BROWARD POLITICS
1928-1938

POLITICAL INFLUENCE IN
DEPRESSION ERA BROWARD

by DONALD G. LESTER

Broward County, along with much of Florida, entered a period of economic depression with the collapse of the real estate boom of the mid-1920s and the disastrous hurricane of 1926. This period of financial hardship was intensified by a second deadly hurricane in 1928, which wreaked particular havoc in the West Palm Beach and Lake Okeechobee regions, by the collapse of a number of south Florida banks in the late 1920s, and by the October 1929 stock market crash which ushered in the nationwide Great Depression. The depression colored nearly every aspect of life in Broward County, which had a population of 20,094 in 1930 and an economy based primarily on tourism and agriculture. In the county's political realm, the decade from 1928 to 1938 emerged as a distinct era, dominated by colorful personalities, influenced by state, regional, and national trends, and characterized by deep and sometimes lasting divisions.

The political factionalism that dominated Broward County during the Great Depression originated with a bitter struggle for the judgeship of the newly-created Twenty-second Judicial Circuit in 1928. The position of circuit judge in Florida at that time rested on gubernatorial appointment. However, the tradition had long been established that the governor would appoint the winner of the Democratic primary, submitting his name to the Florida Senate for confirmation. The same procedure was followed for the offices of state attorney and supervisor of elections.

Florida had been part of the Democratic Solid South since the end of Reconstruction. Thus the holding of an elective office depended upon success in the white Democratic primary, with participation limited to members of the Caucasian race. Until 1937, payment of a poll tax was a prerequisite for voting. According to Democratic primary rules set up in 1901, a majority of votes was required for election. In case no candidate received a majority of the first primary vote, a run-off election was held between the two top contenders. The reason for this rule, which predominated in the southern states, though not in the country as a whole, was that, in the South, the Democratic nomination was tantamount to election. The Democratic primary therefore attracted a multitude of candidates, and it was deemed improper to award the nomination, and thus the election, to the top vote-getter if a majority of the voters had voted against him.

The rules regulating the Democratic primary were amended in 1913 by the Bryan Law, which combined the first primary and the run-off into one election. The new procedure called for a voter to indicate his first choice and also his second choice. If a candidate received a majority of first choice votes, the primary election was decided. But if no candidate received a majority of first choice votes, the second choice votes of the candidates finishing lower than second place were added to the votes of the two front-runners, and the victor was thus determined. The plan was named after Florida's United States Senator Nathan P. Bryan, a Jacksonville resident whose family played a prominent part in the early settlement of Broward County.

A leading authority on Florida political history has written that the Bryan Law worked perfectly on paper, but that it bogged down in practice. Many voters were confused by the plan, and many did not vote a second choice. Many election officials seemed as confused as the voters and were not sure which second choice votes to count. The procedure bogged down completely in the Florida Democratic primary for governor in 1916. Sidney J. Catts had a clear lead in first choice votes, but his chief rival, William V. Knott, the choice of the party establishment, picked up enough second choice votes to send the election to a virtual tie. After much wrangling, Knott was declared the victor. Catts refused to accept that result and contested the November election as an independent with Prohibitionist party
support, defeating Knott by 9,000 votes. In 1917, the legislature voted to repeal the Bryan Law, but this bill was vetoed by the governor. Thus the first choice/second choice system remained in place until Florida reverted back to the run-off system in 1930.

Broward County, created in 1915, was originally placed in the Eleventh Judicial Circuit along with Dade and Palm Beach counties. In 1917, the Fifteenth Judicial Circuit was created, separating Palm Beach and Broward counties from Dade, with E.B. Donnell of West Palm Beach as circuit judge. C.E. Chillingworth of West Palm Beach became judge in 1923. The rapid increase in population during the real estate boom of the 1920s encouraged the Broward County Bar Association to clamor for a separate Broward judicial circuit. In 1927, these efforts bore fruit when the legislature passed an act creating the Twenty-second Judicial Circuit, and the bill was signed into law by Governor John W. Martin. The governor then followed the recommendation of the county bar association and appointed Vincent C. Giblin, possibly the most brilliant lawyer ever to practice in Broward County, as judge of the twenty-second circuit. Giblin had been born in Mobile, Alabama, in 1895, and had received his law degree from Notre Dame University. He had served as an attorney for the Florida East Coast Railway in Jacksonville before moving to Fort Lauderdale in 1925. Soon after his arrival, Giblin was able to impress most of the Broward lawyers with the depth of his legal knowledge and erudition. His appointment to the judgeship of the twenty-second circuit was soon confirmed by the Florida Senate.

Governor Martin also followed the recommendation of the Broward County Bar Association in appointing Fort Lauderdale Municipal Judge Louis F. Maire as state attorney for the Twenty-second Judicial Circuit. Maire had been born in New York in 1894, but had grown up in Georgia. He graduated from the Detroit College of Law at the age of twenty, and, after admission to the Michigan bar and Georgia bar, settled in Fort Lauderdale in 1923. He was soon admitted to the Florida bar and in 1924 made an unsuccessful attempt to unseat Fred B. Shippey as county judge. He then became Fort Lauderdale municipal judge. Maire's appointment as state attorney was quickly confirmed by the Florida Senate.

Broward County's outstanding legal case of 1927, and one charged with a number of political ramifications, was the Hicks murder trial. William A. Hicks, former chief deputy sheriff under Sheriff Paul Bryan, stood accused of the 1925 murder of Robert R. Barber, a one-time prisoner. Hicks had not been charged until two years after the murder, but interest in the case then reached a fever pitch. Hicks was defended by an impressive battery of lawyers, including C.E. Farrington, Thomas Lockhart, and G.H. Martin of Fort Lauderdale; J. Walter Kehoe, a long time state attorney from the Pensacola circuit and former one-term congressman from the panhandle; R.B. Gautier, a former mayor of Miami; and the Miami firm of Price and Price. A defense by this outstanding array of local talent indicates that Hicks had some money at his disposal. According to G.H. Martin, wealthy, reclusive Fort Lauderdale beach resident Hugh Taylor Birch donated $5,000 to the Hicks defense fund.

Judge Giblin's involvement in the Hicks case was short lived. He disqualified himself from hearing the case on grounds of ill feeling that existed between himself and Hicks, and Governor Martin appointed Judge Lexie Parks of Tampa to conduct the trial. After hearing sensational testimony

The Broward County Courthouse, with its distinctive belltower, as it appeared in the 1920s.
which attracted widespread news coverage, the jury convicted Hicks and he was sentenced to life imprisonment in the state penitentiary.  

Although he did not play an important role in the Hicks trial, Vincent C. Giblin soon proved to be a tough, no-nonsense judge who took his duties, as well as himself, very seriously. This approach offended many people, and numerous complaints surfaced concerning his high-handed tactics. As the 1928 elections approached, many Broward countians felt that Giblin was due for his day of reckoning if a suitable opponent could be found. Fort Lauderdale attorney George W. Tedder, Sr., took the challenge and filed against Giblin. A Florida native, Tedder had been born in Madison in 1880. He had started his career as a school teacher and won his first elective office in 1904, when he was chosen superintendent of public instruction for Madison County. He won re-election to that position in 1908, 1912, and 1916, and in 1917 became the president of the Florida Education Association. Then, in 1920, Tedder entered into the legal field when he was elected judge of the Madison County court. Two years later he was admitted to the Florida bar. Although re-elected county judge in 1924, Tedder resigned that position in 1925 and moved to Fort Lauderdale to engage in the private practice of law.

As the battle for the circuit judgeship took shape, a large majority of Broward County’s lawyers came out for Giblin, mesmerized by his legal brilliance. Such a large majority of the

Principal figures in the W.A. Hicks murder trial as sketched during the proceedings by Miami Daily News staff artist O.F. McIntyre. Despite his lifelike characterizations of some of Broward County's leading attorneys, McIntyre misspelled the names of "Luis" (Louis) F. Mairé, Thomas M. "Lochart" (Lockhart), Thomas "A." (G.) Farmer, and "C.G." (G.H.) Martin.
members of the Broward Bar Association endorsed Giblin that many citizens perceived that the bar association itself supported the incumbent judge.

Two Fort Lauderdale lawyers, Dwight L. Rogers and John E. Morris, refused to go along with the wishes of the vast majority of Broward attorneys and became campaign managers for Tedder. Rogers, born August 17, 1886, in Reidsville, Georgia, graduated from the University of Georgia in 1909 and received his L.L.B. from Mercer University the following year. After admission to the Georgia bar, he had practiced in Ocilla, Georgia, for fifteen years before moving to Fort Lauderdale. Morris, born in Jefferson County, Florida, on September 12, 1886, also graduated from Mercer with a law degree in 1910. He was admitted to the Georgia bar and practiced law in Quitman, Georgia, from 1910 to 1925, serving as prosecuting attorney in Brooks County, Georgia, from 1912 to 1922. In December 1925, Morris was in Fort Lauderdale, where, by chance, he met Rogers at the corner of Andrews Avenue and Las Olas Boulevard, in front of the Broward Hotel. The two classmates had seen each other only intermittently in the fifteen years between their graduation and their meeting that December day. Both men had come to Fort Lauderdale to practice law, and while Morris had been promised an office in the Wheeler Building, Rogers had been unable to find one. Then and there, they decided on a partnership, and both went to inspect the promised office space. Once there, they noticed that it consisted of two small adjacent rooms. Morris remarked that it looked small, but Rogers said that it was large enough for the time being. They stood in the doorway that separated the two rooms and shook hands. In twenty-nine years of partnership, ending only with Rogers’ death in 1954, that handshake was the only contract between them.

As the campaign between Giblin and Tedder became more heated, a long political advertisement appeared in the Fort Lauderdale Daily News. It was a strong endorsement of Giblin and was signed by a large majority of the Broward County Bar Association. The heading stated:

“LAWYERS GIVE REASONS FOR SUPPORTING JUDGE VINCENT C. GIBLIN”

The advertisement began by denying that the lawyers were trying to tell the voters how to vote. It mentioned Giblin’s high standing among attorneys and emphasized that he kept his docket clear. The advertisement closed with the following statement and endorsements:

“Coming in contact with Judge Giblin each day in the trial of matters before him we find him to be an able lawyer, and efficient, honest, and unbiased judge, and we think that he is entitled to an endorsement on his record, he having been a judge for only one year. Coming into contact with Judge Giblin each day in the practice of law and observing and studying his decisions when on the bench, we are of the opinion that his sole purpose in the performance of his duties is to see that justice is done to all litigants. Judge Giblin will not court your or our favor . . .


