

CENTER FOR FLORIDA HISTORY ORAL HISTORY PROGRAM

ORAL INTERVIEW WITH: The Honorable E. J. Salcines

INTERVIEWER: James M. Denham

PLACE OF INTERVIEW: Stetson Law School—Second District Court of Appeal
Tampa, Florida

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M= James M. Denham (“Mike”)

S= Judge Salcines

M: My name is James M. Denham, and I am here to speak with Judge E. J. Salcines in the Tampa Courthouse. Today is July 26, 2010, and today we’re here to talk a little bit about Judge Salcines’ early years as a prosecutor for the Middle District Court of Florida. And I want to say hello, Judge.

S: Thank you very much. Appreciate the opportunity.

M: What I want to do is begin with your emergence from law school, after you got out of law school. Why was it and how was it that you thought about working for the federal government?

S: When I graduated from law school and took the Texas and the Florida Bar and passed both, I was appointed an Assistant State Attorney for the 13th Judicial Circuit, which is Hillsborough in Tampa. I was sworn in to the Florida Bar at the Florida Supreme Court the Friday before Kennedy was assassinated, November 22nd. So seven days less of November 22nd, that Friday, early in the morning, I was sworn in at the University of Florida. Then a young justice, Steve O’Connell, who later became president of the University of Florida, gave the new admittees to the bar a very stimulating speech and welcomed us to the bar. I came back to Tampa, and that Monday, the 18th of November, I was sworn in as an assistant state attorney by Judge Carl Durrance here in Tampa.

S: I think there were three or four assistant state attorneys in Judge Durrance’s courtroom, and before you knew it, one of them disappeared, then another one disappeared, then another one disappeared. And Judge Durrance, knowing that I was the neophyte, inquired: Where is so and so, where is so and so, where is so and so, and the bailiff told him: They’ve gone to see Kennedy. President Kennedy had come to Tampa that Monday before the Friday that he was killed in Dallas. I never saw Kennedy because I was doing my duty in the court in front of Judge Durrance. We know what happened that Friday.

S: And that following spring, my boss, State Attorney Paul Johnson, lost a very close election and the winner of that race announced that he was going to fire all of us that worked for Paul Johnson. A very distinguished lawyer told me, “What are you going to do now that your boss lost the election?” And “I said I really like prosecuting, I really like

the courtroom, I really like advocacy.” He said, “Why don’t you apply in the U. S. Attorney’s Office?” I was already a member of the Bar Association of the Southern District of Florida. I had applied to become a member of the Southern District of Florida and then sent my papers as a member of the Southern District of Florida to the clerk’s office here in Tampa and I became a member of the Middle District of Florida. So I went to the fourth floor of what we called the Post Office and Federal Courthouse Building, a beautiful building that still stands on Florida Avenue, between Twiggs and Zack Street. And on the fourth floor, the northeast corner of that building was the U. S. Attorney’s Office. And I prepared an application and submitted an application, and not long thereafter, I had a call from Edward F. Boardman, who was then the United States Attorney for the Middle District of Florida. I came for an interview, he interviewed me and after a few days, I received a call from Mr. Boardman to tell me that he was recommending me to Attorney General Robert Kennedy. And not long after that, I got a call I think from either the administrative secretary, Vera Atkins, or Mr. Boardman’s secretary who said that the attorney general had approved my nomination and that the FBI would start doing a background clearance check.

S: I continued to work in the county courthouse as an assistant state attorney. And in mid September of 1964, I received a call that the FBI had cleared me and that the credentials were being prepared. How soon could I start working for Mr. Boardman? I believe it was September 24, 1964 that I showed up for work.

M: And that was all here in Tampa?

S: It was all right here in Tampa, in that building. The Sam Gibbons Federal Courthouse certainly did not exist. Everything that was federal prosecutions and federal trials, took place in that federal building. I remember Mr. Boardman taking me down to the south courtroom on the third floor, where U. S. District Judge George C. Young was presiding in a major trial of a defendant called Al Rogero. There was a lot of media attention because he had been with the State Road Board. The gentleman that was prosecuting the case was Arnold Levine, one of my associates in the U. S. Attorney’s Office, and they interrupted the proceeding and George C. Young administered the oath to me in that beautiful courtroom.

S: I then started my duties as an Assistant U. S. Attorney and I continued working for the U. S. Attorney for Mr. Boardman until I left in late March of 1968, when I filed papers to run for the Hillsborough County Solicitor, which was the County Prosecuting Attorney’s Office. That office no longer exists. After Article V passed in 1972, the county solicitors or county prosecutors were all merged into a newly restructured state attorney’s office. I was elected in 1968, I was appointed Resident County Attorney for Hillsborough County to handle a large number of federal lawsuits that had been filed against Hillsborough County and by December of 1968, I had been successful in having all of those cases dismissed and then I was sworn in the first week of January 1969 as the Hillsborough County Solicitor.

M: Do you remember the interview process when you interviewed to be district attorney or Assistant U. S. Attorney? Did you have a lot of interviews, a lot of different people that wanted to ask you questions?

S: No, I don’t remember that anybody interviewed me other than Edward F. Boardman. I remember distinctly telling him that I really enjoyed the prosecuting function and that I

had already been accepted at Northwestern University Law School to do a short course for prosecuting attorneys. That was the earliest form of continuing legal education. We did not have a requirement in the bar back then to stay fresh with the changes of law. And I think that that impressed Mr. Boardman that I had taken the initiative to concentrate on being a career prosecutor.

M: Do you have any idea what the processes were back then for the FBI investigations?

