

“The Evolution of Justice in Florida” Historical Panels



T-46 THE WHITFIELD BUILDING, TALLAHASSEE, FLORIDA



***“The Evolution of Justice in Florida:
Historical Documents, Photographs and Images”***

This exhibit depicts some of the interesting and significant aspects of the Supreme Court and the justice system throughout the history of Florida. Drawings, photographs, and documents, some dating as far back as 1597, provide insight into the development of Florida’s judicial system. The forty displays, each consisting of images and text, reflect the major components of the judiciary: *The Law, Cases, The Court System, Juries* and *Justices*.

This exhibit reflects a small portion of a major research project initiated in 2002 by Chief Justice Harry Anstead entitled “The Evolution of Justice in Florida”. The purpose of this project was to “educate the public about the history of our state’s judiciary and to strengthen confidence in Florida’s Courts system.” Continuing her predecessor’s vision of an historical and educational outreach program, Chief Justice Pariente proceeded with this exhibit, which opened at her investiture as Florida’s second woman Chief Justice on July 2, 2004. The exhibit of 18 displays of historical photographs and images is on display on the second floor rotunda of the Supreme Court building. In 2005 an additional 22 panels were added and displayed throughout the second floor of the Supreme Court.

A special thanks for is due to the Florida State Photographic Archives, the Supreme Court Library and Archives, The Supreme Court Public Information Office, Florida Law Related Education Association, The Arts in the Courts History Subcommittee and the Florida Supreme Court Historical Society.

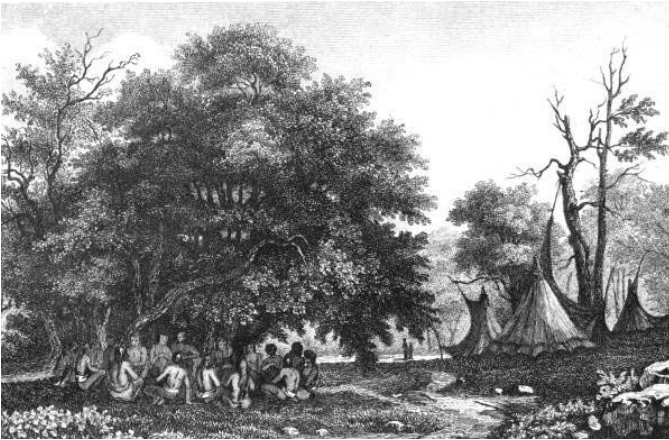
—Gerrie Allen, Librarian & Andrew N. Edel, Supreme Court Archivist.

The Evolution of Justice in Florida

Started in the summer of 2004 and finished in September 2005, these 40 panels of historical photographs, images and documents are displayed throughout the second floor of the Florida Supreme Court.

- 1 Timucua Indians & Justice
- 2 1597 Spanish Law Book
- 3 Florida on Trial
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Timucua Indians and Justice



As prehistoric societies in Florida became more complex, they developed customs, traditions, and prohibitions to define proper and improper behavior. Sanctions ranging from death to scolding were enforced and preserved by leaders, religion, and society. By the time of European contact, Timucua and other Native American societies in Florida were comprised of a hereditary ruling chief with authority over many smaller villages. The chief or cacique shared powers with a council and together possessed authority to adjudicate and punish.

The French drawing depicts a Timucua chief ordering the execution of sentinels who had fallen asleep at their posts. Each morning the chiefs and advisors met to discuss business in the council house, similar to this reconstructed one at Mission San Luis. The council had assigned seats of authority with the chief residing on a raised platform to indicate his status. The head cacique alone had authority to grant favors or mercy, similar to pardons.

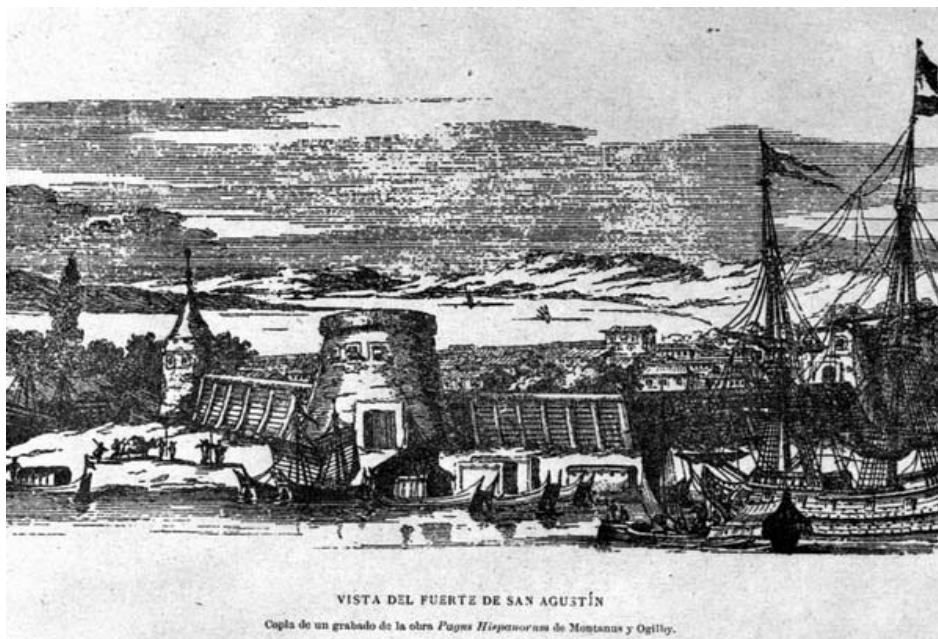


1597 Spanish Law Book



Addressed to “The Very High and Powerful Catholic Prince of Spain and of New World,” *Política para corregidores ...* by Jerónimo Castillo de Bobadilla (c.1547-c.1605) was first published in Madrid in 1597. This important judicial-political manual may have been used in Florida during the first Spanish period (1513-1763) when the Spanish Governor of Florida was also the highest judicial officer in Florida. Most of the governors were military men with little legal knowledge or background and often relied on standard law works like this one. This law book is in the Florida Supreme Court Library Rare Book Collection, which contains many significant and rare legal works.

Florida On Trial



In 1602, the struggling presidio of St. Augustine (right) and the colony of Florida were put on trial for its very existence. Concerned about its missions in southeast Georgia, the Franciscan order had suggested the abandonment of Florida and the removal of the presidio at St Augustine. In response, King Philip III of Spain ordered Governor Valdes of Cuba to send an investigator to Florida to hold hearings. The governor's son, Fernando Valdes, began the trial of Florida on August 31, 1602, in St. Augustine.

Lasting only a week, eighteen of the most experienced citizens of Florida were witnesses at the trial and all but one defended the colony. Some expressed fear that Matanzas Inlet might be occupied by a foreign power and others pointed out that over 500 shipwrecked survivors had found safety in St. Augustine. Returning to Havana, Fernando Valdes presented his report (left) but did not include a verdict. Based on the 122 pages of handwritten testimony, the King came to a momentous decision: the Cross and Banner of Spain would remain at St. Augustine.

Colonial Courts & Justices

The Native Americans in early Florida had developed their own methods and traditions of resolving conflicts and disputes. The European countries that governed Florida from 1565 to 1821 each contributed to the establishment of a judicial system, introducing a written and formalized system of justice.



Pedro Menendez de Aviles (left), founder of St. Augustine, thought that poor discipline and lack of authority had doomed previous Spanish Florida settlements. His 17 ordinances establishing regulations, punishments, and a legal system for his new colony in Florida in 1566, were possibly the first written laws in the United States.

General James Grant (middle), the first governor of British East Florida, served from 1764 to 1771. The English introduced an independent judicial system, with Chief Justices for both East and West Florida. They also established a Court of Common Pleas, a Court of General Sessions and a Vice-Admiralty Court.

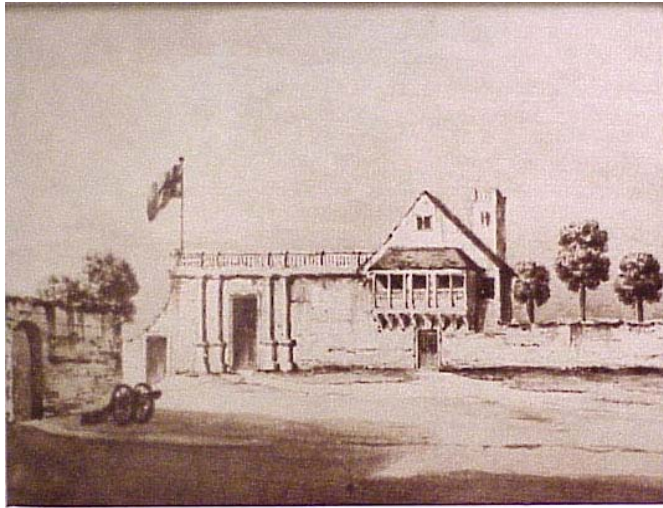
Bernardo de Galvez (right), governor of Spanish Louisiana, aided the American Revolution with the capture of Pensacola and the conquest of West Florida in 1781. Through the Spanish appellate system, cases from West and East Florida could be appealed, first to the Governor-General in Cuba, then to the *Audiencia*, a court of appeals, in Santa Domingo, and finally to the Council of the Indies in Sevilla, Spain.

Jury Summons 1783 British East Florida



Published in St. Augustine, the *East Florida Gazette* of Saturday, April 26, 1783 contains an announcement by the District Court of fines of 20 shillings to five individuals who failed to answer summons as jurors. Only male property owners were eligible for jury service on local courts and each British colony set the property requirements for jurors. British Colonial Governors were instructed to pass a law for their colony that would “set the value of men’s estates, either in goods or lands” to qualify as jurors.