George W. Tedder, Sr., did not take the opposition of a majority of the Broward bar in a meek and humble manner. He staged a traditionally American populist campaign, empha-
sizing that he would be a people’s judge rather than a lawyer’s judge. A Tedder advertisement which appeared in the Fort Lauderdale Daily News read as follows:

"VOTE FOR GEORGE W. TEDDER
A MAN OF THE PEOPLE
AND THE PEOPLE’S CANDIDATE"

He is not backed by any faction, political ring, or banking clique. He is not backed by railroad corporations, special interests or their paid attorneys. He believes in more stringent banking laws and in the enforcement of the banking laws we now have for the protection of the depositors. He believes in economy, courtesy, and impartiality in public office as well as efficiency.

He feels that the office is so important and political trust so great that it should not rest in the dictation of lawyers. When elected he will not be merely a lawyer’s judge, but will be a judge and public servant for all of the people, with no interest to serve except that of justice.

For an independent judiciary without entangling alliances vote for the people’s candidate, George W. Tedder, capable, efficient, and a gentleman always."

Tom Farmer, a leading Fort Lauderdale trial lawyer, delivered a speech in Stranahan Park entitled “Our Circuit Judge.” Farmer said that Giblin kept his docket clear, and he attacked Tedder’s qualifications and campaign tactics. A statement of Tedder’s that he was “a broadminded man of the people” received Farmer’s particular scorn, and Farmer went so far as to declare that Tedder was not fit to be a judge of any court. State Attorney Louis F. Maire took out an advertisement in the local paper endorsing Giblin, as did many other Broward lawyers.16

While delivering a speech in Hollywood, Judge Giblin was confronted by one heckler — Mrs. W.A. Hicks, wife of the ex-chief deputy who was still languishing in jail as a result of his murder conviction. Mrs. Hicks loudly blamed Giblin for her husband’s troubles. Giblin replied that he did not wish the support of the class attached to Hicks. “I do not care for the support of people like Hicks and his wife,” he stated, “if there are not enough decent people to elect me, I will accept defeat with grace.” For these remarks, he received an ovation.17

W.H. Shuford, a former mayor of Pompano, put a political advertisement in the Fort Lauderdale paper which strongly endorsed Tedder. He reiterated Tedder’s contention that lawyers should not be permitted to dictate the judicial selection, and then revealed mistreatment at the hands of Giblin. His statement read in part:

“... During the month of October I was summoned as a juror to appear on a certain Monday morning for service. I was in bed sick and had been there for a period of four weeks and so I instructed the officer who served the subpoena on me. I told him that I would not be able to do jury service the following Monday morning, but that I would send a reputable doctor’s certificate to the court showing that my physical condition was such that I
could not attend. Saturday afternoon preceding the Monday on which I was summoned to appear, Dr. McClellan, one of the most reputable and leading physicians of Broward County ... and who was my attending physician, gave me a certificate showing that I was physically unable to do jury service and I also included care. This certificate was sent to Judge Giblin and he refused to accept the certificate without making any inquiry at all but immediately sent Lucian Craig the Deputy Sheriff of Broward County to my home to bring me before him. Mr. Craig came to my home and found me in bed and said that the judge sent him after me to which I replied that I was unable to go to court whereupon Mr. Craig said that he would have to carry me by main force if necessary as that was his order from the court. In seeing that there was no way out, I told Mr. Craig that I would come but that I desired to go by and see the doctor before coming. However, the doctor was away from his office and I was brought to Fort Lauderdale. In my sick condition I appeared before the court and even though he is not a doctor he recognized that I was a sick man and I told him that I could not serve on the jury. I was hardly able to get back to my home in Pompano. I am supporting Judge Tedder for the reason that I do not think that he would do such a thing.

Respectfully,
W. H. Shuford

Judge Giblin replied by means of a political advertisement in the following day's paper. He denied that the lawyers were telling people how to vote, and he proceeded to give his side of the Shuford affair, claiming that the deputy had never told him of Shuford's illness and that he knew neither Shuford nor Dr. McClellan. He added that he had apologized to Shuford.

Dwight L. Rogers and John E. Morris campaigned strenuously for Tedder. They used various persuasive arguments, including the Shuford episode, to convince the voters that Giblin should be ousted as circuit judge. They also informed the voters of Tedder's excellent qualifications, which qualified him to be the next judge of the Twenty-second Judicial Circuit.

Overcoming the strenuous opposition of most of the lawyers in the county, George W. Tedder, Sr., scored a resounding victory in the primary election. The final count gave Tedder 2,366 votes to Giblin's 1,755.

Many high profile statewide political contests were also decided in the June 5, 1928, Democratic primary. In the gubernatorial race, former Governor Sidney J. Catts attempted a comeback, but faced major opposition from Doyle E. Carlton, a former state senator from Tampa, John S. Taylor, the 1925 president of the Florida Senate, and Fons A. Hathaway of Jacksonville, chairman of the state road department with close ties to the Martin administration. To these four candidates was added a fifth man, James M. Carson, a Miami attorney who spent the campaign educating the voters on Catts' shortcomings. Geographic rivalries played a significant role in the gubernatorial contest. Broward County voters were told, for example, that they should support Carlton because he was a south Florida man. They were also told that they should support Hathaway because he was an east coast man.

Retiring Governor John W. Martin made a determined effort to unseat United States Senator Park Trammell, who had never been defeated in any election since starting his distinguished career as mayor of Lakeland in 1899. In 1928, Broward County formed part of the Fourth Congressional District, which stretched along the east coast from Jacksonville to Key West, and also included some inland counties. Representative William J. Sears of Kissimmee, who had served in Congress since the fourth district was created in 1915, was challenged in 1928 by Ruth Bryan Owen, a resident of Dade County and the daughter of William Jennings Bryan. Mrs. Owen had barely missed unseating Sears in the 1926 Democratic primary.

Also running for re-election was Senator Alfred Wagg of West Palm Beach, who represented a district composed of Palm Beach and Broward counties. Not until 1947 did Broward County rate its own state senator.

When the votes were counted, Doyle E. Carlton toppled former Governor Catts by 9,000 first choice votes in the governor's race, with Hathaway 1,000 votes behind Catts. The second choice votes insured Carlton's victory. Senator Trammell turned back the determined challenge of Governor Martin, while Ruth Bryan Owen toppled seven-term incumbent Congressman Sears, and Alfred Wagg, with tremendous support from Broward County, held on to his position as state senator by a small margin.

In the local contests, a number of incumbents were toppled. Sheriff Paul Bryan was defeated by an old rival, former Sheriff A. W. Turner, whom Bryan had replaced in 1922. Bryan received more first choice votes than did Turner, but the second choice vote enabled the ex-sheriff to obtain victory. State Representative Tom M. Bryan of Fort Lauderdale was defeated by George L. Blount of Pompano. County Commissioner H. G. Wheeler, in office since 1920, finished third behind C. J. Atwater and George G. Mathews, with Atwater obtaining the position. Frank A. Bryan, clerk of the circuit court since the county was created in 1915, with-

Giblin and Tedder advertisements from the *Fort Lauderdale Daily News* during the 1928 circuit judge's campaign.

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stood a strong challenge from Charles Helmich, while J.A. Warren won the tax collector's post by thwarting the comeback attempt of W.O. Berryhill, a former holder of the office.22 Easter L. Gates defeated the incumbent H.J. Singleton for the office of supervisor of registration to become the second woman elected to a Broward County office. Mrs. Gates was destined to hold the office for the next forty years, giving her the longest tenure of any elected official in Broward County history.

In Broward County, as well as in the state, the Democratic nomination was normally tantamount to election. In 1928, however, Governor Alfred E. Smith of New York, the Democratic presidential candidate, was, for a variety of reasons, unattractive to most Floridians. He was a member of the Roman Catholic Church, opposed to national prohibition, and a member of Tammany Hall, New York City's powerful Democratic machine. As a result of Smith's unpopularity, the Republicans realized that they had the best chance in half a century to crack the Solid South.

The November 1928 election proved their efforts successful. Republican presidential candidate Herbert Hoover carried five of the eleven former Confederate states, including Florida. Broward County went for Hoover by a margin of more than two to one. Hoover's coattails proved beneficial to some local Republicans as well. James S. Rickards, in office as superintendent of public instruction since 1920, was defeated by Republican John M. Gerren. The Republicans completed taking control of the county school system by winning two school board contests.23 The Democratic candidate for prosecuting attorney, John D. Kennedy, seemed certain of victory after surviving a tough primary battle in June, but during the fall campaign he was quoted as saying, "I don't want the vote of anyone who is not going to vote for Al Smith."24 Apparently many Broward Democrats took Kennedy at his word as he was defeated by Republican Robert J. Davis by a majority of only eleven votes out of a total of over 4,000 votes cast.

In the state contests, Doyle E. Carlton turned back the serious challenge of William J. Howey by a majority of three to two. Howey had made a strong effort to obtain the governorship by trying to erase the carpetbagger/scalawag/Negro image that had plagued southern Republicans since Reconstruction. To ease concern about the fate of Democratic circuit judges in case of a Republican victory, Everett H. Hunt, chairman of the Broward County Republican Executive Committee, claimed that he had secured Howey's pledge that, if victorious, he would continue the practice of appointing the winners of the Democratic primary to circuit judge positions. Democratic Senator Park Trammell was returned to office by defeating Republican candidate Barclay H. Warburton, the mayor of Palm Beach, by a margin of over two to one. Ruth Bryan Owen led the congressional ticket and scored an impressive victory to become the first woman elected to Congress from the deep South.

In Broward County, even losing Republican candidates made impressive showings. Everett H. Hunt, for example, made a creditable though losing effort against County Judge Fred B. Shippay. Democratic leaders were reported "stunned" at the unexpected election outcome.

Locally, Fort Lauderdale attorney Maxwell Baxter was well positioned politically. He was a firm friend and supporter of Governor Carlton, their connection going back to Baxter's days
in Tampa where he had practiced law for several years before moving to Fort Lauderdale in 1919. Baxter also had close ties to Ruth Bryan Owen as well as to Florida's longtime United States Senator Duncan Fletcher.

The completion of the 1928 political campaign and elections also promised to end Broward County's hard-fought judicial dispute. Doyle E. Carlton took the oath of office in Tallahassee in January 1929, and in due time submitted the name of George W. Tedder, Sr., to the Florida Senate for confirmation as judge of the Twenty-second Judicial Circuit, fulfilling the wishes of the electorate in the June 1928 primary. The senate confirmed the appointment, and most Broward countians assumed that the bitter judicial battle was over.