S: Well, yes. I recall receiving numerous calls from old neighbors who had never seen an FBI agent before and all of a sudden, a conservatively, well-dressed gentleman was there with credentials from J. Edgar Hoover and asking questions about Junior Salcines. That was my nickname when I was growing up. I could almost follow that FBI agent because my phone would ring and someone would say, Junior, an FBI agent was just asking me questions about you and your family and then I'd get another and I could tell, well, that agent is walking down Cherry Street or he's walking down Main Street or he is on South Matanzas right now. Those were the streets that I had lived. So obviously, they must have done a very thorough background check. And then I got the appointment.

M: You mentioned Mr. Levine already, how many other people were in the office?

S: When I went there, Tom Hanlon had just resigned to become the chief assistant to the newly elected state attorney so he was out of the office. Joe Mount was getting ready to leave the U. S. Attorney's office. Arnold Levine had already given notice that he was going into private practice. Mr. Boardman had appointed Charles Carreire. He was a Stetson graduate. I think he may have been the valedictorian of the class of '62 at Stetson Law School. I think he was a Phi Beta Kappa from the University of Georgia, a distinguished, very smart lawyer. He was already on board and I think that was it for the Tampa Division. We had no office in Orlando. We had no office in Fort Myers. We did have a small U. S. Attorney staff headed up by a gentleman called Bill Hamilton, who was the chief assistant up in Jacksonville.

M: Did you have any kind of an orientation or training period or anything like that?

S: I wish I could tell you yes.

M: Did they just throw you some cases and tell you start working on them?

S: The administrative assistant, Vera Atkins, came in and brought me a huge stack of files and said, "These are your cases, Mr. Salcines." So Arnold Levine was busy trying the Al Rogero case in front of Judge Young, so I quickly dove into those files to start reading and preparing. And then the next day, I was in front of Judge Joseph P. Lieb, handling arraignments. And that was my introduction into the U. S. District Court.

M: Do you think that your knowledge of Spanish may have helped you get the job? Is that something that they were even thinking about at the time?

S: I don't know that they were thinking about it, I know that I was a novelty, especially when there were Spanish-speaking defendants that I could quickly speak Spanish to.

M: Project 20 years ahead and, boy, that would have really been a big thing.

S: And it was something novel. They had never had a bilingual Spanish-speaking Assistant U. S. Attorney and it certainly helped me some months later in a case that related to some Cuban group that had been arrested. My recollection is up in Apopka, north of Orlando, and they were brought before Judge George C. Young. I think customs had arrested them. They did not know that they were dealing with an undercover customs agent when they were buying a plane to bomb Havana and then when these Cuban defendants are in front of George Young, and George Young, who was always very thorough in his interrogation, wanted to make sure that everybody was informed of what was happening, asked them, "Are you aware of what you're charged with?" And one whispered to the other. And the other whispered to the other in Spanish, tell them that you don't understand, in Spanish of course, telling each other. And when George Young asked again, "Do you understand what you're charged," they were nodding their head like saying we don't know what you're talking about. And then I asked them in Spanish, in the courtroom, "Do you mean to tell the judge that you don't know why you're here?" They were shocked and then quickly all of them in unison said, "Oh, yes, we know why we're here." So that was an example that I recall.

M: Now, can you give me an idea of how the cases were distributed? Was there any kind of method of distributing these cases once the grand jury indictments came along?

S: I think they were assigned even before it went to the grand jury, I think the cases were assigned just in chronological sequence.

M: At random?

S: At random. The first one, the second, the third and so you got like every fourth case was assigned to you. And at that time, we had a very large number of interstate transportation of stolen motor vehicles. People would steal cars up north and drive to Florida, get busted by the highway patrol or the local sheriff or the local police, and immediately, the FBI was called because the vehicle had come across state lines. And Mr. J. Edgar Hoover had a high priority on those types of cases like he did for armed robberies of banks and kidnapping. So we were handling a lot of stolen vehicles of people trying to get to Florida. In fact, in one instance, I remember prosecuting an interstate transportation of an aircraft where somebody had taken a fixed wing, a plane, and brought it to Florida.

M: Now, would you say when you were an assistant, did you answer directly to Mr. Boardman or was there any other of the assistants that were more senior?

S: The office was so small that you reported directly to Mr. Boardman.

M: Now, as time would go on, would he appear in court?

S: Yes, and he would assign cases to himself and he would try certain cases. As the office went rolling and the population was really growing and more cases were being made, Mr. Boardman was taking care of Jacksonville and then the creation of a new division in Orlando that was manned by a young man that came to work for us shortly after I got there, by the name of Kendall Wherry. Kendall tried a lot of the cases in Orlando, though living in Tampa. We all used to make that trip to Orlando so Mr. Boardman had to set up a new U. S. Attorney Division in Orlando. More and more

cases were coming up in Fort Myers, though while I was there, we never had a permanent office. We did open up a permanent office in Orlando and we used to once in a while have cases in Ocala. But Mr. Boardman supervised. He was always in touch with the judges so he knew how his office was operating. He was a good administrator, he was a good boss.

M: Do you remember your first case ever in federal court or was it just a small hearing?

S: I frankly don't remember my very first case. I do remember my very first big case. And I tried that case jointly with Arnold Levine, who was getting ready to go into private practice. And that was a major labor strike that had become very violent in Tampa. I want to tell you it was about 1962, maybe even '63, where there were tires being slashed, cables being cut, there was a lot of violence related to that. And the federal courthouse building had a backdoor neighbor which was the General Telephone Company. And it had some very large microwave towers, like satellite dishes that we call today, on top of that building. During the strike, some strikers had gone to the old Floridan Hotel in Tampa, and from one of the rooms, had fired high-powered rifles into those microwave towers.