The Governor's Dilemma

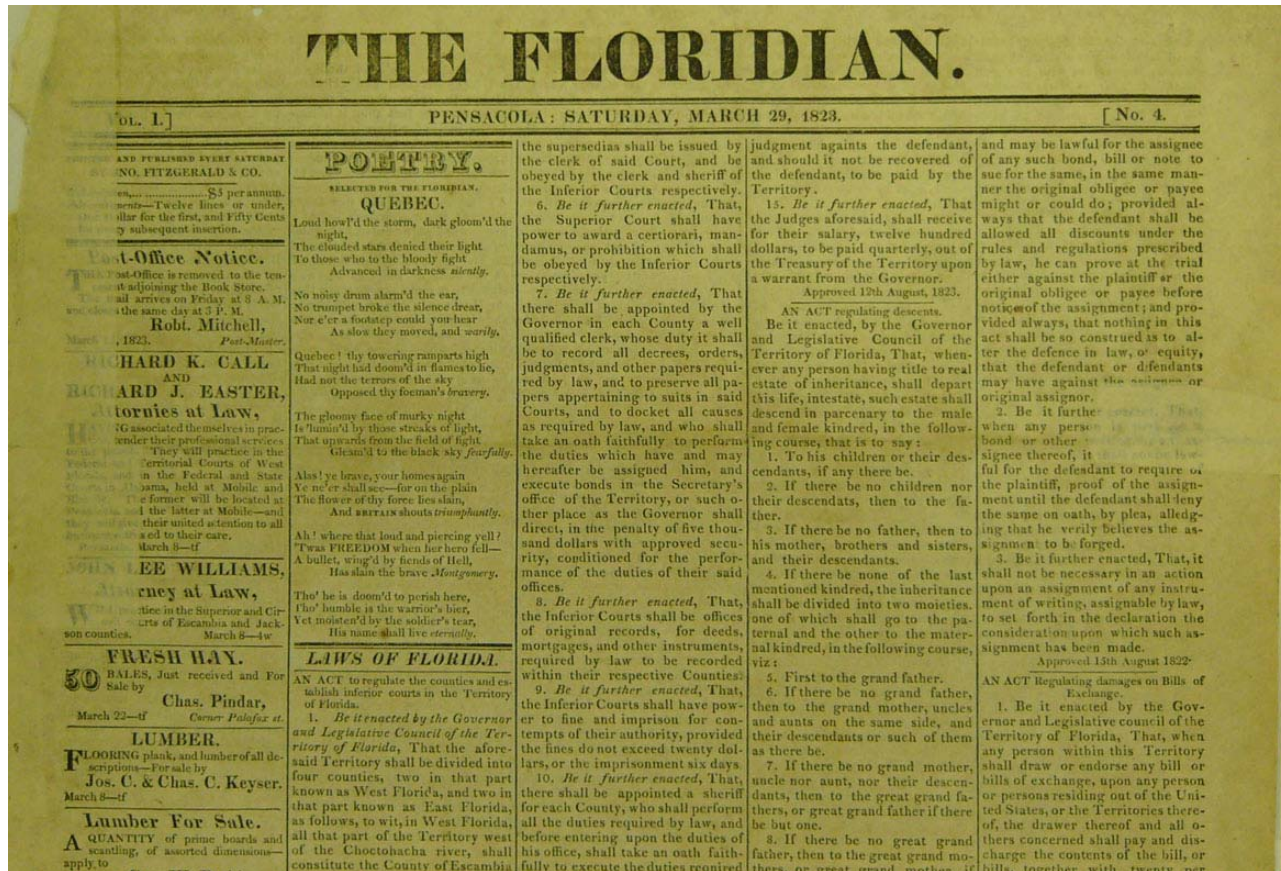


The roles of Governor and father collided when Governor Zepedes's daughter, Dominga, disappeared during an evening party at Government House and eloped with Lieutenant Juan O'Donovan, an Irishman serving in the Spanish Army. As Chief Judicial Officer of the Spanish province of East Florida, Governor Zepedes was forced to immediately arrest his new son-in-law on the charge of marrying without permission. O'Donovan was confined in the Castillo and Dominga was placed under house arrest at home.



The Governor had fulfilled his duties but this did not endear him to his beloved daughter. Later Zepedes sent O'Donovan to the Governor-General in Cuba along with a letter for clemency, citing the *"different struggles struggling in my breast as father of the delinquents and as governor for His Majesty."* Eventually O'Donovan was restored to his former position in the regiment and happily reunited to his wife in St. Augustine.

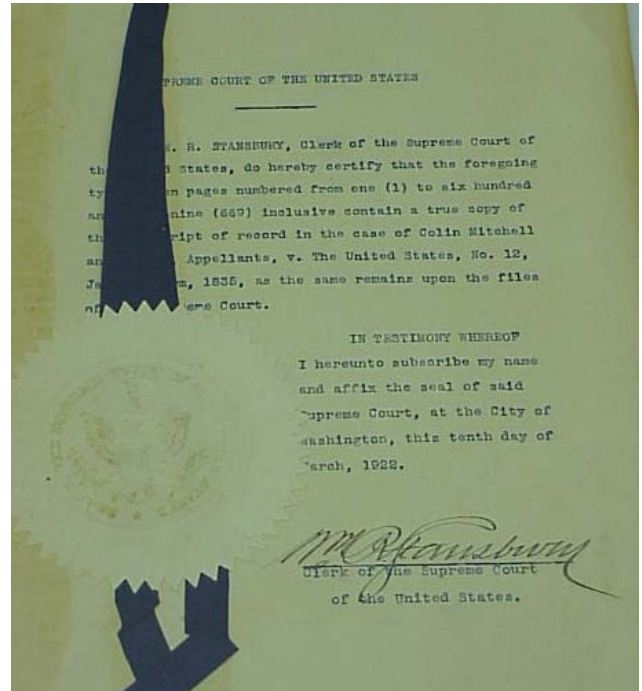
"The Floridian: Laws of Florida"



The first Acts passed by the Territorial Legislature were on August 6, 1822. The Pensacola newspaper, *The Floridian*, published these laws on March 28, 1823. Chapter One outlined the powers of the inferior courts, authorized county sheriffs, and stipulated the location and meeting dates for the courts. This original newspaper is in the Supreme Court of Florida Archives.

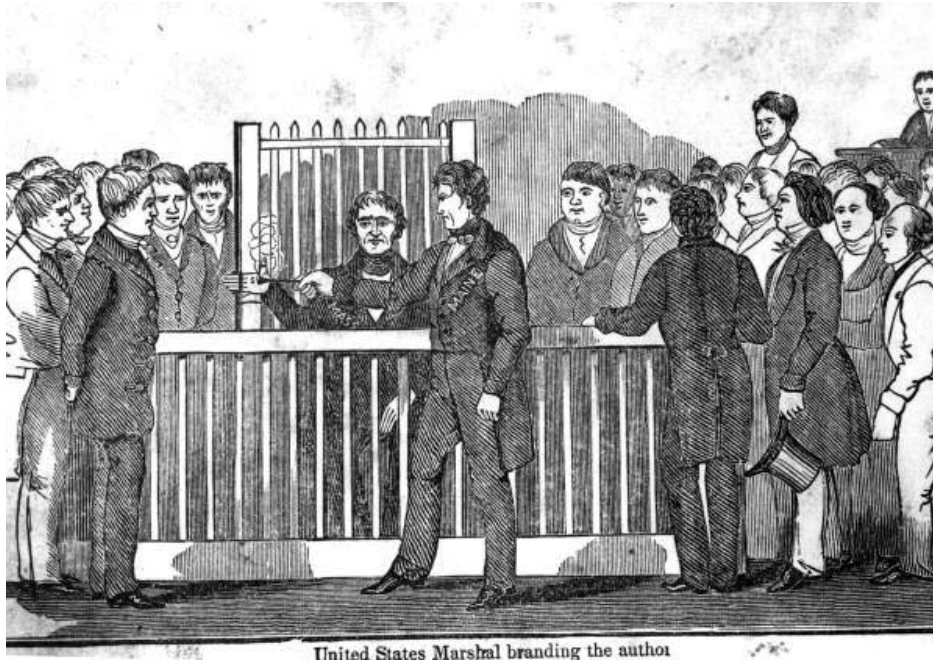
Spanish Land Grants

The Adams-Onís Treaty transferred Florida to the United States from Spain. Article VIII of the Treaty provided that the United State would recognize land grants made by Spain *if* landowners could prove the claims were granted before January 24, 1818. Congress appointed two Boards of Commissioners, one for East Florida and one for West Florida, to determine the legitimacy of land grant claims. The boards existed from 1822 to 1827.



The Forbes Purchase was by far the largest of the Spanish land grants and was in litigation for years. Originally Creek and Seminole lands, they were deeded to the trading company of Panton, Leslie, & Co. in order to pay off large debts. The land grant stretched from the Apalachicola River toward St. Marks. The firm of Carnochan and Mitchell purchased the land from John Forbes & Co. and sued for the title. In 1838 the U.S. Supreme Court ruled in their favor in *Mitchell v. United States*. In 1921 the Apalachicola Land and Development Company sued the State of Florida over the rights to submerged lands in the Forbes Purchase. The state obtained a certified transcript, now in the Florida Supreme Court Library of the record filed in the United States Supreme Court in the case of *Mitchell v. United States*. The Florida Supreme Court ruled in favor of the state in *Apalachicola Land and Development Company v. McRae*.

The Jonathan Walker Case- The Branded Hand



United States Marshal branding the author



Territorial Judge Dillon Jordon sentenced abolitionist Jonathan Walker to be jailed, pilloried and branded for attempting to free seven slaves in Pensacola. In 1844 Captain Jonathan Walker was caught trying to assist seven slaves from Pensacola to escape to the Bahamas. Above, United States Marshall Ebenezer Dorr brands Walker with the letters “SS” for “Slave Stealer.” John Greenleaf Whittier’s poem “The Branded Hand” and Walker’s own booklet (right) shocked many Americans and attracted national attention to the abolition movement.