Suddenly, Judge Giblin announced that his appointment by Governor Martin in July 1927 had been for six years, and that his term would therefore not expire until June 1933. Giblin refused to vacate his office and requested that Governor Carlton issue him a commission for the remaining four years. The Broward County Democratic Executive Committee denounced Giblin's move, charging that the judge's request to Carlton for a commission "is designed to embarrass the Governor, to disrupt the Democratic Party in Broward County and to thwart the wishes of the people in Broward County." The committee unanimously adopted a resolution denouncing Giblin's action as "undemocratic and designed to destroy the efficiency of the Democratic Party," and sent a telegram to Carlton asking him to ignore Giblin's request and pointing out that Tedder had carried fourteen of the county's sixteen precincts.

Explaining his action on the extension of his term, Giblin expressed his regret that he had not been invited to the executive committee meeting. The purpose of the primary, he reasoned, was to recommend a candidate for appointment to a vacancy, and if no vacancy existed then the primary was not needed.

Governor Carlton ignored Giblin's request and stood by the Tedder appointment. Fred Davis, the Attorney General of Florida, instituted legal proceedings to oust Giblin from office. Giblin flatly refused to vacate the bench, adding that he would stay at his post until the Florida Supreme Court decided if his contention that he should hold the office until June 1933 was wrong. Representative Merchant of Madison added to the confusion by introducing a bill in the legislature to abolish the Twenty-second Judicial Circuit altogether by reducing the number of circuits to twenty. In the meantime, Broward County faced the prospect of having two circuit judges at the same time.

On June 20, 1929, George W. Tedder, Sr., took the oath of office administered by Broward Clerk of the Circuit Court Frank Bryan. As judge, Tedder signed decrees, but Giblin, whose commission had expired, continued signing decrees as well. Exasperated by the situation, Tedder went to Tallahassee to fight for his right to be judge of the Twenty-second Judicial Circuit before the Florida Supreme Court. There he was represented by William H. Price of Miami, the law firms of Rogers and Morris, Roach and Hoyl, and Crim and Cook, as well as by Thomas E. Swanson and C.E. Farrington, all of Fort Lauderdale. The Fort Lauderdale firm of McCune, Haasen, and Fleming assisted Attorney General Fred Davis in his fight to oust Giblin. Obviously, Giblin's obstinateness had alienated many Broward County attorneys who had previously supported him wholeheartedly. He was represented in the supreme court case by James M. Carson of Miami, John C. Cooper of Jacksonville, and the firm of Baxter, Byrd and Walton of Fort Lauderdale. After the pleading, Tedder and the other lawyers returned home.

Rather than issuing a clear-cut decision, the Florida Supreme Court added to the confusion by dividing three-to-three, Justices Buford, Ellis, and Terrell upholding Giblin's position and Justices Whitfield, Strum, and Brown opposing him. While this split decision failed to oust Giblin, it did nothing to change Tedder's position either. Broward County again faced the prospect of having two circuit judges.

Giblin resolved the dilemma when he unexpectedly resigned his position and moved to Miami. His career in Dade County would be such as to cause his critics to believe the worst. There the plunged headlong into the practice of criminal law, and became known in some quarters as "the mouthpiece for the mob." The fact that he became the attorney for Al Capone was a particular blight on his personal integrity.

Dwight L. Rogers and John E. Morris, having contributed so much to Tedder's victory in 1928, expanded

Fort Lauderdale attorney Maxwell Baxter (center) with two of his political allies: Florida Governor Doyle E. Carlton (left) and Broward County School Board Chairman and former Fort Lauderdale Mayor Russell G. Snow (right).
their political influence as the 1930 elections approached. The incumbent state legislator, George L. Blount of Pompano, decided not to stand for re-election in 1930, and Dwight L. Rogers secured the nomination by defeating Curtis Byrd of Fort Lauderdale in the primary. Rogers and Morris also won control of the county commission when two staunch supporters were victorious in the primary. B.W. (Cap) Strickland of Fort Lauderdale unseated incumbent Commissioner C.J. Atwater, and J.R. Barnes of Hollywood won the primary for his district as well. Rogers and Morris were also sure of the support of two incumbent commissioners, F.J. Neville of Dania and J.W. Walton of Pompano.

State Attorney Louis F. Maire retained his office in 1930 by defeating Julian E. Ross in the run-off, C.E. Farrington having been eliminated in the first primary. The state had abolished the first choice/second choice system earlier in the year.

In the November 1930 general election, the Democrats scored a clean sweep. They recaptured the two school board positions lost two years previously, and, with the organization of the new board in January 1931, newly elected Democrat Russell G. Snow became chairman. Snow was a good friend of Maxwell Baxter, who replaced Republican Everett H. Hunt as school board attorney, thus extending his political influence.

When the new county commission took office in January 1931, W.M. Pope, who had held the position of county attorney for the preceding six years, was ousted, and John E. Morris was chosen to replace him. As the Great Depression deepened, the number of Broward lawyers began to dwindle from a total of forty-nine in December 1929 to about thirty in the middle of the following decade. As the number of lawyers dropped, legal business was at a premium. The law firm of McCune, Haasen, and Fleming, because of their connection with the Broward Bank and Trust Company, became leaders of the Broward bar. In fact, this firm and their associates became known as "the Bank Crowd." Their chief rival was the firm of Roeters and Morris, because of their control over most of the political offices in the county. One lawyer who was able to adjust to this polarized situation was Maxwell Baxter because of his state and national political connections. Because of his close ties with Governor Carlton, Baxter had become the patronage chief in Broward County. If a person wanted something, such as an appointment, from Governor Carlton, he "saw Maxwell Baxter." On the national level, Baxter maintained connections with Republican superintendent of public instruction, was having increasing difficulty with the Democratic school board. In fact, Gerren's troubles seemed factional as well as partisan to the point that the Broward County Republican Executive Committee passed a resolution urging his ouster as superintendent even though he was a member of the committee at the time. Gerren resigned under pressure in August 1931, and was also expelled from the Republican Executive Committee. Governor Carlton appointed U.J. Bennett, principal of Fort Lauderdale High School, to fill the superintendent's position. Bennett had been president of the Georgia Education Association when he came to Broward County to take the high school principal's job in 1926. He was destined to serve as Broward County Superintendent of Public Instruction for twenty-one years following his 1931 appointment, the longest tenure of any school superintendent in Broward County history.

John Gerren's troubles did not end when he vacated the superintendent's job. Soon afterwards, the Republican prosecuting attorney, Robert J. Davis, charged Gerren with a shortage of $11.00, and the former superintendent had to face the charges in county court. Davis prosecuted, and Gerren was represented by C.E. Farrington. The jury was out just ten minutes and returned with a verdict of not guilty.

The June 1932 Democratic primary proved unfortunate for many incumbents. Rogers and Morris supported County Commissioner J.R. Barnes of Hollywood in his attempt to oust the incumbent sheriff, A.W. Turner. Seven candidates in all challenged Turner. Among them were B. (Brack) Cantrell, active in the American Legion, and long-time resident Lucian Craig, who was a brother-in-law of former Sheriff Paul Bryan and who had resigned as Fort Lauderdale police chief to enter the race. To these favorites was added a newcomer to the political scene, Fort Lauderdale-born Walter R. Clark. Born in 1904, Clark had no law enforcement experience, no military background, no athletic background, and no political experience. His chief claim to fame was as a good-natured butcher at a small meat market next to the A & P grocery on Southwest Second Street in Fort Lauderdale, and he was definitely the dark horse among the candidates.

Since there were eight candidates involved, it was obvious that no candidate would obtain a majority of votes in the first primary, and that a run-off election would be required. The general assumption was that the run-off would be between Turner and Barnes.

**Superintendent of Public Instruction John M. Gerren, 1931.**

Congresswoman Ruth Bryan Owen and United States Senator Duncan U. Fletcher. Locally, he was closely allied with Russell G. Snow, school board chairman during the years 1931 to 1933. Other attorneys used ingenuity to survive during the lean depression years. George W. English, Jr., was a born promoter who managed to start a number of enterprises and to acquire a large amount of property, eventually becoming a very wealthy man. The law firm of Roach and Hoyal specialized in criminal law and managed to stay busy. C.E. Farrington also did very well in the criminal law field and built a statewide reputation as a trial lawyer.

During the depression years official positions were much sought after by attorneys. These official positions included the posts of county attorney, school attorney, port attorney, county judge, prosecuting attorney, city attorney, and municipal judge. None of these positions except the county judgeship were full-time jobs, so each furnished a much-needed stipend to the recipient, who could then continue his regular legal practice.

Maxwell Baxter's political influence reached its zenith during the 1929-33 period. The Carlton connection, the Owen connection, the Fletcher connection, and the Snow connection all came together during those years. However, when Carlton stepped down as governor in 1933 and Mrs. Owen and Snow met defeat in the 1932 Democratic primary, and Senator Fletcher died in 1936, Baxter's influence was on the wane.

In 1931 the Republicans lost one of the two elective county offices that they still held. John Gerren, the
The primary result came as a complete surprise. Barnes finished first, as many had expected, but Sheriff A.W. Turner finished third, barely ahead of Brack Cantrell, while Lucian Craig trailed in seventh place. The second place finisher was none other than native son Walter R. Clark. Turner received only about fifteen percent of the total vote, while Barnes received about twenty-five percent and Clark twenty percent. The run-off completed this startling upset, as Clark defeated Barnes and the following January began his lengthy career as overlord of the Sheriff's office. He was to hold office until May 1950, giving him the longest tenure of any sheriff in Broward County history.36

The 1932 Democratic primary saw Dwight L. Rogers win re-nomination for his second term in the legislature as he swamped his two opponents, Arthur C. O’Hea, the former mayor of Dania, and W.M. Pope, the former county attorney. Rogers-and-Morris stalwart B.W. (Cap) Strickland had no difficulty retaining his seat on the county commission, but other incumbents were not so fortunate. Maxwell Baxter’s close friend Russell G. Snow, the school board chairman, was defeated by Lamar Thistlewaite, thus reducing Baxter’s influence. The venerable Frank Bryan, who had served as clerk of the circuit court since the creation of the county in 1915, lost to E.R. Bennett. When Bryan finished his term at the end of the year, he had served as clerk of the circuit court seventeen years, two months, and twenty-seven days, the longest tenure of any circuit court clerk in Broward County history.37 Former Broward County Tax Collector William O. Berryhill reversed the verdict of the 1928 election by defeating the incumbent J.A. Warren. When Berryhill returned to the position the following January, he was destined to hold the office for the next twenty years, for a total of thirty years’ service and the longest tenure of any elected Broward County tax collector.