S: The strikers made a grievous mistake, however, when they used a submachine gun and the submachine gun was used to cut cable. And in cutting cable, they cut the wires or the cables that went directly to strategic air command at MacDill, and that immediately gave the FBI federal jurisdiction. And then the FBI proceeded and the arrests and prosecution were the result of a search that had been made by the Tampa Police Department, who had received a tip, and rather than wait to prepare an affidavit and get a search warrant, the police officer broke the door in an apartment at the Morrison Apartments on Morrison and Howard Avenue and in looking at a cedar chest, found those high-powered weapons and the submachine gun.

S: And, of course, the prosecutions proceeded. There were state and federal prosecutions and the state court convicted and that appeal went to the Second District Court of Appeal in Lakeland. The Second District Court of Appeal ruled that the entry by the policeman was illegal, there was no warrant, there was insufficient probable cause to get into that apartment, and, therefore, whatever was found in the apartment was fruit of a poison tree and all of the evidence was suppressed. Well, that had a major appellate precedent impacting on our federal case because our federal judges were going to probably rule the identical way. And so in spite of our prosecution, the jury could not reach a verdict in our federal prosecution and then the case was getting ready to be tried again when the court of appeal at the state level ruled that the search was illegal.

S: But that was my first major case because we confronted at least five of the top criminal defense attorneys in this area of Florida. It was a very hotly debated prosecution. But that was the first major case that I recall, among others that I tried later.

M: And was there a lot of disagreement in the city as well as far as what they -- was it controversial in the city?

S: Oh, yes, because it had become a very violent strike. We have not had the likes of that type of strike in Tampa since, and we're talking about almost 50 years ago.

M: And that was the telephone company?

S: General Telephone Company.

M: And these were employees who were unionized?

S: Unionized, and they were top leaders in the movement. They all had to be reemployed after the union settled their disputes and new contracts were achieved and they had to rehire them because the evidence had been suppressed and they got some hefty back pay.

M: Going back a little bit to your very brief experience at the state level, as far as practicing at the state level as prosecutor, in those early years, what was the striking difference in the courtrooms?

S: That's a very good question. Let me tell you that the formality of the federal courtroom was most significant. The protocol, you had to stand up whenever you were addressing the court, you had to stand up when you were asking questions of witnesses, if you wanted to make an objection, you could not make an objection from a sitting position. The federal court followed a very strict protocol of the type of demeanor in the courtroom whereas in state court, where you had hundreds of cases, it was a more relaxed environment. You still had to show your respect to the court, your civility to your opponents, etcetera, but you could ask questions from a sitting position, you could object from a sitting position. Certainly your dress code in federal court was a bit more upscale than it was in the state court. We never used anything but dark suits in the federal court. We never used any shirts other than white and maybe a very light baby blue. Never any loud or wild ties, they all were very conservative.

S: FBI agents, by the same token, were under a very strict dress code that Mr. Hoover imposed. What we now call casual dress never existed and the female employees never had any casual Friday or pants outfits to wear on Fridays. Everything was quite formal. In fact, I remember one of the secretaries of the U. S. Attorney's Office wore gloves and a hat to work, and just as the clock was striking 5:00, she would close her typewriter, cover the typewriter, fix her desk, put on her bonnet and put on her gloves and then would walk out as a perfect lady. So the dress in the federal court was a lot more formal than it was in state.

M: How many employees would you say worked in Mr. Boardman's office at the time you started?

S: I think we had four, maybe five secretaries. We had four, maybe five lawyers maximum. There was no such thing as a paralegal. We had no court reporters as we did in the State Attorney's Office. I think that was the extent. That was in Tampa. They probably had a like operation in Jacksonville.

M: So at that time in Tampa, there was Judge Joseph Lieb and --

S: We had Judge Lieb. We had Judge William Barker, who in seniority had served the longest. Then we had Judge George Whitehurst. Both of those had been federal judges for a long time but they had also been judges in the Bartow, Sebring, Arcadia areas so they were very knowledgeable state court judges before they became federal judges.

We had Albert Reeves, who was a senior U. S. District Judge from the Western District of Missouri in Kansas City. He had bought a home in Dunedin, and whenever our case load got such, Judge Lieb would call him and he would come over. Judge Young was assigned to Orlando but he would periodically come to Tampa on special assignments. We then had visiting judges like for instance, we had Judge Clarence Allgood from Birmingham, Alabama, who came pretty much on a regular basis. We had a few visits from a district judge out of Portland, Oregon called Gus Solomon. And I think there was one or two others that the name escapes me the moment.

M: And you practiced before all of these judges at one time or another?

S: All of them.

M: Can you, as I go down the list, could you give me a brief description of them, how they behaved, what they looked like?

S: Yes, yes.

M: What kind of judges they were in the courtroom. Why don't we start with Mr. Lieb, Judge Lieb?

S: Mr. Lieb was a very easygoing perfect gentleman in the courtroom, always welcoming you. When two lawyers would get a bit loud, he would try to calm them down, and if not, he would say, "Look, Mr. Marshal, the court is going to take a brief recess." And then he would look at the lawyers and say, "Gentleman, why don't you join me in my chambers for a cup of coffee?" Well, when he got us in the chambers, he would quickly tell us, "Look, I know that you're fighting for your case and so forth, but you need to settle down, you need to calm down, you're beginning to get out of hand." And that's how he controlled his courtroom in a very nice manner. The public never knew it because he had that civility, natural civility.