Riding the Circuit



The 1838 Florida Constitution mandated that judges from the four Circuit Courts convene annually as the highest appellate court, the Supreme Court of Florida. A justice was prohibited to sit “as judge of any case, which shall have been decided by him in the courts below.” Elected by the Legislature, the judges were required to hold court in the different counties of their respective circuits: West, East, Middle, and South. In their effort to establish law and order in the turbulent era after statehood, these early circuit-riding judges faced many hardships. In spite of poor transportation, a sparse and diverse population, few resources, and limited government support, the circuit-riding judges succeeded in building a statewide system of public courts. By 1851, the Legislature provided for an independent Supreme Court with its own justices.

The Court Convenes

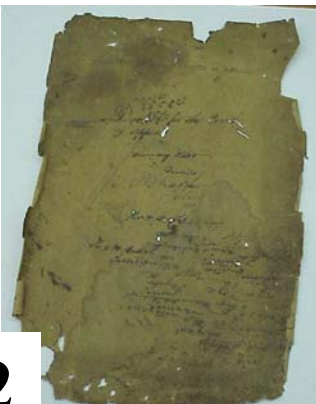
A session of the Supreme Court for the State of Florida began and held at the Capitol in the City of Tallahassee on Monday the fifth day of January in the year of our Lord one thousand eight hundred and forty six, in pursuance of an act of the General Assembly of the State of Florida entitled "An act to organize the Supreme Court of the State of Florida" approved July 25th 1845

Present Hon Thomas Baltzell
" Thomas Douglas

There being no quorum of the Judges in attendance, it is ordered that the Court be adjourned until tomorrow morning eleven o'clock

The Judges
Thomas Douglas

The first entry of the Supreme Court Minute Book (above) indicates that the Court attempted to convene for the first time on January 5, 1846, at the Capitol in Tallahassee. Since a quorum was not present, the Court was adjourned until the following day. Chief Justice Thomas Douglas, Justice Thomas Baltzell (pictured below) and Justice George S. Hawkins were circuit judges who met once a year as the Supreme Court. The Justices received \$2,000 per annum salary, \$500 more than the Governor. Early Florida courtrooms were sparse and supplies were limited; one circuit clerk commented: "Two books are used—one for all the dockets (below left) and the other for the minutes of the courts (below right)."



First Chief Justice Thomas Douglas



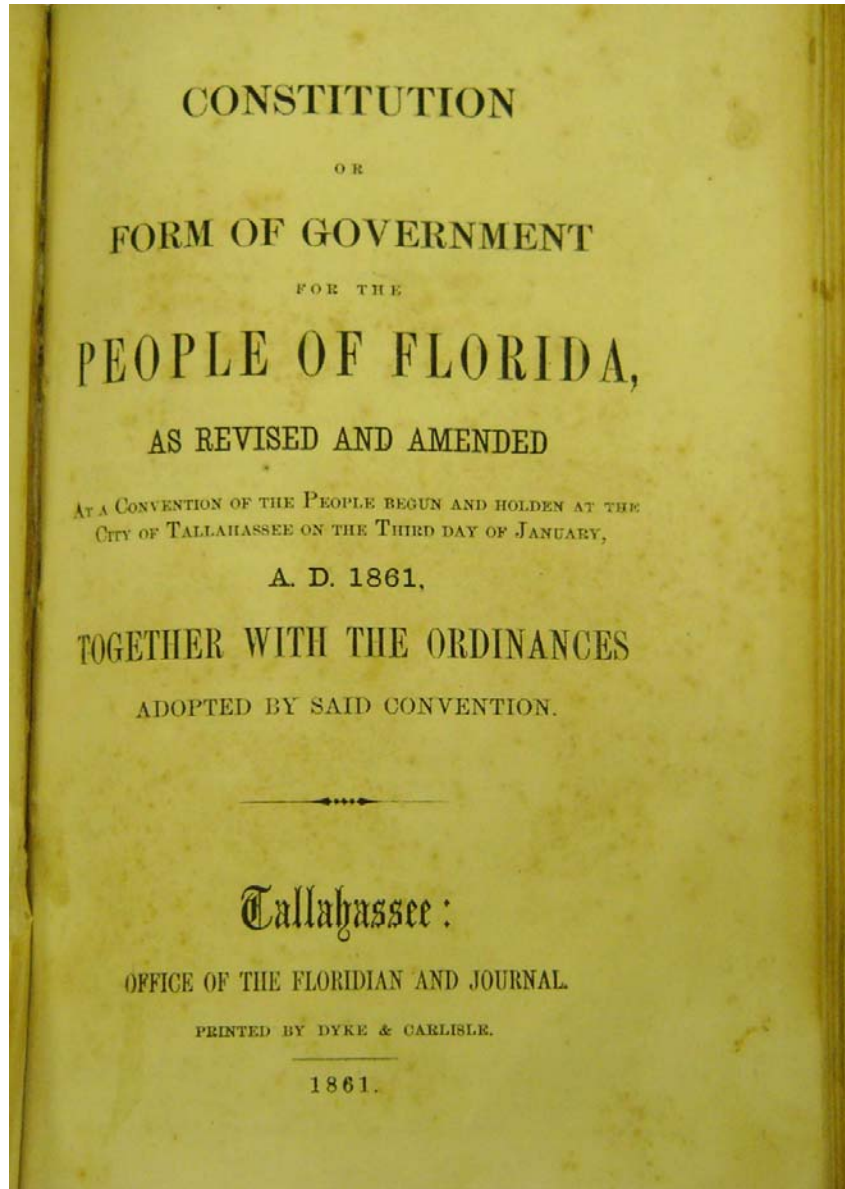
The first Justice of the Court and its first Chief Justice, Thomas Douglas was born April 27, 1790 in Wallingford, Connecticut. At the age of 30, Justice Thomas Douglas started studying law by reading 200 pages of law and 200 pages of history every day. In 1826 President John Quincy Adams appointed Douglas United States District Attorney for East Florida -- a post he held until named to the Florida Supreme Court in 1845. He died on September 11, 1885 while still serving on the court.

"The Right to Trial by Jury" **Flint River Steamboat Case**



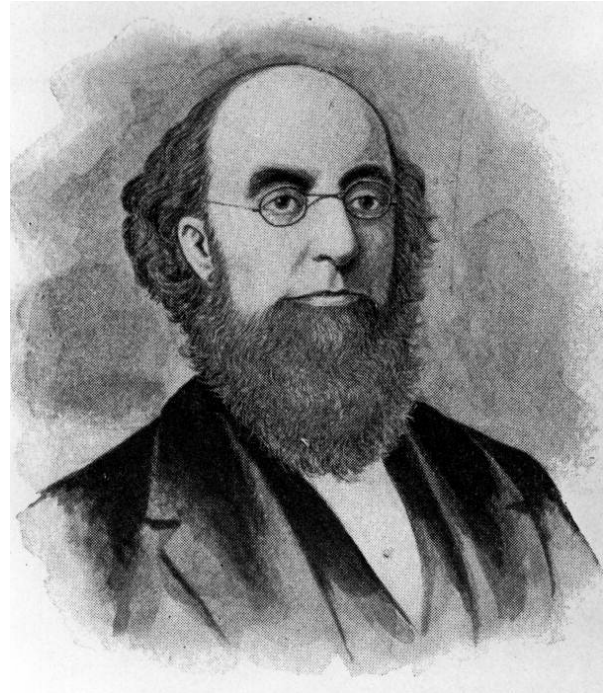
Since the earliest years of the state, the Supreme Court of Florida has protected the right to jury trial. In 1848, three years after statehood, the Court confronted a state law authorizing a judge to order seizure and public sale of vessels plying the Apalachicola River system (above) for payment of the owners' debt. The statute made no mention of trial by jury and a case inevitably arose in which a judge without benefit of a jury verdict ordered the sale of a steamboat. Appealed to the Supreme Court, the case involved the sale of the steamboat *Magnolia* because of debts owed by the Flint River Steam Boat Company. In striking down this law, Chief Justice Thomas Douglas wrote that "the right of trial by jury has ever been cherished and preserved by our Anglo Saxon ancestors, and by the Fathers of the revolution of 1776."

Constitutional Conventions



All laws in the state of Florida are based on the Constitution of the state. One of the main responsibilities of the Supreme Court of Florida is to evaluate laws to ensure that they are in accordance with the Constitution. The Supreme Court has the authority to declare a legislative act unconstitutional. Constitutions are written by a state convention and then usually put to a general public election. Florida has had five state constitutions since 1824. The 1861 Constitution provided for the appointment of Supreme Court justices and circuit judges. The 1861 Convention also asked the Supreme Court justices to prepare the final manuscript of the Ordinance of Secession.

Justice Hart and the Impeachment of Governor Reed

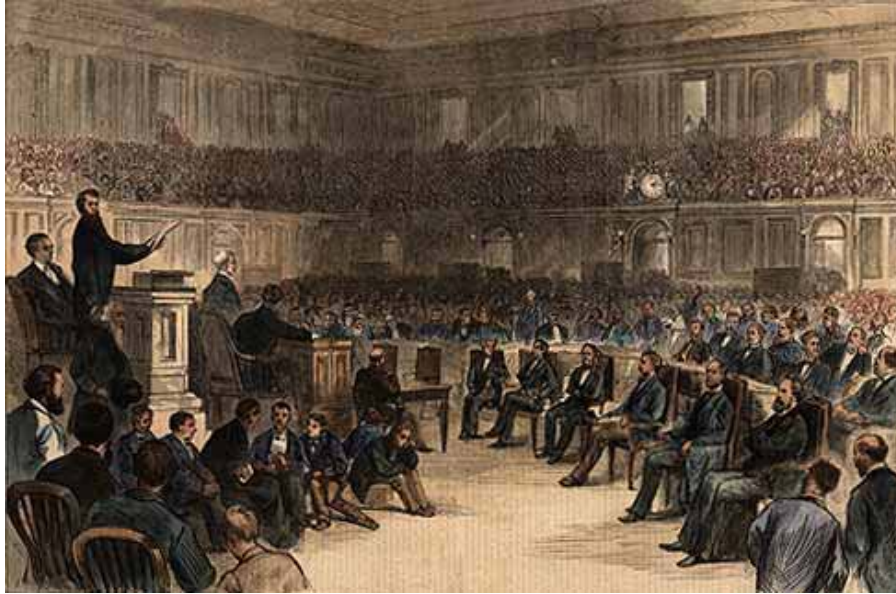


As the first native-born Floridian on the state Supreme Court, Justice Ossian B. Hart's service enhanced the Court's reputation for honesty, integrity, and fairness during the period after the Civil War. A visitor observed that Hart was a "tall white haired old gentleman who has the respect of nearly everybody."

