents. Those of us who believe in open government feel like the more important principle is going to be eroded.

P: It is pretty unusual for the legislature to make an exception like that, is it not?

R: Yeah, and it's because of the tremendous political power of the race car thing. NASCAR was very cynically doing all this just to protect its own corporate interests.

P: And presenting it as protecting the widow.

R: [They wanted to] pretend like they're protecting her, and she was, for some reason, happy to play that role. I think there may have been years of potential multi-million dollar liabilities for NASCAR over dead and injured drivers because of the safety harness issue and other safety issues. They saw it as being a principle, too. They saw their principle as being our immunity thus far from liability to our

drivers is going to be eroded if we don't do something to put a stop to this right now.

P: As I recall, the Supreme Court decision was six to one. Were you surprised at that ?

R: I was really not surprised. I think that if it was one of those cases where the law, for all the reasons that Tom Julin so brilliantly articulated, clearly said that the circuit court decision was wrong, that those photographs had to be released. But once in awhile there's a decision that's just so political that the members of the Supreme Court of Florida just sort of hide their heads and avoid it. This was one of them. I personally had a similar experience with another one. You know I did a landmark civil rights case on a patient's right to obtain his physician's assistance in his death in 1997. The court's decisions under the privacy amendment, affording people the absolute iron-clad right to control their own destiny when it came to medical decisions, were clear leading up to that case. But there was so much of a stamp of political hot potato all over this decision and the opposition from the Christian Right, Catholic Conference, and a number of other powerful sources was so tremendous and so utterly political that the Supreme Court of Florida made another one of those decisions that just can't be squared with their own precedents. The loss of the *Alligator* and the Earnhardt photographs just can't be squared with the Supreme Court's own precedents.

P: Is there anything else that we haven't talked about that you would like to discuss?

R: No, you've been incredibly knowledgeable and thorough. A couple of those articles I needed a five minute warning to think hard about whether I could even remember anything about them. The fact that you knew that Stuart Emrick was the managing editor at the time that silly underground water pipe story was assigned really shows some great research.

P: Well, on that note I want to thank you very much for your time and I appreciate it very much.

R: De nada.

[End of interview]