S: He always welcomed new admittees to the bar. Every Friday, we would have arraignments and sentencing. We would also have new applicants to the Middle District of Florida Bar. And he was always welcoming the gentlemen, and he would say, "If you want to be called to serve as defense counsel, sign this list." And, of course, all these young lawyers signed up quickly because that's how many got their trial experience.

M: Okay. Judge Barker?

S: Judge Barker, I don't remember any long trials with Judge Barker. I think we had brief hearings and one thing or another. He was the old-timer. You weren't going to put anything past him. He was quick to rule but was a gentleman. And that's pretty much what I remember of Judge Barker. I remember when he died that Judge Lieb, who at that time was the Chief Judge of the Middle District, asked me to handle the gifts that Judge Barker had made of his library to Stetson Law School. And I remember having to go through all the books and so forth so that when the gentleman came from Stetson law School over in Gulfport, we were ready to turn over the old federal case books etcetera.

M. And Judge Whitehurst?

S: And Judge Whitehurst was something else. Judge Whitehurst was very stern. He

could talk to you with his eyes. So nobody got out of hand because the old man would look at you and put you in his place just with that eyesight. And among the things that I remember of Judge Whitehurst and of Judge Albert Reeves particularly, was when it came time to giving instructions to the jury after the trial, we did not have what we now call standard jury instructions. Everything has been laid out in the standard jury instructions, you look at page 17 and then you add a little bit of page 19, and you compose the instruction. These old-timers did not have that and they had memorized, committed to memory, the law that they were going to give the juries. And we were always at awe how these "Old men" were able to quickly recite and tell the jury what is reasonable doubt and how to define circumstantial evidence and the law of this and the law of accomplice and the law of a coconspirator and it would just flow naturally, and that is not found today.

S: A judge today follows the standard jury instructions and is almost reading verbatim so he doesn't make any mistake. Another thing that the old-timers did that no one dares to do now is that the judges back then had authority to comment on the evidence. Yes, the jury had to decide what the facts of the case were, but the judge had the authority and discretion to inform the jury how he saw some of the evidence. That does not happen nowadays. The defense bar would quickly object to that but back then, these old-timers handled that, not very hard, but they would make certain commentaries.

M: Do you remember when that went out or was there any kind of time when that kind of behavior was no longer?

S: I will tell you that by 1968, we weren't seeing that comment on the evidence in the courtrooms, at least not in the Middle District of Florida.

M: Do you recall the demeanor of Judge Gus Solomon?

S: And then I remember Judge Gus Solomon who was a tyrant in the courtroom. He ruled by intimidation and he had very strict protocol. Like, for instance, you had to ask questions of the witness from the podium that he had directed where the podium was going to be. And you could only get up from your seat and ask the questions from that podium. I remember Mr. Boardman was sick one morning and I received a call early at home that he had fever, he could not come in but the trial was already in progress, could I please pick up and that he would try to be well enough the next day to come back.

S: No one had cautioned me of this strict protocol of Judge Gus Solomon. And while I'm asking questions of an FBI agent, it was some type of a bank fraud case, and I'm trying to introduce documents, and in asking the FBI agent the question, unbeknownst to myself, put my left hand on the jury rail while I am asking the agent questions. Those are gestures that you do that sometimes you don't know that you're doing. And all of a sudden, Gus Solomon, in a very loud voice says, "What are you doing? What are you doing?" And you could hear a pin drop in that courtroom because you had no idea who he was addressing. And then he's looking directly at me and he tells me, "I don't permit any flirtation with the jury in my courtroom." Flirtation with the jury, my hand is still on the jury rail, I was frozen. I had no idea who he was talking about, who he was addressing but now he's looking at me and he says, "I don't permit any flirtation with the jury." I never removed my hand, I'm frozen. And he says, "You've got your hand on the jury rail. You are flirting, that's flirtation with the jury." I quickly withdrew my hand, I apologized profusely and I just thought it was overkill because it had been done innocently with

certainly no intention. The jury was all men, so there was no flirtation with any member of the jury.

S: But Gus Solomon didn't get invited back to the Middle District of Florida Bar. The Bar Association got word to Judge Lieb, "Hey, we are more civil, we know how to handle ourselves." So Gus Solomon didn't come back.

M: Now, I don't want to leave Judge Whitehurst too quickly here if you have any other --

S: Yes. Judge Whitehurst was a very keen observer. Like I told you, he used to talk to you with his eyes. He would penetrate the eyes into a lawyer trying to figure out, "Is this lawyer telling me the truth, is he telling me half-truths, how much of what he's telling me can I believe, can I rely on?" We always had a high opinion of the old man who was tough.

M: How was he when he was transferred over to the Middle District, or he assumed his position in the Middle District?

S: I believe that he already had an office in Tampa, even though he was a judge of the Southern District of Florida, I believe that he was what we called a "Roving judge," which meant that Judge Whitehurst could be sitting in cases in Tallahassee or in Pensacola at the same time that he's sitting in Miami and/or Tampa. So I believe that when I came on board, he had an office in Tampa, Judge Barker had an office in Tampa, Judge Lieb had the courtroom which we called the "North courtroom" which was the one that more frequently than not was being used.

M: Judge Young?

S: Judge Young was a stickler for exactness. You could not represent to the judge that a statute said something because, one, he was more prepared than you. He was a very hardworking jurist. I have to make that trip between Tampa and Orlando regularly. There was a very popular Broadway production at the time called *Fiddler on the Roof* and one of the popular songs was *Sunrise, Sunset*. And that was the song of us from the Tampa Division because we had to get up very early. And sunup, as we're traveling east, the sun is in our eyes. And sunset, when George Young would finish up, it was always dark or getting dark, we'd have sunset in our eyes again coming west.