The first governor under the new 1868 Constitution, Harrison Reed twice faced impeachment charges from within his own party and both times the Governor involved the Court. In an 1868 advisory opinion the Supreme Court decided in Governor Reed's favor, declaring the act of impeachment void. Although Governor Reed had appointed the entire Court, its reputation was so great that few people found any reason for complaint. One critic acknowledged that "the Supreme Bench are men not easily corrupted."

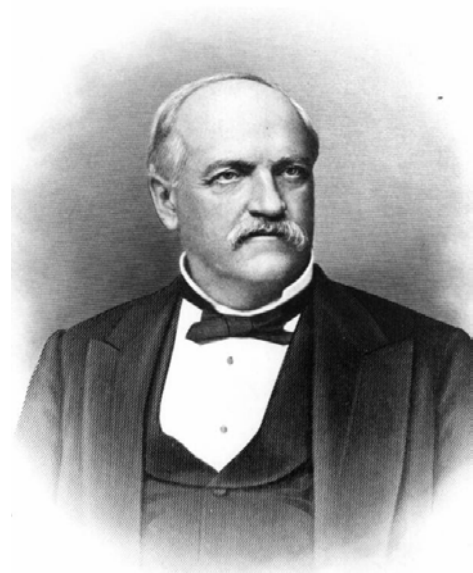
In 1872, the court was again expected to rule in Reed's favor, however the Governor was surprised when Justices Hart and Westcott ruled that the court did not have jurisdiction. In the impeachment trial, the Governor was acquitted by a narrow ten to seven vote. During these controversial times, Justice Hart and the court earned a reputation for impartiality and the court's decisions established important precedents regarding impeachment trials.

The Presidential Elections of 1876 and 2000



The presidential election of 2000 was not the first time that Florida was at the center of a disputed presidential election. Florida's Electoral College votes were the deciding factor in the disputed Hayes-Tilden presidential election of 1876. The illustration above is from Harper's Weekly entitled "Counting the electoral vote: David Dudley Field objects to the vote of Florida." Field's objection referred to the three Electoral College certificates, all from Florida. The Congressional Electoral Commission eventually declared Hayes the winner. The entire country closely followed the opinions of the Florida Supreme Court in both elections.

Separation of Powers: *Bisbee v. Drew*



During the contested 1878 Hull-Bisbee election for U.S. Congress some of the lawsuits concerning fraud involved the Governor, obliging the Supreme Court to rule on the separation of powers between the executive and judicial branches. Horatio Bisbee, Jr. (left) sued Governor George F. Drew (right) after the governor ignored the recount results and instead certified Andrew N. Hull as the winner.

In *H. Bisbee, Jr. v Geo F. Drew Governor*, the Florida Supreme Court ruled that “the Governor of the State of Florida cannot be commanded by the courts to perform any act which may be required of him by a law of the state relating to the executive office.”

Justice James Westcott dissented “This court has held that officers of the executive department of the government are subject to control by the courts in the exercise of ministerial powers pertaining to elections.” Hull served in the U.S. House for one year until a congressional investigation expelled him and instated Bisbee.

County Judges



Judge Thompson at work in the Gadsden County courthouse about 1913. County judges often were not paid much and had many duties, with little or no help. Judge E. C. May recalled, "I paid for postage, telephone, telegraph, and express. For years, I swept and scrubbed the floors and washed the windows. I brought in all the wood, but the fireplace often 'back-fired,' then fire and black smoke would billow into the office."

The Case of the Cracker Cowboy



After the Civil War, some areas of Florida were as violent as the Wild West. The assassination of Orange County Sheriff David Mizell set off the infamous Barber-Mizell range feud that claimed at least eight lives. Morgan Bonaparte "Bone" Mizell was the model for Frederic Remington's famous drawing of a cracker cowboy. This legendary Florida cowboy was renowned for his tall tales, practical jokes and colorful life. He was so popular that although arrested in 1896 for rustling, Bone was treated as an honored guest when he arrived in the evening at the state prison. After a personal tour by the warden and then the guest speaker at a dinner, Bone received his pardon and was promptly put on the train for home.

The Bench and Bar of 1899



In 1899 there were approximately 300 judges and lawyers in all of Florida. Shown in this composite photograph of the 1899 Bench and Bar are many past and future Supreme Court justices. In addition to sitting Justices Francis Carter, Milton Mabry and R. Fenwick Taylor, are former Justices George P. Raney, Augustus E. Maxwell, Benjamin S. Liddon and Henry L. Mitchell. Future Justices are Jefferson B. Browne, William H. Ellis, William A. Hocker, Charles B. Parkhill and Thomas M. Shackelford. Also pictured are former Governor Francis Fleming, federal judge Charles Swayne, and future governor William S. Jennings. Only two women are pictured, Louise Rebecca Pinnell Florida's first woman lawyer and Alice Johnson.



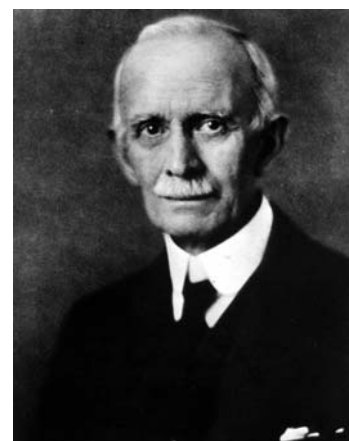
Women on Juries: *Hoyt v Florida*



Upon ratification of the 19th Amendment in 1920, some states allowed women jurors. Although women were first admitted to practice law in Florida in the late 1890s, it was not until 1949 that Florida allowed women to volunteer for jury service. Opponents ridiculed the idea of women serving on juries (above). Some argued that women would be corrupted, that jury duty would interfere with women's obligations as wives and mothers, or that they were too sympathetic and emotional (below). Few women registered to voluntarily serve and the jury room remained largely all male.

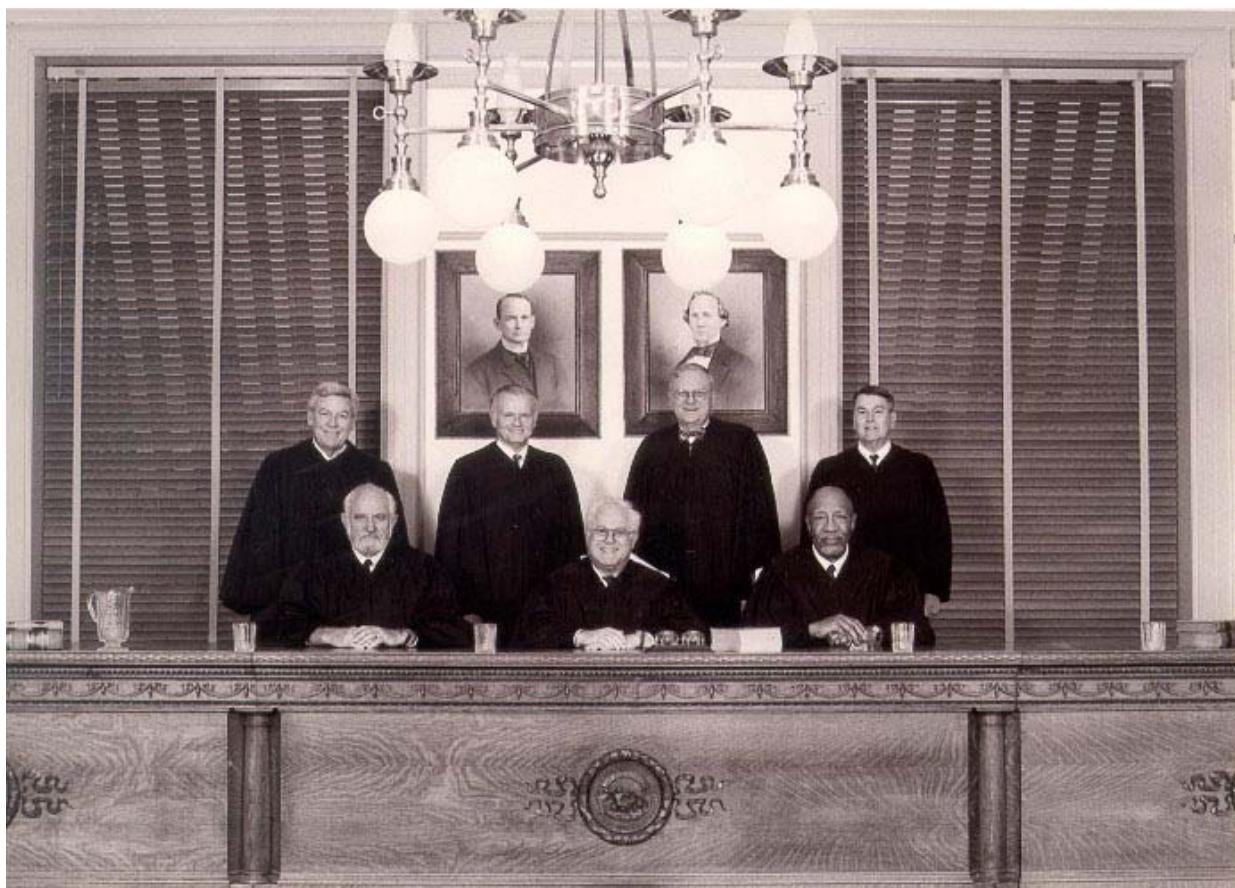
In 1961 the United States Supreme Court upheld Florida's voluntary jury law for women in *Hoyt v. Florida*. The Court concluded that "despite the enlightened emancipation of women," they occupied a unique position "as the center of home and family life." It was 1967 before the Florida legislature passed a law requiring compulsory jury duty for women. In 1975 the United States Supreme Court reversed itself and held that excluding women from jury duty was unconstitutional.