B.A. Cromartie, tax assessor for the preceding twelve years and brother-in-law of pioneer settler Frank Stranahan, was defeated by L.O. Hansen of Dania, who was also destined to set a record by holding that office for the next thirty years, longer than any other tax assessor in the county’s history. County Judge Fred B. Shippey faced a serious challenge from Fort Lauderdale attorney John D. Kennedy and Fort Lauderdale Municipal Judge John H. Cheney. Shippey managed to hold on to his position by defeating Kennedy by eleven votes in the run-off. Four years earlier, Kennedy had lost the contest for prosecuting attor-

Prosecuting Attorney W. Gerry Miller served from 1933 to 1948.

Long-time Broward County Tax Collector W. O. “Deacon” Berryhill, who filled that office from 1915 to 1925 and again from 1933 to 1953.

Attorney Robert W. Davis, active in Broward County Republican politics in the 1930s and afterwards.
ney in the general election, also by a margin of eleven votes. Rogers and Morris supported Elbert B. Griffis for prosecuting attorney, but Griffis was defeated by W. Gerry Miller in a close contest. The county commission seat vacated by sheriff's candidate J.R. Barnes was filled by another Rogers and Morris stalwart, J.W. Moffitt of Hallandale.

The Broward/Palm Beach district in the Florida Senate also saw a change. The incumbent senator, Alfred Wagg of West Palm Beach, decided not to stand for re-election, and John R. Beacham of West Palm Beach defeated Harry Johnston, also of West Palm Beach, in the run-off. Fort Lauderdale's Tom M. Bryan had been eliminated in the first primary.

In the congressional election, Ruth Bryan Owen, the daughter of William Jennings Bryan who had won a national reputation in her own right, was upset by J. Mark Wilcox of West Palm Beach. Mrs. Owen had remained loyal to the political principles of her father and supported continuation of the prohibition amendment while Wilcox favored repeal. Florida was entitled to a fifth congressman as a result of the population increase revealed by the 1930 census, but the legislature could not agree on redistricting. As a result, the extra district became at-large, and former longtime fourth district Congressman William J. Sears, by now residing in Jacksonville, won the position.

The gubernatorial contest promised to be a battle between two former governors — John W. Martin of Jackson- sonville, who had been in office from 1925 to 1929, and Cary A. Hardee of Live Oak, who had served from 1921 to 1925. The dark horse was Dave Sholtz of Daytona Beach. Brooklyn-born, Yale-educated, with a law degree from Stetson University, Sholtz had been a Florida resident since 1914. In Broward County, his chief supporter was Fort Lauderdale attorney R.R. (Bob) Saunders. In the governor's race, as well as in many other contests, the results of the 1932 Democratic primary proved to be a complete surprise. Martin finished first, as expected, but Sholtz edged Hardee for second place. In the run-off Sholtz scored a landslide victory, topping Martin by 71,000 votes. Broward County went for Sholtz by a margin of four-to-one.

In the November general election, the Democrats scored a big victory, ending the impressive gains made by the Republicans four years earlier. On the national level, Florida returned to the Democratic ranks when Franklin D. Roosevelt carried the state by a three-to-one majority. In the governor's race, Democrat Dave Sholtz defeated Republican William J. Howey by a two-to-one majority. Broward County reflected the state and national trends. In the local contests, Democrat W. Gerry Miller scored a decisive victory over Republican incumbent Robert J. Davis for prosecuting attorney while U.J. Bennett won his election for superintendent of public instruction by defeating his Republican opponent, Fort Lauderdale attorney A.L. McMillan.

Dwight L. Rogers defeated Republi-
can D.E. Piper, whose campaign included implications that some questionable deal was involved in Giblin's sudden resignation. Piper demanding to know what part Rogers had played in the transaction. Walter R. Clark again proved his vote-getting power by defeating Republican Joseph P. Moe. For the Broward/Palm Beach senate seat, West Palm Beach Democrat John R. Beacham defeated his Republican opponent, Fort Lauderdale attorney G.H. Martin. E.R. Bennett won the first of his three terms as clerk of the circuit court by defeating Fort Lauderdale lawyer W.R. Maurer. The only exception to the Democratic sweep in Broward came when Bert Croft, that party's candidate for constable of the Fort Lauderdale district, was defeated by Republican C.M. Weirick. However, gossip concerning Croft's personal life probably had more to do with his defeat than did partisan considerations.

With the inauguration of Dave Sholtz as governor, it soon became obvious that a new political force had arrived. Fort Lauderdale attorney R.R. Saunders became the chief patronage man for the new governor. When the new school board was organized in January 1933, Saunders replaced Maxwell Baxter as school attorney. And, if a person wanted a favor from Governor Sholtz, he had to "see Bob Saunders."

County Judge Fred B. Shippey, in office since 1920, was in declining health and resigned in 1933. He died the following year. Governor Sholtz
DEMOCRATIC RALLY
SUNDAY NIGHT
8 O'clock
IN-
STRANAHAN PARK

In the event of rain meeting will be moved to Central High School Auditorium.

Every voter should hear the candidates present their qualifications and platforms.

Fort Lauderdale Daily News advertisement for the June 2, 1934 political rally featuring Judge Tedder and J. B. Hoyl. Evidently it rained that night, since the rally was held in the high school auditorium.

appointed Boyd H. Anderson, Shippey's chief clerk, to the position. Anderson held the judgeship for the next thirty-five years, which gave him the second longest tenure of any elected official in Broward County history.

Dwight L. Rogers' return to the legislature soon produced his greatest legislative achievement — passage of the Rogers Homestead Exemption Amendment in 1933. As the depression deepened, the plight of many Florida homeowners became desperate. Many were in constant danger of not being able to pay their property tax and thus losing their homes. Further aggravating this situation were a group of speculators known as "tax sharks," who accumulated property by paying the delinquent taxes and held on to their acquisitions until they were able to sell at a sizable profit. Many a fortune was made by this process, but, needless to say, the "tax sharks" became very unpopular among the general public.

The Homestead Exemption Amendment, which Rogers introduced in the Florida House of Representatives, sought to ease the situation by providing an exemption from property taxes on the first $5,000 on a homeowner's place of residence. The measure was strongly opposed by many local officials throughout the state, who feared that the exemption would deprive local governments of much-needed revenue. Many business interests in Florida also opposed homestead exemption and counted on legislative support for their stand. In south Florida, Dade Representative S.P. Robineau, closely identified with the political, business, and banking establishment of his home county, was an arch foe of the Rogers amendment. Despite vocal opposition, the amendment passed the House by a margin of eighty-two to eight. The proposal then moved to the Florida Senate where it was sponsored by Senator William C. Hodges of Tallahassee. After passing the Senate by an overwhelming vote, the amendment was placed on the general election ballot for November 1934.

As previously noted, the 1932 legislative campaign which resulted in Dwight Rogers' re-election also raised the specter of the Tedder-Giblin judicial controversy. The smoldering controversy erupted anew in 1934 as a result of a spectacular legal case. In May 1933, Robert Darsey, a sixty-four-year-old Pompano fish merchant, was assaulted and robbed of seventy-five dollars while walking home from work one Saturday night. He died of his injuries soon afterwards. Within days, four Negro farm laborers were charged with the crime. The four defendants were tried in the Broward Circuit Court, convicted by the jury, and sentenced to death by Judge Tedder. Then followed an incredible number of appeals. The case was before the Broward Circuit Court three times, the Palm Beach Circuit Court twice, the Florida Supreme Court five times, and the United States Supreme Court once. It was the first Broward County case to reach the nation's highest court.

One of the Darsey case appeals to the Florida Supreme Court contained a bombshell. It charged that Judge George W. Tedder, Sr., a pillar in his church and community, was not really a judge; that he had obtained his position by fraud and deception; that after the Florida Supreme Court's three-to-three vote in 1929 which failed to oust Giblin, Tedder, or people acting on his behalf, had paid Giblin to resign. After Giblin's departure, the appeal continued, Governor Carlton should have reappointed Tedder, and the Florida Senate should have once again voted on confirmation. By alleging that Tedder was holding office illegally, this startling charge had the makings of a great deal of mischief. If the appeal was upheld, all of Tedder's rulings for the previous five years would be open to question, and all dissatisfied litigants might have claims against the county. This potentially disastrous appeal was filed by S.P. McGill and Robert Crawford, Negro attorneys from Jacksonville, and A.L. McMillan, a white attorney from Fort Lauderdale prominent in local Republican politics. Since this bit of legal footwork was the only time that McMillan's name appeared in the Darsey case, it is easy to assume that it was he who peddled this bit of local gossip to McGill and Crawford.

The following day, Tedder issued a vigorous denial with the following statement:

"It is to be regretted that after five years of service this effort is made to impeach the validity of all orders and decrees entered by me, and in addition thereto an uncalled for attack made on my character, the evident purpose is manifest at this time. The citizens of Broward County by an overwhelming majority in the 1928 election, made me their judge. I was appointed by the governor and confirmed by the Florida senate, and have held a

Summer/Fall 1990 — 13
Of the Circuit Court

J. B. HOYI

He is a lawyer of standing, of high local attainments, and has had over 25 years active experience at the Georgia and Florida Bars. He is not a politician, and if elected, will not keep one eye on the scales of justice and the other eye on the political weather vane. He is a man of conviction, of impeccable character, and staunch integrity, and will administer the laws justly and without favor to lawyers or litigants. He will reflect credit on the bar and judiciary. He will not allow any lawyers to capitalize on the judgeship. Vote for J. B. Hoyl for an Independent and Impartial Judiciary.

Campaign advertisement for J. B. Hoyl which appeared in several issues of the Fort Lauderdale Daily News in early June 1934.

By Far the Best Qualified Man for
JUDGE OF THE CIRCUIT COURT

S. C. Fox of Pompano, seen here in a 1948 photo, holds the record for years served on the Broward County Commission.

a Democratic rally held at the Fort Lauderdale High School auditorium, Hoyl delivered a bitter personal attack on Tedder. He implied that he had personal knowledge of a "deal" when he shouted, "And I said to him, 'Judge Tedder, I will help you fight Giblin to the last, but I will not be a party to a scheme like this.' " Tedder sat impassively and seemed unconcerned, as though Hoyl was delivering a lecture on Russian literature. When Hoyl finished his oration, Tedder went to the podium and dismissed the accusation by simply saying, "I don't feel obligated to answer a colored lawyer from Jacksonville." He then delivered an impressive speech emphasizing his background and record. On election day Tedder won an overwhelming victory, 3,031 votes to Hoyl's 852.