S: George Young was always a stickler for exactness and correctness. And if you told him that the statute said this, you'd better be prepared to back it up. And in Orlando, we did not have a permanent office. We didn't even have a typewriter in Orlando. I remember that when the administrative assistant, Vera Atkins, and I would go to Orlando, I had to carry, literally carry, to the second floor, her electric typewriter. We were all amazed with that great typewriter because, one, it operated electrically, and then it had a white tape that if you made a mistake, you could hit a particular key and that mistake would disappear. Of course, that was on the top sheet because we all used carbon paper back then, and if you had three or four carbons, you had to literally flip and go erasing every mistake. But I used to carry that electric typewriter there. We had no Xerox machines. George Young had a Xerox machine but we couldn't be troubling him. We did have a reproduction machine. I don't know that we called it a Xerox machine then, but it was a wet thing where you had to put paper and then as it came out, it was all wet and you had to let that dry and it was never white paper, it was yellowish. But at

least it was a copy.

S: With George Young, he demanded exactness and correctness. So we had to literally carry books, ten and twelve law books into the courtroom that when he would look at you with his spectacles right down on the tip of his nose, are you representing to the court that the statute says so and so, you'd have to go to your statute to make sure and you would read it and then you would read that to him. But you had to carry that statute book into the courtroom because you didn't have a Xerox machine where you could just make a copy of it. So George Young was a workaholic. I don't know that he went out for lunch, he might, I just don't remember. But it was always a fast lunch and we had a very large docket. Remember Orlando would have also handled everything that was happening in the Cape. So we had civil cases, we had criminal cases, sometimes we had administrative law matters that they were disputing and bringing in to the court. So George Young worked you hard but whoever was tried in front of George Young had had a very thorough proceeding. Especially if somebody would change their plea, George Young would ask a hundred questions to make sure, "Are you doing this freely and voluntarily? Do you really understand what you're doing?" And he had a way of asking you with his eyes protruding over the spectacles on the edge of his nose that you looked straight into his eyes and he wanted a straight answer.

S: We admired Young because he was a straight federal judge. He lived up to being what we had imagined a federal judge should be. He was never supposed to be in Orlando. He always wanted to go back to Jacksonville. I think he had been president of the Jacksonville Bar Association, he was a leader of the bar there and I think he had always intended or wanted to, but Orlando immediately exploded with population, especially when Disney World decided that they were coming there and then the whole world discovered Orlando and it became such an important center. Probably if we were selecting the new state capitol, we probably would select Orlando because of its geographic location. But it is right that they have named the federal courthouse in Orlando the George Young like they have named the courthouse in Fort Myers the George Whitehurst Courthouse because he had been a distinguished state jurist before he became a federal jurist like Judge Barker had been a distinguished jurist in the area of Sebring and Bartow before becoming a federal judge.

M: Do you remember Judge Clarence Allgood?

S: He was probably the most unique probably the most gentle of the federal judges who would come here and that was Clarence Allgood. He was not a tall man, he was rather short, but he was a perfect gentleman at all times. No matter how boisterous we got in our fights inside that courtroom, he always maintained control and always with a smile, always referred to us as gentlemen. And a unique thing was I remember being in the courtroom the first time that I ever saw Clarence Allgood. He was in the south courtroom of the Federal Building, the one that Judge Whitehurst would use, and then later it was assigned to Judge Krentzman when he became a U. S. District Judge and Judge Clarence Allgood walks in after being announced by the marshal and he had a peculiar slow walk. But he was not wearing a robe, which was peculiar. This is a U. S. District Judge; he's not wearing a robe. Did he forget the robe back in Birmingham? Don't we have any robes that we can lend him? And anyway, all of these thoughts were going through our minds and he got to his bench and he told us that he was a visiting judge from Birmingham, Alabama. And with time we realized that he had a peculiar walk, and that there was a little squeak that we could hear with every step.

S: As a young man, he was poor, it was the depression, and he would hop trains between Anniston, Alabama and Birmingham. That's how they got from point A to point B. And in one of those train trips, he was holding on and apparently the car jumped or something and he lost his grip, came down and the railroad cars cut both of his legs off. So he had to use prostheses in both legs and he walked slowly because he had to have the force or the strength to bring one and then the other and then there was a little squeak because of course it was made out of wood. They were wood legs. And the reason that he didn't wear the robe is because if he wore a robe, the robe, when he was sitting down, could get under the rollers of the chair, and then he did not have the leg strength to push himself up.

S: So he was unique and he before we ever discovered the words "Plea bargaining" he would tell all of the lawyers in the courtroom you had to appear Monday morning, say for trials for the next three weeks and you had to announce if you were going to be ready for trial. And so you had 30 cases that you announced, and then he would say, "Gentlemen, I'm in Tampa for a short time. I'm here to help with the docket which is overcrowded and I'm in a very good mood. And I would welcome if you all want to discuss disposition of the cases, we will do that in chambers." And he would invite the lawyers into chambers with the prosecuting attorney. And he would say Mr. Prosecutor, what is this case about, what proof do you have, how are you going to prove this? Well, Mr. Defense Attorney, how are you going to confront that type of proof that he says? Mr. Prosecutor, have you shown him a copy of the confession or have you shown him a copy of the lab report? So before you knew it, the lawyers were very openly discussing, Judge, I would plead to this case but my client has a prior record of this or that or my client is scared to death and he's never been arrested before, he's had a great record, he's been in the military, whatever. And the judge would say, "Well, under normal circumstances, if what you're saying is true, more than likely, I would put him on three year's probation. Can he pay a fine?" And this openness also made an openness of the U. S. Attorney's file because he didn't want any surprises, he wanted us to be absolutely candid with our opposing counsel and we would have to open our file and show, and we would exchange even before there was reciprocal discovery which never existed back then, he would ask you to openly discuss the case. And many cases were resolved.