Montgomery v State



This photo shows a case being tried in Judge Stalnaker's courtroom in Tampa on November 8, 1927. African-American defendants, in early twentieth century Florida had been consistently denied having other African-Americans as jurors. In 1908 Judge Whitfield (right), writing for the Florida Supreme Court, declared in *Montgomery v State*, that a black defendant “is entitled to have a jury selected and summoned without illegal discrimination of any character.” Regarding the landmark *Montgomery v State* decision that opened the way for African-Americans to sit on juries, Justice Hugo Black commented in 1948 “that Judge Whitfield should have written it in 1908 is a tribute to his courage and his character.”

Old Capitol Courtroom



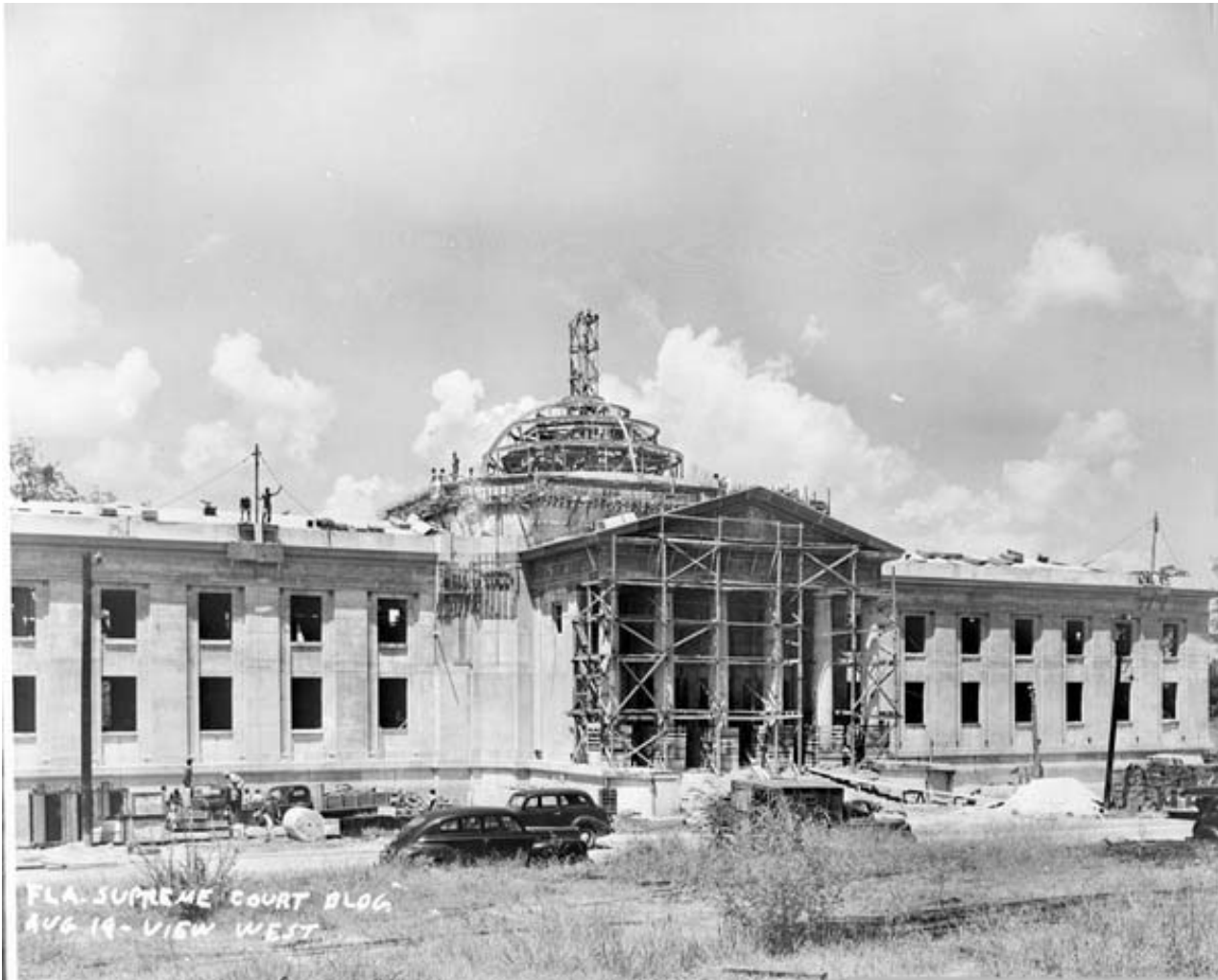
The Florida Supreme Court met in its former chamber in the Old Capitol for the first time since 1913, during the celebration of the 150th anniversary of the court in May 1997. The Court is sitting at the original 1902 bench. l-r Justices Charles T. Wells, Stephen H. Grimes, Ben F. Overton, Gerald Kogan, Leander J. Shaw, Jr., Major B. Harding and Harry Lee Anstead.

Forty Years on the Court



Renowned for homespun philosophy and witticisms, Justice William Glenn Terrell (left) served on the Supreme Court for over 40 years—the longest of any Justice. In one of his more than 2,500 opinions he stated, “it is better to eat crow than to perpetuate error. The crow is not rationed and the approval of conscience will more than compensate for the eating.” The addition of Justice Terrell to the Court on May 15, 1923, increased the Court to six members. The 1936 Court (right) consisted of (l-r) Rivers Buford, Terrell, William H. Ellis, James B. Whitfield, Armstead Brown and Fred H. Davis. The court was expanded to seven justices in 1940. Justice Terrell retired in 1964 at the age of 86.

1948 Construction of the Supreme Court Building



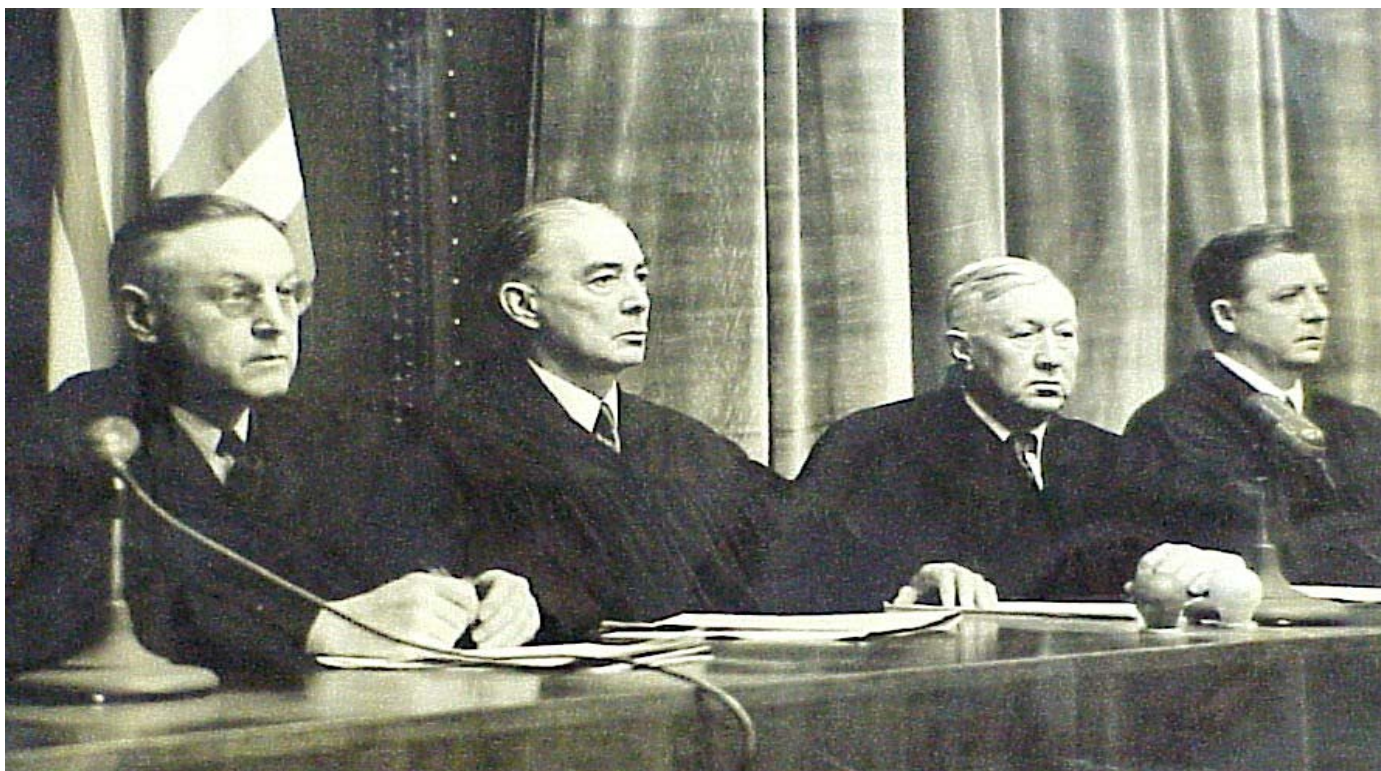
By the early 1940s the court needed more space. After considering various plans to enlarge the Whitfield building, it was decided to build a new structure. Architects for the new Supreme Court Building were James Gamble Rogers II of Winter Park, Florida, and Yonge & Hart of Pensacola, Florida. The J. A. Jones Construction Company built the 1948 structure at a cost of \$1.7 million. The architectural style includes Jeffersonian Greek Revival elements, especially the dome.