The Giblin issue kept simmering even after Tedder's victory in the June 1934 Democratic primary. M.L. Anglin, the former mayor of Lauderdale-by-the-Sea, was upset that his town had been unincorporated by the Florida Legislature, and took court action to save its corporate entity. When Judge Tedder ruled against him, the ex-mayor filed an appeal based on the claim that Tedder's ruling was not legitimate because the judge had obtained his position by "fraud, deception, and purchase," which, of course, was the same charge that had recently been dismissed by the Florida Supreme Court and rejected by the voters in the recent Democratic primary. Judge Tedder, having taken barbs from McMillan, McGill, Crawford, and Hoyl, finally decided that he had had enough. He cited Anglin for contempt of court and sentenced the luckless ex-mayor to thirty days in the county jail. Thus the Tedder-Giblin controversy faded from the public view.

Although the Tedder-Hoyl battle proved to be the most acrimonious race, there were other contests of note in the June 5, 1934, Democratic primary. Dwight L. Rogers retained his seat by turning back the determined challenge of Julian E. Ross. But the Rogers and Morris control over the county commission was threatened when B.W. (Cap) Strickland was defeated by Henry L. Driggers, and J.H. Juvenal was defeated by P.L. Hinson by a majority of only two votes in the run-off for the Deerfield seat. Another noteworthy event took place with the election of Sylvester C. Fox of Pompano to the commission. Fox was destined to hold the position until his death, December 28, 1953, giving him the longest tenure of any county commissioner in Broward County history — eighteen years, eleven months, and twenty days. When the
new county commission was organized, John Morris barely retained his position as county attorney. He prevailed by a three to two vote with Fox, J.W. Moffitt of Hallandale, and F.L. Neville of Dania supporting him. Hinson and Driggers voted for Curtis Byrd. Boyd H. Anderson won the first of his many elections as county judge when he scored an impressive victory over John D. Kennedy in the primary and then defeated Republican W.F. Maurer in the general election.

Claude Pepper made his first entry into state politics when he challenged three-term incumbent Park Trammell in the June 5, 1934, Democratic primary. Pepper’s political background was not particularly impressive. After graduation from the Harvard University law school, he had served for one year as instructor of law at the University of Arkansas before moving to Perry, Florida, to engage in the private practice of law. In 1928 he had unseated the incumbent in the Democratic primary to become Taylor County’s representative in the Florida Legislature. He was defeated for renomination in 1930 and moved to Tallahassee. That was the sum of Pepper’s political experience when he decided to challenge the invincible Trammell. In the first primary, Pepper trailed Trammell by only 2,000 votes. Because of the multiplicity of candidates, a run-off was necessary. In the second primary, Trammell defeated Pepper by a majority of about 5,000 votes, but because of the lopsided margin obtained by Trammell in Hillsborough County many people questioned the honesty of the ballot count. Pepper took his defeat in good spirits and refused to challenge the official results. This was an important and shrewd move on Pepper’s part, and it paid political dividends two years later. Locally, the senatorial contest was important because Fort Lauderdale attorney George W. English, Jr., emerged as Pepper’s chief Broward supporter. English was a law school classmate of Pepper’s and had remained a loyal friend and supporter ever since.

In the general election of 1934, since the Democratic nomination was, once again, tantamount to election, the big issue was the Homestead Exemption Amendment. Dwight L. Rogers stumped the state in support of the measure, declaring that “we have been at the mercy of the tax sharks long enough.” William C. Hodges of Tallahassee, who guided the Rogers Homestead Exemption Amendment through the Florida Senate, also toured the state. Representative S.P. Robineau of Dade County appeared as guest speaker before the Fort Lauderdale Rotary Club and made a strong speech against the amendment. When he finished, club president Jack Fannin asked Florida Supreme Court Justice William H. Ellis, who was attending the meeting as a guest of Maxwell Baxter, to say a few words. Ellis delivered a speech in favor of the amendment and strongly contradicted Robineau. Ellis argued that if the amendment did not pass, the legislature would continue to pile up the burden of taxation to make up the deficit created by the non-taxpayers “on the shoulders of the little fellow who is now bearing the task of maintaining the state and all of the subdivision of government.” Labeling as folly Robineau’s statement that “adoption of the amendment would deter capital from investing here,” Ellis expressed the belief that no one would be kept from locating in Florida because small homes were exempt from taxation. Ellis furthermore stated that many of the amendment’s opponents were pro-bondholder or pro-banker interests, and asserted, “I want the little landowner to have pride and security in ownership. This amendment will build up the state’s prosperity.” He added that the opportunity for the small property owner to vote for the amendment was “the first damn thing that the politicians have done for the little man since the state entered the union.”

United States Senator and former Florida Governor Park Trammell, as he appeared in the 1930s.
Senator Hodges came to Fort Lauderdale and spoke in Stranahan Park in favor of the amendment. He called its opponents “selfish interests” and added that the “integrity of the family fire side is at stake.” Countering claims that exempted property taxes would be replaced by other measures, he stated, “The issue involved is not a sales tax or any other tax, but the reduction of taxes on Florida’s home.”45 Dwight L. Rogers also denied the necessity of a sales tax if the amendment should pass, and, in a Kiwanis Club speech, repeated that the amendment was necessary to reduce the burden on the small homeowner.

Despite their enthusiasm and influence, the backers of the Homestead Exemption Amendment received what appeared to be a fatal blow when Circuit Judge J.B. Johnson of Tallahassee ruled the amendment off the ballot. This ruling was reversed upon appeal, and the Homestead Exemption Amendment came to a vote in November 1934.46 It passed by a majority of more than three to one. Almost unnoticed throughout the state, another amendment passed which reduced the number of judicial circuits in Florida from twenty-eight to fifteen, and which would have important repercussions in Broward County the following year.

As the Great Depression lingered on, Florida politics experienced a marked leftward drift, the movements to the left of the New Deal receiving much popular support throughout the state. Huey Long’s “Share Our Wealth” program attracted many Floridians. The Townsend old-age pension plan also received widespread support. This plan, conceived by Dr. Francis E. Townsend of Long Beach, California, proposed having the United States government pay a pension of $200 a month to every person over sixty years of age. A total of $400 a month for a man and his wife was a tremendous sum during those lean depression years. There was one condition attached to the proposal; the recipient would be required to spend their $200 in the United States within one month, insuring more money in circulation. Townsend Plan pensions would be financed by a two percent national sales tax. Townsend clubs appeared all over Florida during the mid and late 1930s, and developed tremendous political clout. In 1936 and again in 1938, Florida office seekers had to be prepared to declare themselves on the Townsend Plan, and, needless to say, most Florida politicians supported the plan.49 One of the few exceptions was the fourth district congressman, J. Mark Wilcox of West Palm Beach, who declared his opposition and became the favorite target of the Townsend clubs during successive elections.

It must be emphasized that the leftward drift of Florida politics during the 1930s had nothing to do with Communism or Socialism. The people were just responding to the cruel economic realities of the Great Depression. In fact, this “leftward drift” had very little to do with what passes for liberalism today.50 Maintaining law and order, as well as dealing with economic hardships, occupied the attention of Broward County officials during the mid-1930s. In July 1935, Sheriff Walter R. Clark suddenly found himself in a vulnerable position as a result of the only lynching in Broward County history. Reuben Stacey, a thirty-seven-year-old Negro, was accused of the attempted rape of Marion Jones, a white woman, and was placed in the Broward County jail. Broward Countians were already frustrated and embittered because of the seemingly endless legal maneuvers and appeals concerning the Darsey case, and rumors of a possible lynching began to surface. Much threatening talk circulated, and there were reports of a great influx of Pompano people into Fort Lauderdale. Sheriff Clark was afraid that the county jail might be attacked by a large force, and that he would be unable to handle the situation.51 The sheriff arranged for his brother, Chief Deputy Robert Clark, as well as Deputy Virgil Wright and three special deputies to escort the prisoner to the Dade County jail for safekeeping. The Dade jail was located in the upper floors of the twenty-seven-story Dade County Courthouse in Miami, at that time the tallest building in Florida. It also served as the maximum security prison for south Florida. Despite efforts to conceal the transfer, the car with the prisoner and five deputies was intercepted by a mob west of Fort Lauderdale. The prisoner was taken out of the car and hanged to a tree with a wire. His body was riddled with bullets.

The justice of the peace for the Fort Lauderdale district, and ex-officio coroner, Hugh Lester, conducted the coroner’s inquest.52 When he arrived at the scene, the body was still hanging from the tree. The coroner’s jury assembled in the county court room, listened to testimony, and returned a verdict that Stacey had been murdered by persons unknown. The testimony claimed that the members of the mob were masked and therefore could not be identified. The grand jury then began its investigation. It called upon many people to testify, including the members of the coroner’s jury and a number of residents of Pompano, one of whom was John Darsey, son of the murdered Pompano merchant. A general feeling existed that the lynching was probably a Pompano operation. After hearing extensive testimony, the grand jury exonerated Clark and his deputies.53 Sheriff Walter R. Clark was midway through his first term in office when the lynching occurred. By July 1935, he had won only one election, and that had included a fiercely contested run-off with J.R. Barnes, as well as the general election victory over Joseph P. Moe in November, 1932. Clark was not supported by the powerful Rogers and Morris law firm, or by the “Bank Crowd,” or the business interests of the county. Neither did he have any influence with Governor Dave Sholtz. If Walter Clark wanted something from the Sholtz administration, he, like everyone else, had to “see Bob Saunders.” With little or no influential backing, Clark had to conduct his own operation and depend for his success upon support from the ordinary voters he had befriended and helped through the years.

Thus, the lynching put Walter Clark squarely “on the spot.” A sheriff’s primary responsibility is to protect his own jail, and failure to do so puts him in a certain amount of jeopardy. The danger that Clark faced came not so much from the voters as from Governor Sholtz, who had the power to suspend local officials even if indictments or formal charges had not been lodged. The Florida Senate had to sustain such an action before permanent removal could be effective, but since the legislature met in regular session only every other year, an official could be suspended for more than a year before the senate considered his plight. Further-

Fort Lauderdale attorney and justice of the peace Hugh Lester.
more, as a matter of senatorial courtesy, the senate generally followed the wishes of the senator who represented the district where the suspended official resided. Sheriffs seemed particularly vulnerable to the whims of Florida governors. In 1922, Governor Cary A. Hardee removed Sheriff A.W. Turner of Broward County and appointed Paul Bryan to replace him. The following year, the Florida Senate sustained the removal. In 1933, Governor Sholtz removed Sheriff Dan Hardie of Dade County, ambiguously citing "erratic and eccentric behavior" on Hardie's part, and appointed D.C. Coleman to replace him. Since Senator John W. Watson of Dade belonged to a rival political faction to Hardie's, the Florida Senate sustained the removal in 1935. The removal of several other sheriffs through the years emphasized Clark's precarious position, but the Broward sheriff survived the episode and went on to win four more elections and obtain state and national connections. He eventually became one of the most powerful politicians in Florida.