M: So was that an extraordinary thing?

S: Yes, it was, because some judges didn't want any discussion about the case. I mean, if you wanted to plead guilty, you were pleading guilty up front to whatever you plead, but then it's up to me to decide what I'm going to sentence you. And sometimes the defense attorney, not knowing what to expect, would say we have to roll the dice, we have to go to trial. So then under normal circumstances, he would have plead, there would have been no trial, there would have been a sentencing, but he wanted to know, "Hey, what is my man going to get, what can we expect" within reason. And then we had assisted the judges when it came time to sentencing, the probation officers. In Tampa, we had a very distinguished staff that was headed up by a very distinguished honorable man by the name of Robert F. Evans. He was the chief probation officer. And once you were found guilty or once you plead guilty, then he would do a background investigation of you to find out what type of person you were, and would prepare a report, give it to the judge, and the judge many times would say to the defense attorney, "Do you want to see it?" The defense attorney sometimes read the probation report and we didn't get a chance to read it, but he would see why the judge was going

to sentence this guy to the federal penitentiary or why he's going to put him on probation or why he's going to hit him with a fine besides probation.

S: So Clarence Allgood certainly did a lot to keep the machinery of the criminal backlog moving and disposing of cases. And he would come here regularly and he was a very popular judge to sit with the Fifth Circuit. So the judges of the Fifth Circuit would invite him to sit as an appellate judge in the three-judge appellate court and we would frequently read that he was sitting in New Orleans or sitting in Atlanta hearing appellate cases.

M: So he came to Tampa though, how many years would you say?

S: I would say that every year that I was here, he came so he came at least four years and probably continued coming but he just didn't come to the Tampa division, he would also appear in Tallahassee. They would invite him. He was the type of judge because of his natural disposition everybody liked the gentleman from Birmingham. And he was invited to come back.

M: Albert Reeves?

S: Albert Reeves was one of those mythical federal judges, tall, skinny, lanky with a lot of white hair. And he had been appointed by President Harding. And he had had a distinguished career in Missouri and had bought a home in Dunedin and he would sit. The chairs that the judges had in the old courtroom was not these comfortable cushiony chairs that we now have, these were solid oak or walnut, straight back, maybe a tiny little pillow cushion just where the head hits the board and he would sit straight up and like I said, he would amaze us because he was an elderly judge, but he was so refined. But when it came time for jury instructions, I mean, it looked like he had a teleprompter in front of him because the words just flowed and he gave it to you like, God has spoken. Okay. And the jury is listening to the jury instructions. Now, he also had a tendency of closing his eyes and leaning back sideways on the chair. And sometimes the defense attorney would look at me or I would look at the defense attorney or look at the marshal like wondering, hey, is the old man asleep. And then a lawyer would make an objection, and immediately, he would say, Overruled, counselor, because of so and so, and cite a rule. So the old man may appear that he was half asleep up on the bench, but he was not. He might have been relaxing his eyes, but his ears were all ears in that courtroom.

M: One of the things I want to talk about obviously is the cases that you remember and you were involved in, but before I do that, I'd like to ask you up to what we talked about so far, who were the most prominent lawyers who practiced in the federal courts that you can remember in those four years that you were here?

S: We had some very aggressive, well-prepared, thoroughbred defense attorneys. We had Frank Ragano. We had Manuel Garcia. We had Larry Goodrich, who later went on to be a circuit judge. We had Henry Gonzalez. We had Jack Edmunds from Polk County. We had Russell Hornsby in Orlando. We had Jim Russ who had been county solicitor, and years later, was at least for a short time, U. S. Attorney of the Middle District. We had some of the prominent lawyers, the silk-stocking lawyers of Tampa, who Judge Lieb would call and say I need for you to represent this indigent because the federal public defender system did not exist back then. That came later with the appointment of Robert Knight, Bob Knight as the first federal public defender. But we

had for instance, lawyers like Chester Bedell out of Jacksonville. I mean heavy, heavyweights. We had Ralph Dell of the Tampa Bar. We had John Allison, a partner in McFarlane, Ferguson, Allison and Kelly. We had T. Paine Kelly, a top notch advocate. So these are just names of the great advocates of the past that quickly come to mind. I'm sure that if I looked at a Bar Directory, I could give you a lot more, but these were very seasoned, experienced lawyers that knew not just the law but knew human nature and knew how to conduct themselves with civility, professionalism but by the same token, hit hard, very effective.

M: Now, you mentioned that Judge Lieb, for example, would call various practitioners to defend individuals who did not have access obviously to the public defender system so how would that actually work, that policy work?

S: Okay. You had just graduated from law school or you had moved to Tampa or you had moved to Lakeland or you moved to St. Pete, and you wanted to become a member of the Middle District of Florida Bar. You filed an application, you sent a certified copy that you were in good standing with the Florida Bar, and then the clerk of the court would tell you please come on Friday at 9:30 or 10:30 whenever, and you're going to be sworn in. And it was generally done when we would have arraignments and sentencing. Then the judge would say, "Okay, welcome, you've just been sworn in and if you care to sign up, when there is a case, we will call you."