The Dedication of the Supreme Court Building December 28, 1948



The photograph shows the laying of the cornerstone at the dedication ceremony for the current Supreme Court Building on the rainy day of December 28, 1948. Florida Governor Millard Caldwell (right), who was Chair of the Supreme Court Building Commission, presented Florida Chief Justice Elwyn Thomas (left) with a box of memorabilia placed inside the cornerstone. It included legal works, photographs of the Court, and a copy of the program for the dedication. Above is a copy of that same program. On the far left of the photograph is Associate Justice Stanley Forman Reed of the United States Supreme Court. By coincidence, Florida's current Chief Justice Barbara J. Pariente was born in New York City only four days before this dedication ceremony.

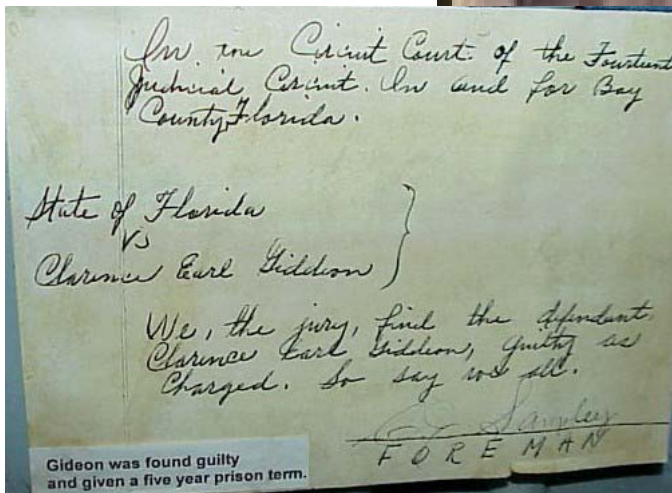
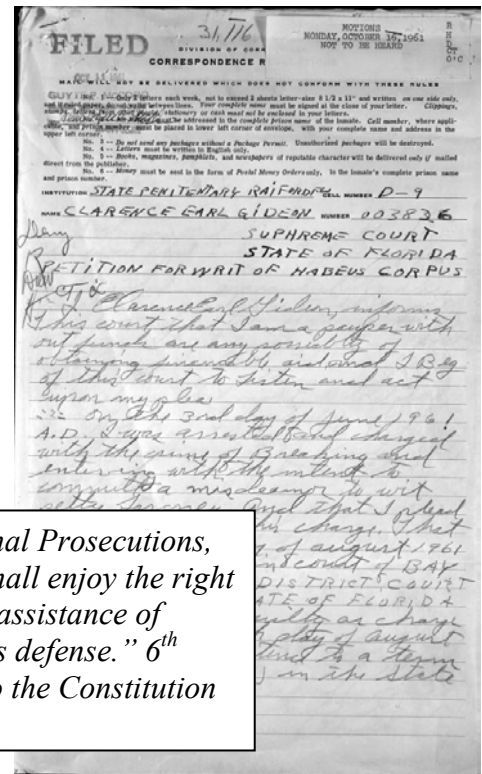
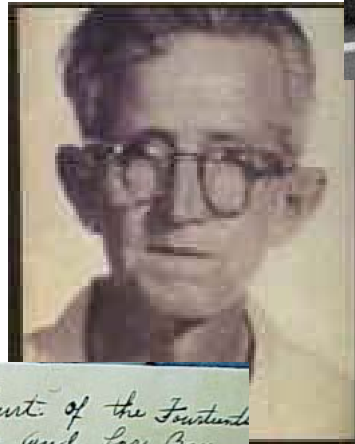
Justice Harold Sebring at Nuremberg



The 46th Justice of the Court, Harold L. "Tom" Sebring (far left) had one of the most varied careers of any Florida justice and was also one of the most widely respected members ever to serve on the Court. He served as football coach, lawyer, circuit judge, a judge at the Nuremberg Trials, justice and chief justice of the Supreme Court and dean at the College of Law of Stetson University. Justice Sebring was appointed to the Nazi War Crimes Tribunal at Nuremberg, Germany by President Harry Truman and served from 1946 to 1947.

Gideon v. Wainwright

In 1961, Clarence Earl Gideon (above right) an indigent man from Panama City, Florida was charged with a felony for breaking and entering. Unable to hire a lawyer, the court denied his request for one stating that it was only obligated to appoint counsel in capital cases. A jury convicted Gideon (below right) and the court sentenced him to five years. At Raiford State penitentiary Gideon filed a motion (above left) to the United States Supreme Court which was granted in 1963.



"In all criminal Prosecutions, the accused shall enjoy the right to... have the assistance of counsel for his defense." 6th Amendment to the Constitution

In a unanimous decision, the Court held that Gideon had a right to a court-appointed attorney. In *Gideon v. Wainwright* the Court found that the Sixth Amendment's guarantee of counsel was a fundamental right, essential to a fair trial, Justice Black commenting that "lawyers in criminal courts are necessities, not luxuries." With a court-appointed lawyer representing him, Gideon was found not guilty at his retrial and set free. This landmark case led to the establishment of the Florida Public Defender System in 1963. In 1973 the Florida Legislature created the Office of the Public Defender, the first statewide public defender system in the nation.

1968 Florida Constitution Revision Commission



The 1965 legislature established a constitution revision commission consisting of 37 members, the attorney general, and representatives of the governor, Supreme Court, Florida Bar, legislature, and the public. The commission organized on January 11, 1966, and delivered its recommendations to the legislature on December 13. The legislature freely exercised its right to revise the Commission's draft. Included are Supreme Court Justices B.K. Roberts (back row, far left) and Stephen C. O'Connell (second row from back, second from right) and former Supreme Court Justice Harold L. Sebring (back row, second from right).

Election Of Justices

Candidato Para la CORTE SUPREMA



★

PAUL D. BARNES nació en Plant City, Florida, hace 52 años.

El fue educado en las escuelas públicas de Florida y graduado de la escuela de leyes de la Universidad de Florida en 1920.

El es un veterano de la guerra mundial número 1.

Ha servido perfecta y fielmente como Juez del Circuito por más de 20 años.

El agregará Dignidad, Experiencia y Justicia a la Corte Suprema.

PAUL D. BARNES

Es Eminentemente Calificado y Digno de su Confidencia

(Anuncio político pagado)

WHAT OTHERS SAY:

Judge Overton Proves a Point—
The System for judicial nomination worked well in the re-election of Justice Victor B. Collins on the Florida Supreme Court. The nominating committee submitted three good names to the Governor, assuring the addition of a good judge to the court's highest bench.

Benjamin F. Overton, now a Circuit Judge in St. Petersburg, is a well-known and a fine legal mind. He will enhance the court in Tallahassee.—The Miami Herald, March 20, 1939.

The System Works—
Governor Hubbs A. Howe's appointment of Pinehill Circuit Judge Ben Overton to the Florida Supreme Court is a triumph for both Overton and for Florida's newly improved but still unimproved new system for selecting judges. Judge Overton was an excellent choice for several reasons. He is a man of unchallenged personal integrity. He has many years of practical experience on the Circuit bench, where he has served since 1934. And he is a professional judge, devoting much time to scholarship and improvement of judicial standards and methods.—St. Petersburg Times, March 4, 1939.

The Tampa Tribune Says: Circuit Judge Ben Overton of St. Petersburg has achieved a place in the history of judicial reform in Florida. He has become the first person appointed to the State Supreme Court under the new system removing judicial appointments from the grasp of party politics. It would be a bright day for Florida justice if the citizens who vote on the candidacy of Justice Overton next November also vote to make his the last election under the old system of campaign politics. (March 15, 1939)

Judge's College Leads Overton
St. Petersburg Circuit Justice Tom C. Clark has well deservedly commended Circuit Judge Ben F. Overton by his work as a faculty member of the National College of State Trial Judges. Overton, St. Petersburg, instructed other judges representing 40 States, Puerto Rico and the District of Columbia in courses on judicial procedure and new developments in Criminal Law. "His ability and abilities in advising concepts and procedures that will materially assist in the effective and general administration of justice in this nation are deeply appreciated by the Board of Directors," Clark stated. "What is more important, your excellent work will prove to result in benefit to the general public."—St. Petersburg Independent, Aug. 25, 1939.

KEEP BEN F. OVERTON
Justice of the Florida Supreme Court



KEEP BEN F. OVERTON
JUSTICE OF THE FLORIDA SUPREME COURT

Highly Qualified
Circuit Judge for Almost 10 Years
Chief Judge of His Circuit
Educator of Judges and Lawyers
Elected to the Florida Bar
Florida's First Merit Selection Justice

Your Vote and Support Will Be Appreciated

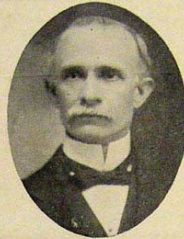
VOTE TUESDAY MAY 24th



ELWYN THOMAS
FT. PIERCE

Candidate for
JUSTICE OF THE SUPREME COURT

A MAN WITH A SYMPATHETIC FEELING FOR THE COMMON PEOPLE



J. B. WHITFIELD
JUSTICE SUPREME COURT
CANDIDATE FOR RENOMINATION.
Tallahassee, Fla., May 31, 1918.

My dear Sir:

The people of the State have been so much interested in the great World War and in the Liberty Loan and Red Cross campaigns that they have given very little thought to the political problems to be solved on June 4th. I have refrained from doing anything for renomination as Justice of the Supreme Court that would divert attention from these patriotic matters, for I consider them more important than the political success of any individual.