Nineteen thirty-five brought increased political power to Rogers and Morris when, due to a set of unforeseen circumstances, they were able to gain control of the Port Everglades Commission. This commission consisted of four members elected at-large by the voters of the port district in a non-partisan special election. No more than two candidates could be elected from Fort Lauderdale, and no more than two candidates could be elected from Hollywood. No restrictions were placed on the number of commissioners who could be elected from Dania or from the unincorporated areas within the port district. In the December 1934 port election, Rogers and Morris supported B.W. (Cap) Strickland, who had recently been defeated for re-election as county commissioner, H. Guy LaBree of Dania, and E.K. DeLoach of Hollywood. The election results had incumbent Commissioner Floyd L. Wray of Hollywood finishing first, Strickland second, incumbent A.J. Ryan of Dania third, and DeLoach fourth, with LaBree fifth. The two remaining incumbents, Thomas E. Swanson of Fort Lauderdale and Maxwell Baxter, who had been appointed by Governor Carlton in 1932 to fill a vacancy, finished seventh and eighth respectively. The results were thrown into doubt when J.G. Kuhn, represented by G.H. Martin, brought a taxpayer's suit against the port commission, claiming that the election was illegal since the port charter did not specify election procedure. This claim was eventually upheld by the court.

In the meantime, Swanson and Baxter refused to vacate their positions. Governor Sholtz appointed Strickland and DeLoach to fill the Swanson and Baxter "vacancies," but the court ruled against that move. The impasse was finally resolved when Dwight L. Rogers introduced a local bill to the 1935 session of the Florida Legislature to reorganize the port commission. The number of commissioners was reduced to three, with one representing Fort Lauderdale, one Dania, and one Hollywood. The new commission would be elected for two-year terms in a partisan election. The port reorganization bill passed both houses of the Florida Legislature and was signed into law by Governor Sholtz, who then followed Rogers' recommendation and appointed Strickland, DeLoach, and LaBree to the new board. Floyd L. Wray was a Republican and therefore not considered, while A.J. Ryan belonged to a different political faction and was therefore also eliminated.

In response to the 1934 referendum which reduced the number of judicial circuits in Florida from twenty-eight to fifteen, the 1935 session of the

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**CIRCUIT COURT — CIRCUIT JUDGES**

*15th JUDICIAL CIRCUIT*

**HON. C. E. CHILLINGWORTH** — **HON. GEO. W. TEDDER**

There are two Circuit Judges who preside over the 15th Judicial Circuit consisting of Broward County and Palm Beach County. They have power and authority to make all orders or decrees and to issue every and all process necessary to maintain and carry out their Constitutional Jurisdiction, or to enforce their authority, and to enter and enforce their judgments and decrees in all matters wherein they have jurisdiction.

The Circuit Judges serve for a term of six years.

**TERMS OF COURT:**

- Spring Term — 2nd Tuesday in March each year.
- Fall Term — 2nd Tuesday in October each year.

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**OFFICE OF STATE'S ATTORNEY**

**PHIL O'CONNELL**

Broward County Asst.: LOUIS F. MAIRE

The State's Attorney is elected for a term of four years.

The State's Attorney is the Prosecuting Attorney for Circuit Court within his judicial circuit.

These listings from a 1940 Broward County courthouse directory outline how the Broward and Palm Beach County circuit courts were structured in a single district after 1935.
legislature reorganized the circuits. Broward County was returned to the Fifteenth Judicial Circuit, but this time the circuit was to have two judges—one located in West Palm Beach and one located in Fort Lauderdale. There would be one state attorney for the circuit, but the two current holders of the position were allowed to complete their present terms before having to run in the enlarged circuit. Louis F. Maire had been re-elected without opposition in the June 1934 Democratic primary, and was then reappointed by the governor and confirmed by the Florida Senate in 1935. Thus Maire’s term still had four years left. After the completion of that term he became assistant state attorney stationed in Fort Lauderdale with the same duties as before. He continued to hold that position until 1947 when he resigned to go into private practice.

Florida’s two long-time United States senators died within six weeks of each other in 1936 — Trammell on May 8 and Fletcher on June 17: Fletcher’s passing ended Maxwell Baxter’s last major political connection. Claude Pepper ran for Fletcher’s unexpired term in the special election and was unopposed, demonstrating that the good grace with which he took his defeat at the hands of Trammell two years earlier certainly paid off. For Trammell’s unexpired term, ex-Governor Doyle E. Carlton was a heavy favorite. He was supported locally by his old friend Maxwell Baxter and also enjoyed name recognition throughout the state. Carlton was opposed by Charles O. Andrews of Orlando, a little-known former circuit judge who had presided over a panhandle circuit years before. Andrews had the support of the powerful Townsend clubs throughout the state and of Rogers and Morris in Broward County. Carlton staged a lackluster campaign, and Andrews won a surprising victory by a 5,000 majority in an election that had a small turnout. The upset was a victory for Rogers and Morris, who were able to extend their influence as a result. The Andrews victory also indicated the power of the Townsend movement. Pepper’s victory added to the influence of Fort Lauderdale attorney George W. English, Jr., Pepper’s former Harvard classmate, who at that time was chairman of the Broward County Democratic Executive Committee.

Townsend strength was further indicated when little-known Miami attorney Pat Cannon, twice an unsuccessful candidate for the Miami City Commission, launched a serious challenge against two-term incumbent Congressman J. Mark Wilcox of West Palm Beach, an arch foe of the Townsend Plan. Cannon enjoyed the all-out support of the Townsend clubs, and although Wilcox won, the election was closer than had been expected. Joe Hendricks of Deland, an ardent supporter of the Townsend Plan, won election to Congress from the new fifth district, which had been created by the 1935 session of the legislature and taken, for the most part, from the northern portion of the fourth district.

The 1935 session of the Florida Legislature also finally awarded Broward County a second member of the Florida House of Representatives. Roe Fulkerson of Hollywood, a leading member of the Kiwanis Club and strongly backed by Rogers and Morris, defeated A.J. Ryan of Dania in the Democratic party run-off to capture that seat. Dwight L. Rogers turned back the challenge of J.D. Butler of Deerfield and Charles Crim of Fort Lauderdale in the June 1936 Democratic primary for Broward’s other seat in the House of Representatives, while John R. Beacham of West Palm Beach was re-elected senator from the Broward/Palm Beach senatorial district.

Fourteen candidates entered the Democratic primary for governor, and at least half of them had state-wide reputations. Among these were Senator William C. Hodges of Tallahassee; Representative Dan Chappell of Miami, a bitter foe of the Sholtz administration; Jerry Carter of Tallahassee, a member of the Florida Railroad Commission; B.F. Paty of West Palm Beach, a former member of the Florida Racing Commission who broke with the Sholtz administration; Criminal Court Judge Ralph W. Pettaway of Tampa; and Fred P. Cone of Lake City, who had been president of the Florida Senate back in 1911 and was a declared enemy of the Sholtz administration. Sheriff Walter R. Clark and Fort Lauderdale attorney John D. Kennedy were Broward County’s chief backers of Cone.

In the first primary, Judge Pettaway led the field with less than sixteen percent of the total vote. There was a close contest for second place between Fred P. Cone edged William C. Hodges for the run-off spot.

In the run-off, Cone carried the entire northern half of the state and made serious inroads in south Florida. Cone even carried Pettaway’s home county.
of Hillsborough. Clark’s and Kennedy’s efforts enabled Cone to receive a large vote in Broward, though Pettaway carried the county. In Dade County, a political group headed by Dan Mahoney and The Miami Daily News and known unofficially as “Little Tammany” endorsed Cone. Such Dade political figures as Representative Dan Chappell, former State Attorney Vernon Hawthorne, and Miami attorney Frank O. Spain were in the forefront of this group that campaigned vigorously for Cone. The other side of this equation was that with the before-mentioned line-up supporting Cone, Frank B. Shutts and The Miami Herald threw their support to Pettaway, who carried the county. Nevertheless, Cone, with his strong anti-Sholtz campaign, won the statewide run-off.

There had developed in Florida during the depression an informal coalition of the rural “cracker” vote in north Florida and the urban labor vote of south Florida. This was the coalition that elected Claude Pepper senator, Fred P. Cone governor, and, in 1948, Fuller Warren governor. It almost elected Lex Green governor in 1944 and Charley Johns governor in 1954. The populist appeal seemed to be attractive to both groups.

The Townsendites, having failed to unseat Congressman Wilcox in the June 1936 Democratic primary, decided to try again in November. Fort Lauderdale attorney Thomas E. Swanson, the former port commissioner, became the Republican candidate for Congress and immediately announced his support for the Townsend Plan. Swanson received immediate endorsement from the Townsend clubs throughout the district, and Townsendites continued their all-out effort to oust Wilcox.

In preparation for the general election of November 1936, the Broward County Democratic Executive Committee staged a Democratic rally and barbecue in Dania. Fort Lauderdale attorney George W. English, Jr., was chairman of the committee, and the rally over which he presided was certainly a gala occasion. The principal speaker was Senator Richard B. Russell of Georgia, fresh from his reelection victory over Governor Eugene Talmadge and destined over the next thirty-five years to become one of the all-time greats in the United States Senate. Other speakers included Fred P. Cone, Charles O. Andrews, Claude Pepper, J. Mark Wilcox, Dwight L.
Rogers, and a host of local dignitaries — certainly the most impressive gathering of political talent ever to attend a meeting in Broward County.

In the general election of November 1936, the Democratic party ranks held firm. Franklin D. Roosevelt defeated Alf Landon by more than a three-to-one margin in Florida and also carried Broward County by a substantial majority. J. Mark Wilcox turned back the Republican Townsendite challenge of Thomas E. Swanson, and Bert Croft reversed the verdict of four years previously by defeating C.M. Weirick for constable. Floyd L. Wray, twice victor in non-partisan port elections, found partisan elections not to his liking; he was defeated by Democratic candidate Dr. Bruce F. Butler of Hollywood. The November election result was especially satisfying for Congressman Wilcox. In June and again in November, he had overcome the bitter opposition of the Townsendites and Robert H. Gore, publisher of the Fort Lauderdale Daily News.