S: Well, we had a lot of cases, and we had a lot of people that had no money to hire their own attorneys so the judge would be told by the clerk this defendant needs a lawyer. So the judge would either make the call himself or tell his law clerk or tell Lester Gilbert, who was the chief deputy of the criminal cases, Will you please call this lawyer? And then "This is Lester Gilbert, clerk of the court in Tampa, Judge Lieb asked me to call you. He would like to appoint you to represent John Dillinger." And of course, you would say, "And what is John Dillinger charged with?" And then he would tell you what the nature of the charge was and "Is John Dillinger in custody or is he out on bond?" "Oh, no, no, he's in custody at the Hillsborough County Jail over at the Morgan Street facility, Morgan Street Jail." The marshal used to pay a rental fee that he had worked out with the sheriff in Hillsborough County so that they could house federal prisoners in a particular wing of the Hillsborough County Jail on Morgan Street next to the famous Oaklawn Cemetery. So the lawyer more than likely, more likely than not, would certainly not turn down a request by a federal judge saying can you handle this. So he would take it on, pro bono, never got paid, this was a service to the bar, to the system of justice and most especially to that client. So then that meant that he had to interrupt his days work, go to the county jail, go thru security, identify himself with his Florida Bar membership card and that I've been appointed to represent John Dillinger. So then the jailer would bring John Dillinger to an interview room and he would say I've been appointed to represent you, here's a copy of the indictment or the charge, and then do the lawyer thing. Does my client understand what he's charged with, what defenses do I have, what witnesses does my client tell me that I better contact to defend him and so forth.

S: So then at the end of the trial, Judge Lieb always took the time to thank the lawyer, which made him feel very good because the judge had not taken for granted, the judge was thanking him for his professionalism, doing this for the good for the system of justice because we're all officers of the court, and you really got your trial practice in federal court through that process.

S: Now, that doesn't mean that only young, inexperienced lawyers were called. I told you that one memory that I recalled, John Allison, a senior member and one of the most distinguished of our law firms here was the attorney of record before the Fifth Circuit in New Orleans. He paid for his own airfare on national airlines, he paid for his hotel the night before and probably paid for the briefs that he had printed, but this was a professional courtesy that we owed the system as officers of the court.

M: Can you recall how things changed after the public defender system was implemented?

S: Now, that changed when Congress finally enacted the Federal Public Defender System. And then for every district, there was a newly appointed federal public defender selected by the judges, and in the Middle District of Florida, the first one was Robert Knight. He had been one of my assistants in the state prosecuting office. He had been my long-time friend when I was a federal prosecutor. He was an FBI agent and as a lawyer and a member of the Florida Bar, he was the legal eagle of the local FBI office here, headed up by a personal friend of Mr. Hoover of longstanding by the name of Special Agent in Charge Joseph Santoiana. I think he was from the New Bedford, Massachusetts, a Portuguese whaling ancestry. And he commanded a number of languages. I think besides English and Portuguese, he spoke Spanish very well, was a very distinguished person, and Mr. Hoover, who was the director at that time, had great faith in the training skills and development skills of Special Agent in Charge Santoiana because Tampa became a first office agent's assignment. If you were a brand new agent, they sent you to Tampa and Santoiana took the time to form you into the Hoover image of the FBI agent, G-man.

M: And Mr. Knight was one of his --

S: He was one of those long-time FBI agents who finally retired as an FBI agent, but he was a member of the Florida Bar. He came to work for me in the County Solicitor's Office and I believe in the State Attorney's Office and when they created the Federal Public Defender's position, he had gone into private practice, applied for the position, was hired and I think one of the very first Assistant Federal Public Defenders, is now a United States District Judge here. Judge Whittimore can tell you in detail about Bob Knight.

M: Before we go into some of your cases that you were involved in, the very memorable ones, can you tell me what kind of interaction you would have had with the Justice Department in Washington? Were there people that came to visit often, did you go to Washington yourself?

S: Yes, there was supervision in the following manner: I told you that we had a small office and that we all were responsible and we reported to Edward F. Boardman. But the Justice Department controlled the cases. If there was an indictment, you could not dismiss a case without the approval of the Criminal Division in Washington. So, yes, we had an FTS system, a telephone system and we knew the chain of command, particularly in the Criminal Division of the Justice Department. We knew who headed up Organized Crime, we knew who headed up General Crimes, and we knew who headed up the Economic Fraud Division, things such as that.

S: So if we had indicted John Dillinger and then as I am preparing to try the case, the case against John Dillinger is falling apart, witnesses are changing testimony, the evidence we thought we had, we don't have or the crime laboratory all of a sudden comes back and says that's not his fingerprint, because we were very limited as to what crime laboratory facilities we had. We had fingerprint, we had handwriting, we had footprint/tire print, and we had a new process that was coming out from fingerprint on documents called Ninhydrin process. DNA never existed back then. Anyway, so if our case was falling apart, we would go to Boardman and we would tell him, listen, we're going to be embarrassed because the judge is going to direct a verdict, a judgment of acquittal, which means the government didn't even prove a minimum case, and you never want that, that's the embarrassment that you want to avoid. If the jury acquits someone, so be it, justice was done. There's an old statement on the marble wall inside of the U. S. Department of Justice that says, "The government never loses when justice is done." So if you've prosecuted to the best of your ability in an ethical and professional manner, you've gotten all of the evidence introduced, and the jury decides to vote not guilty, you've done your job. The duty of a public prosecutor is not to seek convictions, but to see that justice is done. And if you believe that, if the jury says not guilty, Your Honor, you congratulate your opponent, the defense attorney, he did his job, you did your job, next case. Let's go forward.