The primary election is now at hand, and, believing you to be one of my good friends in your community, I ask you to go to the polls on election day and see that the voters are requested to give my candidacy serious consideration before they cast their ballots.

My nomination seems assured, and my friends predict for me a large majority in the State.

Assuring you that I shall not forget this friendly service, and hoping that I may have the opportunity to personally serve you in the future, I am, with sincere thanks,

Most truly, yours,

The 1885 Constitution provided for the election of Supreme Court Justices. This continued until a 1976 Constitutional amendment created a "merit retention" system for Florida's justices.

Justice Paul D. Barns kept a scrapbook of his newspaper advertisements, this one is in Spanish.

Justice Ben Overton was one of the last justices to be elected.

Justice Elwyn Thomas served on the court for over 30 years, from 1938 to 1969.

Justice James B. Whitfield's campaign letter was written during World War I.

Merit Selection and Retention

In the 1970s Florida moved from the direct election of Supreme Court Justices to a merit selection and retention process. A 1972 constitutional amendment established a merit selection process for Supreme Court Justices and District Court of Appeal Judges. Under this amendment a Judicial Nominating Commission submits a list of three to six highly qualified nominees to the Governor, who must appoint one of the nominees within 60 days.

NO. NONPARTISAN BALLOT FOR JUDICIAL OFFICERS INITIALS OF ISSUING OFFICER

Signature of Elector STUB NO. 1

NO. NONPARTISAN BALLOT FOR JUDICIAL OFFICERS INITIALS OF ISSUING OFFICER

STUB NO. 2

SAMPLE

NO. NONPARTISAN BALLOT FOR JUDICIAL OFFICERS INITIALS OF ISSUING OFFICER

SEPTEMBER 10, 1974

COUNTY _____

PRECINCT NO. _____

To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

JUDICIAL Justice of the Supreme Court, Group 2 (Vote for one)	Judge of the District Court of Appeal Appellate District _____ Group _____ (Vote for one)	Circuit Judge Judicial Circuit, Group No. _____ (Vote for one)
JOE BOYD		
RIVERS BUFORD, JR.		
		(Here add as many groups as apply to your County.)
Justice of the Supreme Court, Group 3 (Vote for one)	Circuit Judge Judicial Circuit, Group No. _____ (Vote for one)	Judge of the County Court Group _____ (Vote for one)
SHELBY HIGHSMITH		
BEN F. OVERTON		
		(Here add as many groups as apply to your County.)
Justice of the Supreme Court, Group 4 (Vote for one)		
ARTHUR J. ENGLAND, JR.		
SAM SPECTOR		


WHAT OTHERS SAY:

Judge Overton Proves a Point—
The System for Judicial nomination worked well in the replacement of Justice Vassar B. Carlton on the Florida Supreme Court. The nominations committee submitted three good names to the Governor, assuring the addition of a good judge to the state's highest bench.
Benjamin F. Overton, now a Circuit Judge in St. Petersburg, is a solid citizen with a fine legal mind. He will enhance the court in Tallahassee.—The Miami Herald, March 20, 1974

The System Works
Governor Reubin Askew's appointment of President Circuit Judge Ben Overton as a Florida Supreme Court Justice is a triumph for both Overton and for Florida's vastly improved but still incomplete new system for selecting judges. Judge Overton was an excellent choice for several reasons: he is a man of unchallenged personal integrity; he has many years of practical experience on the Circuit bench, where he has served since 1964. And he is a professional judge, devoting much time to scholarship and improvement of judicial standards and methods.—St. Petersburg Times, March 4, 1974

The Tampa Tribune Says: Circuit Judge Ben Overton of St. Petersburg has achieved a place in the history of judicial reform in Florida. He has become the first person appointed by the State Supreme Court under the new system removing judicial appointments from the grasp of patronage politics. It would be a bright day for Florida justice if the citizens who vote on the candidacy of Justice Overton next November also vote to make his the last election under the old system of campaign politics. (March 15, 1974)

Judge's College Lands Overton
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Firm • Fair • Honest
Florida's First Merit Selection Justice

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Justice of the Florida Supreme Court

PS. Ballot Act, 19, 19 to the Ben F. Overton Campaign Fund
DONATION 176 S. 19th St., St. Petersburg, FL 33701

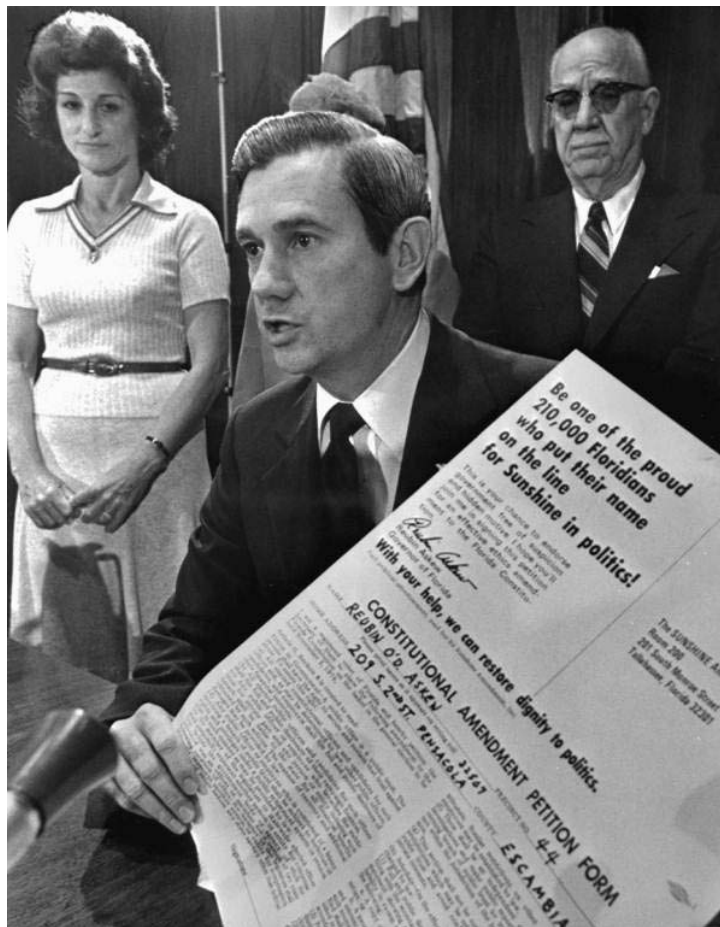
Your Vote and Support Will Be Appreciated

Justice Ben F. Overton became the first Supreme Court Justice chosen by the merit selection process when Governor Askew appointed him to a vacancy on the Court on March 27, 1974. In order to keep his seat, Overton had to run in the general election in November (ballot above left) and was one of the last Justices to campaign for the court (above right).

The election of Justices was discontinued when merit retention was added by amendment in 1976. As a result when a vacancy occurs on the Court, the Governor makes an appointment through the merit selection process and after one year, the new Justice is eligible for a statewide merit retention vote in the next general election. Voters decide by a simple "yes" or "no" vote whether the Justice should remain in office; if retained the Justice can continue to serve six-year terms until the mandatory retirement age.