With Fred F. Cone’s victory in the Democratic run-off and subsequent triumph in the November general election, Walter R. Clark and John D. Kennedy emerged as major political influences in Broward County. If a person wanted a favor from Governor Cone he “saw” either Clark or Kennedy. Cone soon established a reputation as a spoilsman. An old-fashioned Jacksonian Democrat, he believed that jobs should be handed out for political work done. He has been quoted as saying, “The men who supported me in the first primary will sit at the first table.” In Broward County, Walter R. Clark and John D. Kennedy sat at the first table during the Cone administration. The Cone connection was the beginning of the great and powerful influence Clark was to obtain, reaching beyond Broward County. After the unsuccessful campaign of J.R. Barnes in 1932, Rogers and Morris never again backed a candidate for sheriff.

As the latter part of the decade was reached, the major political influences were: Rogers and Morris, because of their control over most of the county offices; the law firm of McCune, Haasen and Fleming, because of their connection with the Broward Bank and Trust Company; Walter R. Clark and John D. Kennedy, because of the Cone connection; and George W. English, Jr., because of the Pepper connection. Maxwell Baxter, who had started the decade as a major political force in Broward County, was by 1936 definitely on the political decline.

Nineteen thirty-eight was an eventful year in Broward County. Threeterm Congressman J. Mark Wilcox of West Palm Beach decided to challenge Senator Claude Pepper, and Dwight L. Rogers, after four terms in the Florida Legislature, decided to try for the fourth district congressional post. Several other candidates entered the congressional contest. Henry H. Filer, a long-time member of the Dade County School Board; Pat Cannon, Miami attorney and loser to Wilcox two years earlier, but who still retained the support of the powerful Townsend clubs; and Mayor Robert Williams of Miami, under heavy attack at home and due to face a recall election the following year, entered the fray. Much to Rogers’ dismay, Lewis E. Moore, a former mayor of Fort Lauderdale, added his name to the list of contestants. Two minor candidates from West Palm Beach also entered the race.

In 1938, the Fourth Congressional District consisted of Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, and Collier counties. Rogers campaigned on the basis of his legislative record, emphasizing the Homestead Exemption Amendment. In various stump speeches, he told cheering audiences, “I helped save your little home,” and asked for a chance to continue his work “in the Congress of the United States.” Cannon based his campaign mainly on his support for the Townsend Plan; Filer stressed his accomplishments in the educational field; and Moore, the owner of a drug store, said, “It is time to send a businessman to Washington.”

Senator Pepper and Congressman Wilcox were joined in the senatorial contest by former Governor Dave Sholtz and two lesser candidates. Pepper declared his undying devotion to the New Deal and the Townsend Plan, and was supported by the Townsend clubs, Governor Cone, organized labor, and many local leaders throughout the state. Wilcox was supported by many business leaders and the more conservative leaders of Florida’s Democratic party. One of his leading advocates was M. Lewis Hall, former law partner of Broward County’s chief Pepper supporter, George English. Hall had moved to Dade County, where he enjoyed a very lucrative legal practice. Sholtz also strongly supported the Townsend Plan and criticized Pepper for not getting the plan through Congress. Sholtz also blasted Governor Cone for his record as a spoilsman and for his nepotism. Locally, Sholtz’s main supporter was his old friend, Fort Lauderdale attorney R.R. Saunders.

The Broward County legislative delegation was due for a complete overhaul in 1938. Representative Roe Fulkerson of Hollywood decided not to stand for re-election, and Rogers was vacating his seat for the congressional try. For the Rogers seat, E.K. DeLoach, the former port commissioner with strong Rogers and Morris ties, entered the contest and was favored to win. He was joined in the race by John S. Burwell, a Fort Lauderdale real estate man, and B.O. Giddens, the mayor of Pompano. For the Fulkerson seat, Broward County pioneer Tom Bryan, a veteran of many political wars, enjoyed the most name recognition and was the early favorite. He was

Pharmacist, former Fort Lauderdale mayor, and congressional candidate Lewis E. Moore, pictured here in 1954.

Fort Lauderdale attorney, banker, and real estate investor George W. English, Jr., c. 1935.
joined in the contest by Rogers and Morris stalwart J. W. Moffitt, a former county commissioner from Hallandale; twenty-six-year-old attorney George W. Leaird, then practicing in Hollywood but born in Fort Lauderdale; and Lem Hughes of Hollywood.

For Bryan the election was a comeback attempt. A member of the original Fort Lauderdale City Council, he had also served on the Fort Lauderdale City Commission from 1925 to 1927, and had represented the county in the 1927 session of the Florida Legislature. He had been defeated for re-election in 1928, defeated for a seat in the Florida Senate in 1932, and defeated for a place on the Fort Lauderdale City Commission in 1937.

A record number of voters turned out for the primary on May 3, 1938. In the congressional race, Henry H. Filer of Miami led the field by a margin of 4,000 votes. A very close contest developed between Pat Cannon of Miami and Dwight L. Rogers for the second run-off spot, with Cannon squeezing in by the barest of margins. Lewis E. Moore of Fort Lauderdale finished fourth, Mayor Robert Williams of Miami fifth, and the two West Palm Beach candidates trailed. The results were: Filer 24,525, Cannon 20,155, Rogers 20,119, Moore 6,483, Williams 6,013, Cunningham 3,142, and Bowery 1,215. Lewis Moore was the spoiler in the race as far as Rogers was concerned. The vote in Broward gave Rogers 3,076, Moore 1,445, Cannon 887, Filer 681, Cunningham 131, Williams 128, and Bowery 77.

It seems probable that if Lewis Moore had not entered the race Rogers would have piled up enough additional Broward votes to enter the run-off. It is also probable that if Rogers had been in the run-off he would have entered Congress in 1939 rather than in 1945. The run-off took place three weeks later, and Pat Cannon, with powerful Townsend support, scored a narrow victory by a margin of less than 500 votes in an election which had a light turnout.

In the senatorial primary, Senator Claude Pepper scored the greatest triumph of his entire career, receiving close to sixty percent of the total vote and thus avoiding a run-off. The vote was: Pepper 242,350, Wilcox 110,675, Sholtz 52,785, Moore 5,417, and Merchant 4,066.58

Pepper's strength was distributed throughout the state, while Wilcox's came mainly from the Fourth Congressional District. Former Governor Dave Sholtz, who so dominated the 1933 and 1935 sessions of the Florida Legislature and became the political strongman of the state, saw his empire collapse "like a house of cards." He was completely repudiated, and The Fort Lauderdale Daily News, in a front page editorial, pronounced Sholtz's political demise:

**EDITORIAL**

Dave Sholtz you're through. Voters of Florida wrote Finis for you politically. You've been through a long time, but you weren't smart enough to know it. You wrote your political death warrant in Tallahassee in the governor's office. You know how you wrote it. You know the terms in which it was penned.

Today you are repudiated. Florida has not forgotten you, Sholtz. Florida cannot forget you. Florida doesn't want to forget you because the memory of you and your regime should be — and will be without doubt — a constant reminder against other politicians of your type and stripe.

You're through Sholtz. Now you can go back to Brooklyn whence you came and where your particular and peculiar talents may be more appreciated than in Florida. Or you can go to North Carolina and from your spacious palace in those classic hills meditate on the strange, to you, phenomenon of voters at last acquiring the ability to discriminate between the real and the false.

Yes, you can go back to Brooklyn or to North Carolina or to a certain other place we could name but won't, this being a newspaper of large family circulation. "We come to bury Caesar; not to praise him." Remember the line? Politically you are as dead as the Roman emperor. We come to bury you, Sholtz; not to praise you.

And on the figurative shaft we have reared over your very real political grave on a bleak and lonely hillside we are erecting a mental monument of slot machines, and black bags, and broken promises tinted a deep crimson by the blushes you brought to the cheeks of honest Floridians.

And at the base of this marker we are writing your epitaph: "Sholtz, poopy?"59

In the race for one of the legislative seats, E.K. DeLoach led, 2,680 votes to Burwell's 2,152 and Giddens' 1,678, but was forced into a run-off with Burwell. In the other legislative contest, Tom Bryan led with 2,145 votes and would face George Leaird, who garnered 2,017 votes, in the run-off. The remaining votes were divided between Hughes with 1,219 and Moffitt with 1,081.

In the run-off the voters decided it was time for a change. John S. Burwell defeated E.K. DeLoach 3,452 to 2,989.

John S. Burwell (left) and George Leaird (right) served Broward County in the Florida Legislature from the late 1930s to the 1950s.
and George Leir dr scored a decisive win over Tom Bryan, who suffered his fourth consecutive defeat, by a 3,911 to 2,508 margin. Burwell and Leir proceeded to dominate the Bower- d County legislative delegation for the next sixteen years. One, the other, or both were to be in the legislature until 1955.

Dwight L. Rogers would have to wait another six years to enter Congress. One fact was clear: he would have to mend his political fences in Broward County before he could succeed in another congressional try. He would undoubtedly need a larger Broward majority than he had received in 1938. Districting changes would also play a significant role in the future of the county’s congressional representation. The 1940 census results entitled Florida to a sixth congressman, but since the legislature could not agree on redistricting, in 1942 the sixth congressman was elected at large. Lex Green, the long-time congressman from Starke, made an unusual move and won that seat. Nonetheless, the 1943 session did the Florida Legislature create the Sixth Congressional District, located in the southeastern part of the state. As a result, Broward and Palm Beach counties were separated from Dade County, the new district consisting of Broward, Palm Beach, Martin, St. Lucie, Indian River, and Okeechobee counties.

The redistricting gave Rogers his chance to win the new seat, although he faced an uphill battle because Palm Beach County still had a much larger population than Broward. In the meantime, Rogers and Morris tried very successfully to end the political feuding that had marked Broward politics during those years. In the May 1944 Democratic primary, Rogers led his principal opponent, L.L. Stuckey of Pahokee, by 2,000 votes. Because of the crowded field, a run-off was necessary. In the run-off, Rogers led by more than 4,600 votes in Broward County, which enabled him to defeat Stuckey by a majority of about 2,000 votes throughout the district. Thus Dwight L. Rogers finally attained a seat in Congress, where he had a major impact on legislation. As an example of his legislative skill, Rogers sponsored a bill early in his congressional career to give the terminal leave pay already available to officers to enlisted men as well. Although this Terminal Leave Bill was opposed by the military, political, and business establishments, Rogers was able to pry it loose from the committee by successful use of a discharge petition signed by a majority of House members. Then, by insisting on a rollcall vote, he was able to get the bill passed by the House of Representatives. The opposition quickly crumbled, and the bill passed the Senate and was signed into law by President Truman. Dwight L. Rogers continued his distinguished congressional career until his sudden death, December 1, 1954.