S: The control of the Justice Department, like I said, if there was an indictment, that meant that the grand jury had seen enough evidence, the quality and quantity of which had satisfied them that a person should be charged, then you did not have the authority to dismiss the indictment even if a U. S. Attorney told you, yeah, go ahead and dismiss it, you had to have the okay. And you were on the phone and you frequently wrote memos why this case has fallen apart, why I need to dismiss. Now, you did not have a problem if you had indicted for criminal violation one. Then as the case developed, you realized that it would be an easier proof if you indicted for criminal violation six. So you could substitute this indictment for that indictment, but you could not dismiss outright without Washington's approval. Those were in criminal cases.

S: Then Washington also had to follow up periodically on old civil cases where a defendant in a civil case, not a criminal case, a civil case had agreed to make payments of what he owed, and maybe he made payments for six months and then he figured Uncle Sam won't know that I have paid after the six months. Well, periodically, especially when the budget was high, you would get these blue bonnets, we would call "blue bonnets" because the Department of Justice, Civil Division, would send you a memo in blue paper and it certainly got our attention when a blue bonnet showed up that said, "You need to follow up on these cases." I remember one time that Ms. Atkins came to me and she said, "Mr. Salcines, we've gotten a blue bonnet on some very old cases and we need for you to try to collect some of the money that is not being paid." And I remember going through those files and I remember that there was some handwritten, because remember we had no computers, the Assistant U. S. Attorney just wrote and the penmanship was a lot better than it is now, and I could read and I said, "Ms. Atkins, who is the assistant that wrote this?" And she said, "Oh, that's J. Hardin Peterson." And I said, "Who is J. Hardin Peterson?" And she told me, "He used to be an Assistant United States Attorney. He's a prominent lawyer over in Polk County, he practices in Lakeland. His father was a congressman. And he was an assistant U. S. Attorney many years ago and can you read what he says?" I said, "Yeah, partially." And then she would tell me, he negotiated a settlement with this particular defendant who owed the money to the government for whatever, maybe an agriculture department or

whatever, and he had negotiated and that person had agreed that he was going to pay \$100 a month. And he had paid up to two years ago but then in the last few years, he had not made another payment and now the blue bonnet from Washington was saying we haven't gotten any payment. So then I would call that person and say, "You agreed to pay us." And that person never knew that I wasn't J. Hardin Peterson, he thought that I was probably the same guy that he had -- oh, well, my mother died and then we had to bury my horse and then the donkey died and, you know, give you a million excuses, but I'll have a check in the mail. And now money started to flow.

S: And in one of those cases, I couldn't understand why he had done this or that, so I said, he's a lawyer in Lakeland? I'm going to call him. And I developed a good relationship with that lawyer, J. Hardin Peterson. And periodically, he would come to Tampa. He would come to his old office to see if his old desk was still the same. We had metal desks, no wooden desks. I think that they were left over from either the First World War or the Second World War, but I developed a good personal relationship with J. Hardin Peterson.

S: I was elated many years later when my name went up for appointment as an appellate judge and the general counsel to the governor was none other than J. Hardin Peterson. And when I appeared and I looked at him and he looked at me, I knew that that was going to be a favorable interview. You could not get in to be interviewed by Governor Lawton Chiles without passing the general counsel's evaluation and then he personally took me in to Governor Chiles and Governor Chiles appointed me in 1998 to the Second District Court of Appeal, where I have served a little more than ten years, as a senior judge.

M: Judge Salcines, can you tell us a little about what kind of cases, what were the primary cases that you faced during your time?

S: The drug scene had not hit yet. That hit here in 1973, '74. But we had a lot of emphasis on bank robberies, kidnapping, those were high priority cases for Mr. Hoover. The bank robbery was something that even though the local sheriff or the local police would quickly respond, it quickly became federal prosecutions. And kidnapping and bank robbery were high priority, but also interstate transportation of stolen motor vehicles gave Mr. Hoover a tremendous ability in front of the Appropriation Committee because he would say, "There were 7,595 automobiles stolen and we arrested 7,000 successfully prosecuted." That was a federal law and Mr. Hoover carried it out and it was also a very effective way for him to show impressive statistics. That would impress the congressmen to increase greater staffs, more FBI agents or one thing or another. Bank robbery, from the time of the notorious bank robbers of the north, Mr. Hoover had pursued that and that was a high priority and whenever we had a bank robbery anywhere in the Middle District, the FBI agents were immediately dispatched and that became a federal case. We had also interstate transportation for white slavery, where they were transporting women for immoral or for prostitution. We also had some very big counterfeiting cases. The Xerox machines, for lack of a better term, the printing presses of old, had really become refined with new photography and Secret Service had the responsibility of the currency. As a result, people were experimenting with photography and they were making some good quality twenty-dollar bills and hundred-dollar bills etcetera. And the Secret Service was very active in pursuing those. And we had some major cases. One of them, out of Lakeland, that got all kinds of national press because, one, the quality of the bills was so good. But at the time that they raided the

home in Lakeland, there was a huge box of counterfeit currency. So all of that had been printed and but for the Secret Service moving in quickly, it would have been disbursed into the commerce of the United States.

S: We also had customs violations where we were involved with moonshine cases. You say moonshine? That was century ago. Well, it's true. In the late '50s, '60s and early '70s, the revenueurs, which were then the Alcohol And Tobacco agents, that was before it became Alcohol, Tobacco and Firearms or ATF as they're known now, they had a major emphasis on moonshine. And all over the lower parts of Florida and the Middle District, we were producing a lot of liquor that they were not paying taxes on. So then we had organized crime cases before the RICO Law. RICO came years after I had left the U. S. Attorney's Office. But a statute that we used regularly was the Federal Conspiracy Law and we used that very effectively.

M: I see that our time is almost exhausted. Why don't we pick up here again later.

S: Yes, I agree. I think that's enough for today.