



S: It all centered upon this strike. And why was it in Federal Court? Because they had used a submachine gun to cut cable, but among the cable that they cut was a cable that went directly into the Strategic Air Command what we would now call Central Command at MacDill Air Force Base. When that happened, that immediately triggered FBI jurisdiction, the FBI was in it. We tried the case, and at this moment, I can't recall who the judge that presided was but the jury was unable to reach a verdict, what we call a hung jury.

S: While we were waiting to schedule a new trial of this strike with the use of the submachine gun and two high powered rifles, the seizure of those weapons had occurred in the apartment at an apartment complex called the Morrison Apartments, on the corner of Howard Avenue and Morrison Street in the Hyde Park area of South Tampa. And a police officer without a warrant had broken into the apartment because some strange men had been observed going into the apartment. The policeman responded. When they knocked and the men would not come to the door, they in fact were on the telephone calling their lawyer, I believe it was Henry Gonzalez that was talking to them on the phone, the policeman had no search warrant, but they did go in thinking that a burglary was in progress. There was no burglary in progress, they had permission to be in that apartment because it belonged to Katherine Prather, one of the strikers, but in her cedar chest, these two high-powered rifles were found together with the submachine gun. The high-powered rifles had been used during the strike by going into one of the rooms of the Floridan Hotel in downtown Tampa, and from one of the south windows, firing at the microwave, what you and I now call satellite dishes that were on top of the General Telephone building.

S: As I recall, that building was on Marion Street, probably Marion and Zack. And they had shot, I don't know if it was 30-aught-6 or a 7-mm, whatever the cartridge was, the caliber, but they had shot holes into those microwave receiving satellite dishes. And the submachine gun had been used in cutting the cable that went into the MacDill Air Force Base. The forensic experts had all documented the ballistics involved so there was no question that those were the right weapons used in these targets. But, as I told you, before we went to trial in the federal court, there had already been one other trial in the state court. Those had resulted in convictions and those had gone to the Second District Court of Appeal in Lakeland, and while we were waiting to retry the federal case after the hung jury, the Second District Court of Appeal issued and published their opinion saying that there was no search warrant, there was insufficient probable cause and lack of exigent circumstances that would have given reason for the officers to go in. But they had no search warrant, they had not established the basic requirements for going into a private property without a search warrant, and the Second District ruled, and I think the case is *Prather v. State*, that the seizure was illegal because it was a fruit of the poison tree.

M: Now, when you were trying the case, did you think that that may happen, did you have any inkling and what was your feeling when you learned about the fact that the case was going to be thrown out on that basis?

S: I knew that it had very significant monetary consequences because these employees had been fired and not rehired by the General Telephone. And they were going to be entitled to compensation for all of those weeks and months that they were without their check. So I knew that that case was going to bring significant economic consequences.

S: When we went to trial, the lawyers for the defense had perfected their objections to the admissibility of the evidence. The federal judge in the trial court had allowed it

second federal trial.

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M: And did you know when you came into the office in the morning, did you know pretty much what the docket had on it, you were already prepared for what was going to be there?

S: Yes, you already knew. You were prepared because some cases commanded more attention, some cases commanded more research than the routine run-of-the-mill. What would be a run-of-the-mill case? An interstate transportation of a stolen motor vehicle, Mr. Hoover had a priority of all of his field offices because they created or they generated a large number of statistics. And Mr. Hoover could use those statistics effectively. He was a very effective speaker when he was appearing before the Appropriations Committee. And he could say, "We prosecuted 1,000 stolen motor vehicles." Well, the truth is the FBI agent was not the one that had stopped the vehicle on the highway, it was a local policeman or a highway patrolman or

S: By 1:15, Judge Lieb was already back in chambers, and at 1:30, the motion practice started. What that meant is the motions that had been filed by attorneys would start being heard at 1:30. Most of the motions you did not have to bring in witnesses. If there were witnesses that you were going to have, then it was like a little mini trial, he would leave his chambers where the motion practice was going on, and then it would be in

to have a problem; was there a confidential informant; is the confidential informant available to testify if necessary; is he or she reliable; why do you think he or she is reliable; is there any past history with this informant. So how the evidence has been secured was very important. You may know that somebody is guilty but unless you can prove beyond and to the exclusion of a reasonable doubt, you're not going to convict that person. And in federal court, we had been instructed by our superiors both the U. S. Attorney



S: Yes, the famous Polk County kidnapping case is the one.

M: We don't think much today of kidnapping. We just don't think much of that as far as that going on, but that seems like that was in the 1960s, all of a sudden, it was a big priority.

S: I think just before it became the Middle District of Florida, there was a very famous kidnapping case here in the Southern District, which later became the Middle District, and I think it focused somewhere that I recall in Fort Myers or Naples. And I want to tell you it was the Mackle kidnapping where somebody was put like in a coffin.

M: That's right. I remember.

S: And some of the federal agents I worked with had worked that particular case.

M: Now, was that during your time?

S: It had just happened. It had just happened. Now maybe Levine or Stichter remember that particular kidnapping case but that was across the land. Everybody in the country knew about that kidnapping.

M: Now, as I recall, her father was the developer of Marco Island, correct?

S: That's right. That's right. I had forgotten that.

M: He was extremely wealthy. One of the things I wanted to ask you about, you mentioned that there was no RICO law when you were in that USDA's office. But when you became solicitor, can you talk a little bit about how that law affected your operations as a state prosecutor and did you have any cases for example that you handed over to the federal courts?