As Rogers’ eventual congressional victory demonstrated, the legacy of depression era politics in Broward County lasted long after the depression itself had faded away. Although some of the bitterness which characterized the decade from 1928 to 1938 dissipated, the subsequent careers of Rogers, his partner John E. Morris, and such long-tenured office holders as Judges Tedder and Boyd Anderson, Sheriff Walter R. Clark, County Commissioner S.C. Fox, School Superintendent U.J. Bennett, Tax Collector W.O. Berryhill, Tax Assessor L.O. Harris, and Elections Supervisor Easter Lily Gates provided a strong degree of continuity which lasted through the Second World War and into the period of renewed economic and physical growth which followed.

END NOTES

1. Some of the material in this article is based on information supplied to the author by his father, Fort Lauderdale attorney Hugh Lester (1934-1957), who was a keen observer of the political scene as well as a minor participant in some of the political skirmishes of that era. Some of the material is based on the author’s personal knowledge.
2. The governor’s office did not follow that tradition. In 1927 Governor John W. Martin refused to appoint Worth W. Trammell, the brother of United States Senator Park Trammell. Worth Trammell was chosen circuit judge by the Dade County Democrats. Worth Trammell had been one of Martin’s opponents in the 1924 Democratic primary, and Martin planned to run against Park Trammell for the U.S. Senate in 1928. In 1939 Worth Trammell won the Democratic primary for circuit judge and was appointed by Governor Carlton in 1931. The Florida Senate confirmed him that year. The circuit judge’s office became elective in 1948. William A. Herrin of Miami was the first circuit judge to obtain office by election. There were other circuit judges elected that year, but all but Herrin had a price appointment from the governor. Herrin served as a circuit judge for thirty-six years until his defeat in 1964.
3. In recent years some journalists have claimed that the motive behind the run-off system was to prevent black candidates from winning. Since Negroes were already barred from the Democratic primary, there were no Negro voters; therefore no Negro candidates. It is obvious that this had nothing to do with the run-off matter. In fact, no creditable historian has made this claim.
5. Bench and Bar of Florida (Tallahassee: Horace Evans, 1935), vol. 1, 44.
6. Ibid., 25.
7. Talk delivered by G. Harold Martin before historical meeting sponsored by the Broward County Historical Commission, January 7, 1987. The author attended the meeting.
8. In 1929 the Florida Supreme Court reversed the conviction. A second trial was held in the Broward Circuit Court and resulted in a mistrial due to a divided jury. A third trial held in Miami following a change of venue resulted in acquittal. For an account of the Hicks case see Marilyn Kemper, “On Trial, William A. Hicks,” Broward Legacy, vol. 1, No. 2 (January 1977), 8-14.
9. A county judge was not required to be a member of the bar.
14. This advertisement appeared in a number of issues throughout the campaign, including the one of June 2, 1928. It should be noted that there are at least five identifiable Republicans on the list: Hisaasen, Casey, Hunt, Davis, and McMillan. Hunt was chairman of the Broward County Republican Executive Committee and, in November, was the Republican candidate for county judge. This may have been the Republican candidate for prosecuting attorney. Four years later, McMillan was to emerge as the Republican candidate for county school superintendent, and Casey was often a featured speaker at Republican meetings. Since participation in the Democratic primary was limited to Broward residents, it is likely that five Republicans could endorse Giblin but could not vote for him. It is obvious that this had nothing to do with the run-off matter. In fact, no creditable historian has made this claim.
15. This political advertisement appeared in many issues of The Fort Lauderdale Daily News, including the one of June 3, 1928.
16. Fort Lauderdale Daily News, June 1, 1928.
17. Ibid., May 31, 1928.
18. Ibid., May 10, 1928.
21. Election results are taken from the issue of The Fort Lauderdale Daily News the day following the election unless otherwise indicated.
22. Berryhill was the original holder of that office but resigned in 1925 to enter the real estate business. Lillie Smith was appointed to succeed him and won the special election of 1926, thus becoming the first woman to win county election in Broward. She did not seek re-election in 1928.
23. In the primary he defeated Julian E. Ross and the non-partisan candidate Charles Crim.
24. Told to the author by his father, Fort Lauderdale attorney Hugh Lester.
25. In this time there were only three school board members.
26. During the 1928 judicial campaign, Giblin made no mention of the six-year term, and he did not enter the primary under protest.
27. Fort Lauderdale Daily News, June 14, 1928.
28. Ibid., June 12, 1929.
29. Ibid., June 22, 1929.
30. At this time there were only six members of the Florida Supreme Court.
31. The author’s father, Fort Lauderdale attorney Hugh Lester, has called Giblin a “good hired man,” and added, “He will do a job that he is paid to do and do it well. He gave excellent service to the Florida East Coast Railway. He was then a tough, non-nonsense judge. In Miami he gave Al Capone excellent legal representation.” A generation later Giblin returned to the circuit bench, but this time in Dade County, where he received much praise for the quality of his performance. In 1962 he lost a very close election to Harris Davis for a position on the Florida Supreme Court. Late in his career he served as adjunct professor of law at the University of Miami.
32. When the G. Clow served as Mayor of Fort Lauderdale, 1922-24, Baxter served as city attorney.
33. There was an exodus of lawyers from Broward County during this period. The most prominent逃离 pastures included Vincent C. Giblin, M. Lewis Hall, L.O. Casey, and Miller Walton, all of whom moved to Miami. Everett H. Hunt moved back to Buffalo, New York, and F. Holmes Johnson returned to Gray, Georgia. Those who died included Tom Farmer and Dave Cook in 1932 and John H. Cheney in 1936.
34. Robert J. Davis, in his role as prosecuting attorney, seemed to get involved in trivial cases. In December 1929, he had attorneys J.R. Roach and J.B. Hoyt,
arrested for conducting a business without a license. Roach said that, of the forty-nine lawyers in Broward County, only one had paid the business license fee and that was Davis who had paid it the morning he had sworn out the warrant. The case was heard in county court with Davis prosecuting. Roach and Hoyt defended themselves. Judge Shippee dismissed the charges.

35. For an excellent account of Clark's early life, see William H. Kramer, "Walter Reid Clark, Broward County's Legendary Sheriff: The Formative Years," an unpublished manuscript in possession of the Broward County Historical Commission.

36. Clark was suspended by Governor Holland in 1942, but the Florida Senate reinstated him in 1943. The local senator, John R. Beacham of West Palm Beach, supported Clark.


38. Dade County Representative Simon Pierre (Pete) Robineau (1862-1955) was a law school classmate of the author's father, Fort Lauderdale attorney Hugh Lester. Born in France, Robineau moved to the United States at the age of seven. He practiced law in Boston 1912-15, moved to Miami in 1915, and soon rose to the top of the Dade bar. He became chairman of the Dade County Democratic Executive Committee, and from 1929 to 1937 served in the Florida Legislature. In 1935 Robineau became the floor leader for Governor Sholtz. When Sholtz became unpopular, Robineau became unpopular and did not stand for election in 1936. Robineau served overseas in two World Wars.

39. In recent years certain journalists have been promoting the idea that the motive behind the Homestead Exemption was to encourage more people to move to Florida. Statements of this nature reveal a lack of knowledge of Florida history and the Great Depression. The actual motive was to enable the hard-pressed homesteaders to keep their homes.

40. The conviction was reversed by the United States Supreme Court in 1942. In a subsequent trial the defendants were acquitted by Palm Beach County Circuit Judge C.E. Chillingworth. For a full account of the Darsey case, see Donald G. Lester, "The Darsey Case: Little Scottsboro Revisited," Broward Legacy, vol. 11, Nos. 1 & 2 (Winter/Spring 1988), 1-13.

41. Fort Lauderdale Daily News, May 9, 1934.

42. In 1928 the law firm of Roach and Hoyt had supported Tedder against Giblin, but had had a falling out with the judge since that time.

43. Democratic party rally held at Fort Lauderdale High School auditorium, June 2, 1934. The author was present and is quoting from memory, but believes that the quotations are substantially correct. The author has a problem with Hoyt's presentation. If such a "deal" were in the works, why tell Hoyt? J.B. Hoyt was certainly no "insider." In fact, Roach and Hoyt can be considered as "professional outsiders."

44. In over fifty years of observing and studying Broward County politics and politicians, the author has neither seen nor heard any compelling evidence of any "deal" concerning Giblin's sudden resignation. The author believes that the charges are probably based on assumptions. Since Giblin retained his post after the three-to-three Florida Supreme Court vote and then suddenly resigned, many observers assumed that there must have been a "deal." The author puts forth a plausible alternative explanation. Giblin, having proved his point (to his own satisfaction) and having accomplished his purpose (to aggravate Tedder) decided to move on to greener pastures.


46. Miami Herald, November 1, 1934.

47. Fort Lauderdale Daily News, October 6, 1934.

48. Ibid.

49. Te in 1940, after the main push for the Townsend Plan had passed, Fuller Warren, campaigning for governor, made a speech in Fort Lauderdale's Stranahan Park. When he finished and was walking down the steps of the bandstand, an elderly man approached him and asked how Warren stood on the Townsend Plan. Warren replied that he favored it. The author's father, Fort Lauderdale attorney Hugh Lester, then a member of the Broward County Democratic Executive Committee, presided at the meeting and overheard the exchange.

50. In recent years a number of historians have tried to explain the failure of Communists and Socialists to exploit the misery of the Great Depression for their own advantage successfully by offering the explanation that the people "blamed themselves" for their misfortune. This explanation appears ridiculous to those who lived through the depression. The people's dissatisfaction was actually directed at such targets as Wall Street, bankers, big business, the Republicans, etc.

51. This was no idle fear. About a year and one half previously, a mob of about 100 men stormed the county jail in San Jose, California, took two kidnapper-murders out of the jail, and publicly hanged them in the presence of 2,000 cheering citizens.

52. The author's father, Fort Lauderdale attorney Hugh Lester, served as justice of the peace from 1930 to 1937.


54. The author's father, Fort Lauderdale attorney Hugh Lester, was a member of the Broward County Democratic Executive Committee and was much concerned over the possible Townsendite defection from party ranks.

55. Told to the author by his father, Fort Lauderdale attorney Hugh Lester.

56. The author was present and heard the message several times during the campaign.

57. Ibid.