S: Yes, we did.

M: Can you talk about that process? First of all, talk a little bit about RICO and how that changed everything.

S: RICO changed the method by which you built a rackets, an organized crime type of case. It facilitated the presentation of evidence to show a pattern of criminality. We had not been able to show that before. Admissibility of evidence, requirements to prove a criminal course of conduct that shows they're involved, not in just one passing criminal conspiracy but a series of conspiracies to violate the criminal statutes, federal or state. To give you an example of what you just said, were there any cases that we turned over? Yes.



M: Do you remember anything in Tampa that had anything of similar –

S: That I prosecuted, no. Remember, when congress passes a law, it takes time for the federal agencies that are going to enforce that statute to become familiar with what are the minimum requirements to make an arrest and to build this type of case. So then it takes a while before you do a criminal prosecution. What is faster is civil. And those were generally by private citizens who would complain etcetera.

M: That's exactly the way I thought it worked, but you've confirmed that. Okay. Good. So it would be a matter of a person who felt aggrieved and violated that would actually –

S: Yes, we had cases filed here for discrimination. And the case that I remember most





just do this, just flip a little bit. Just the smallest sparkle would hit this and this would go up, and you couldn't even do an ash analysis. There were not enough forensic ashes for a forensic expert to be able to say, oh, yeah, you're betting on the Philadelphia Phillies, you're betting on the Tampa Bay Rays, no. So that became one of the mechanisms before RICO.

S: So the other thing that federal prosecutors confronted with federal grand jury investigations was you brought in a racketeer, do you think that he's going to rat on his people? No. So they would invoke their 5th Amendment right and that's all that you got. So rather than just use the grand jury as a spectacle, no, you can't do that, you've got to maintain the credibility and dignity of the federal grand jury, you better have some good evidence to present. You don't want to just bring in all the Italian-sounding names just to show off that you suspect that they might belong to the LCN, Las Cosa Nostra. No, you better have some solid evidence or the federal judge will call you in and say are you abusing the federal grand jury system?

it in the car and drive to Orlando and then take it up to the second floor, and then at the end of the session, put it back in the car and bring it back to Tampa. We did not have the facilities. As I said the other day, George Young had a Xerox machine but we didn't. So, you know, we had to anticipate what issues were going to come up and carry our books from Tampa.

S: In Orlando, my recollection is that a second Assistant U. S. Attorney like, for instance, Bruce Fraser, would go to assist me, and Kendall Wherry would go. And Kendall even rented an apartment in Orlando, but we made that run at least once a week and sometimes stayed over. Sometimes the trials were protracted, complicated trials and they went into four, five, six days. I never had any case that took weeks to try.



M: We've got about five or ten minutes left and what I want to do is ask you about near the end of your time in the office and you make the decision to leave the federal prosecutor's office. What's going through your mind about the next group coming in and also after you get elected as solicitor, how much contact did you have with the office or did you not have much contact with it at all?

S: Well, let me answer the last part and then I'll get to the first part. When Nixon wins the presidential election, Hubert Humphrey loses the election; we know that there will be a partisan change in the U. S. Attorney, which means that Edward F. Boardman is no longer going to be the U. S. Attorney for the Middle District of Florida. Somebody else is going to be. Well, I didn't stop visiting the U. S. Attorney's Office because the secretaries were friends of mine, the assistants were friends of mine, and I personally liked Judge Lieb very much. I liked his law clerks. His law clerks eventually worked with us. But I continued visiting. The marshals were my friends. The postal inspectors were my friends. I saw them in the street. I would visit with them, FBI agents that I knew. Just because you got elected and you're now a state prosecuting attorney, doesn't mean that you divorce the old friends that you had. No, I continued that. With time, those people changed and they went on to others and you stop visiting them and they stop visiting you.

M: And do you remember who was appointed to the U. S. District Attorney at that time?

S: Yes. John Briggs from Jacksonville was appointed after some delay. Apparently, the senators could not agree as to whom the new U. S. Attorney for the Middle District was going to be but eventually it was John Briggs. So Mr. Boardman was a holdover U. S. Attorney during that indecisiveness by the senators, what name they were going to choose.

M: So that went on almost a year?

S: I suppose, I don't remember but I think it probably took almost a year. And then, Mr. Briggs, being from Jacksonville, designated Jacksonville as the new headquarters of the U. S. Attorney. So this became a satellite of Jacksonville.

M: Now, do you remember the others as they came along, what you thought of them from time to time?

S: Yes. I used to attend the swearing-in ceremony of the new U. S. Attorneys because I always extended a hand as the elected prosecuting attorney to the new federal prosecuting attorney.

had been abolished and the authority of the county solicitor's offices had been given to state attorneys. That had happened in Tampa. Tampa had a Hillsborough County Solicitor's Office. It eventually was abolished and they put all the authority of state prosecution in the state attorney. But in a political election, one of the candidates had said that there was too much power concentrated in one state attorney and that Hillsborough County should have a dual prosecutorial system much the same as Polk County had, Broward County, some other counties, West Palm Beach I believe. And the public voted to recreate the county solicitor's position. When that passed, I considered is this the time for me to leave the U. S. Attorney's Office and run for office. And I think what pushed me over the line was a night that I heard Lyndon Johnson say, "I will not accept my party's nomination." And then I said, "If the Republicans come in, they're going to fire all of us Democrats and I'm going to throw my hat in the ring. I'm going to go talk to my boss tomorrow." And the following morning I walked in and I said, "Mr.