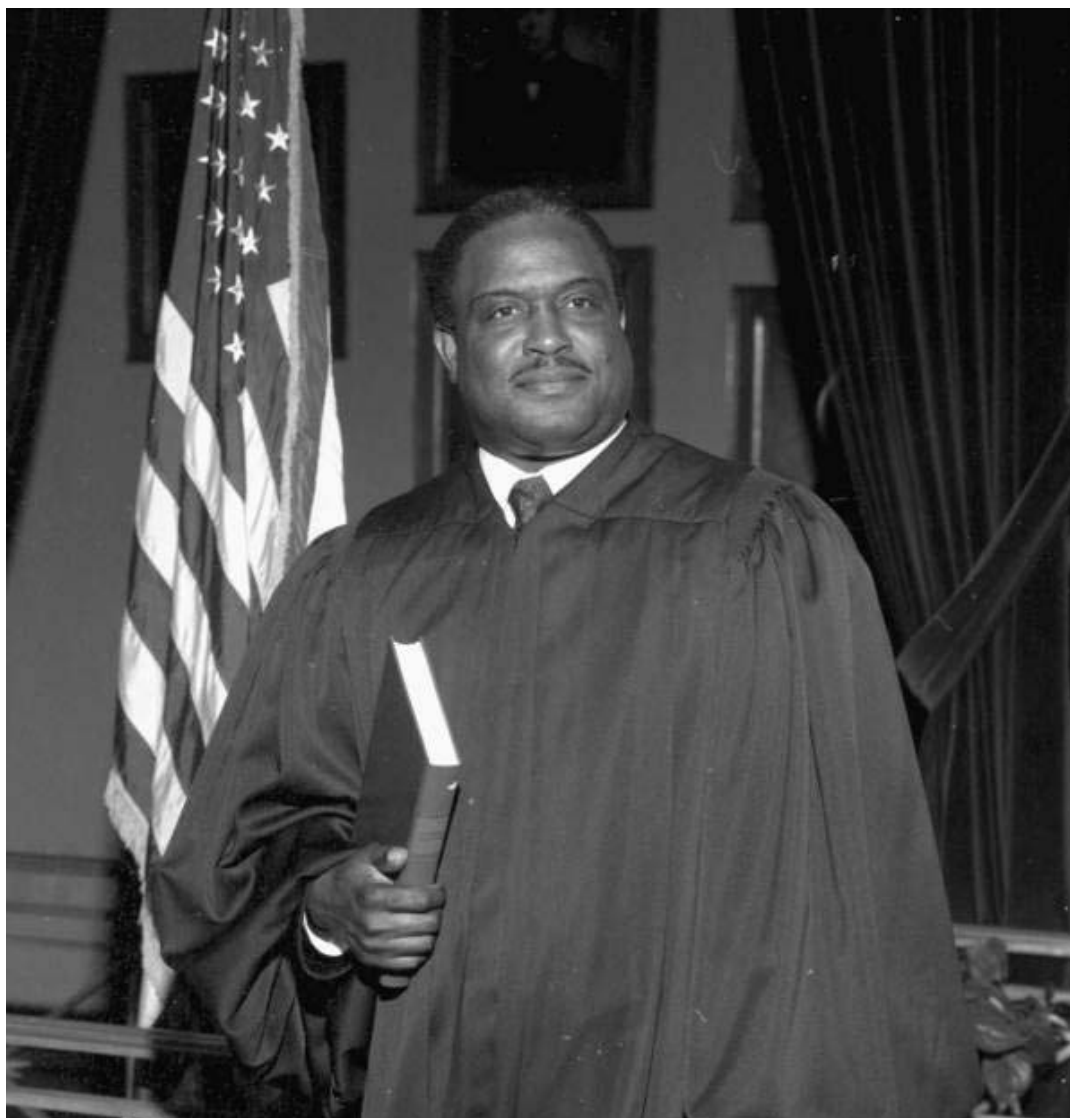
CONSTITUTIONAL AMENDMENTS

Currently there are five ways to propose an amendment to the Florida Constitution: the Florida Legislature, a Constitutional Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative petition. Before being placed on the ballot, proposed amendments from citizen initiatives are reviewed by the Supreme Court to ensure compliance with constitutional and statutory requirements. The Court does not rule on the merits or wisdom of the amendment, but limits its inquiry to two issues: the single-subject requirement, and the clarity of the ballot title and summary. Over 250 initiatives have been filed with the Florida Division of Elections since 1978 and the Supreme Court has ordered only 21 removed from the ballot.



Florida's first successful citizens' initiative resulted in the adoption of the "Sunshine Amendment" in 1976. After the Florida legislature failed to adopt a financial disclosure and ethics package, Governor Reubin Askew led a citizen's initiative campaign to have an amendment placed on the ballot. Above, Governor Askew presents a facsimile of the voter petition postcard. With him are Esther Friedan, legislative director of Common Cause (left), and E. Harris Drew, State Ethics Committee Chairman and former Chief Justice.

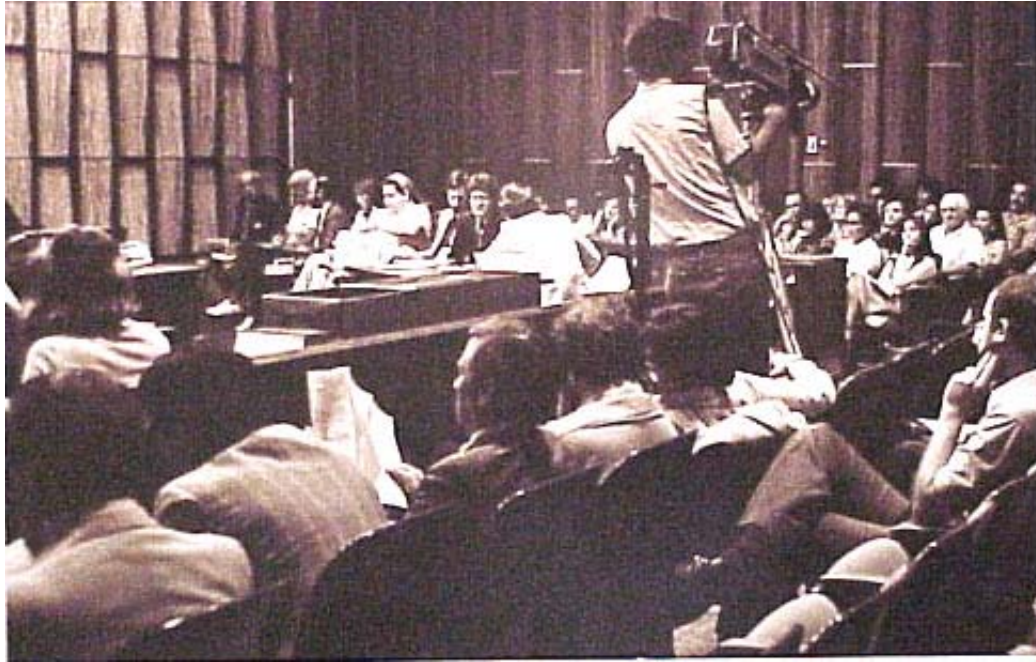
Justice Joseph W. Hatchett



Determined to fulfill his dream of becoming a lawyer, Joseph W. Hatchett overcame many obstacles of a racially segregated society. Born in Florida in 1932, he was excluded from Florida's segregated white law schools, undeterred he earned acceptance to prestigious Howard University law school. Graduating in 1959, he prepared to take the Florida Bar Exam held at the Dupont Plaza Hotel in Miami, but he was refused accommodations. Forced to commute from another hotel some distance away he still succeeded in passing the Bar Exam.

He had a distinguished career serving as Assistant United States Attorney in Jacksonville, and a U.S. Magistrate for the Middle District of Florida. He became the first African-American on the Florida Supreme Court when Governor Reubin Askew appointed him to fill a court vacancy in 1975. After voters returned him to the Court in 1976, Hatchett became the first African-American elected to statewide office in Florida and in the South.

Cameras in the Courtroom

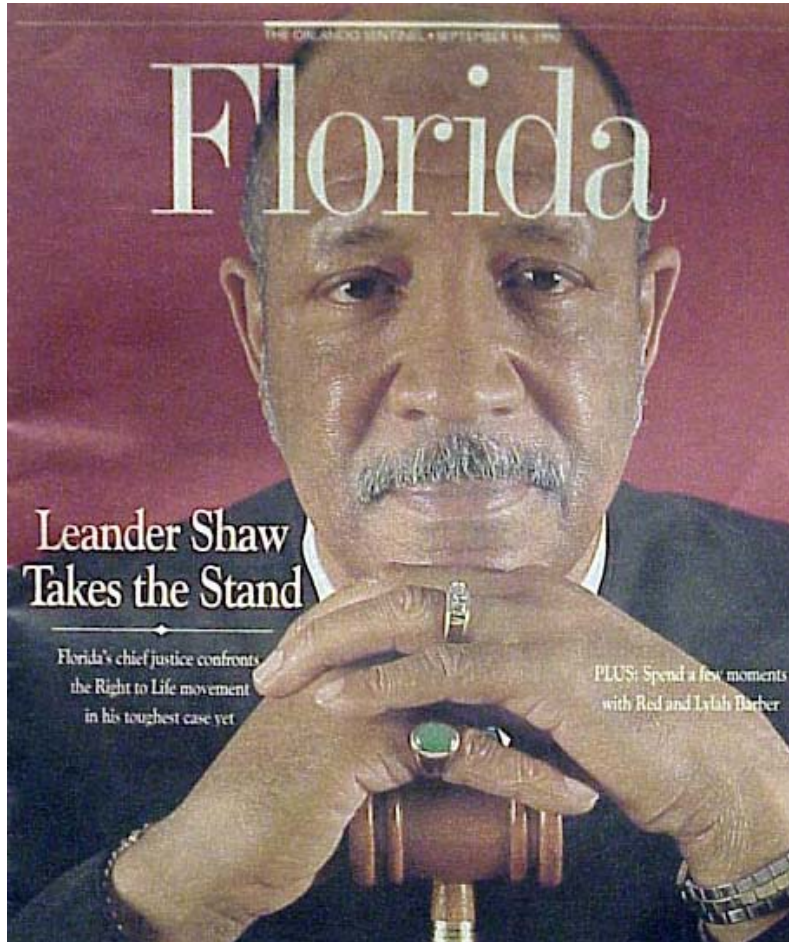


Although United States Courts have traditionally been open to the public, it was believed that cameras in the courtroom would have a negative effect on jurors and witnesses. After a *Post-Newsweek* petition to broadcast court proceedings, the Florida Supreme Court authorized in 1977 a one-year pilot program. One of the most sensational cases in the study program was the first-degree murder trial of 15-year-old Ronnie Zamora (left). His trial counsel, Ellis Rubin, caused a national sensation when he became the first to use "television intoxication" as part of the insanity defense.

Judge Baker, the trial judge, reported on the impact of the television coverage at the trial. (right) He concluded; "the public has a right to know how a judge conducts court business, whether this was done by court observers or television viewing made no difference." Oral arguments of The Florida Supreme Court have been broadcast since September 1997 and can be seen on *The Florida Channel* and online at wfsu.org/gavel2gavel/.



Chief Justice Leander Shaw, Jr.



The first African-American to serve as Chief Justice on the Supreme Court of Florida, Justice Leander Shaw recalled, “The job that sent me scurrying to the law was the last one I had before I went off to college, working for my uncle with pulpwood.”

He graduated from West Virginia State College in 1952, and then received his juris doctor degree in 1957 from Howard University. Governor Bob Graham appointed him to the Supreme Court in 1983, where he served as Chief Justice from 1990 to 1992. He also served on the racial and ethnic study commission, bias study commission and sentencing commission.

One of his most influential dissents was in *Provenzano v. State* in 1999. Justice Shaw stated that electrocution, as practiced in Florida, violated the cruel and unusual punishment clause of the United States constitution. Partly as a result of his dissent, the Florida legislature implemented lethal injection as the official method of execution in Florida.

The Court at the Governor's Mansion



Governor Bob Graham entertains the Supreme Court Justices and their wives at the Governors mansion along with members of his cabinet and their wives.

Left bottom row to right around table: Governor Graham, Mrs. Mixson, Justice James Alderman, Mrs. Shaw, Florida Treasurer Bill Gunter, Mrs. Boyd, Justice Leander Shaw, Comptroller Gerald Lewis, Teresa Gunter, Justice Parker Lee McDonald, Jean Alderman, Attorney General Jim Smith, Adele Graham, Lieutenant Governor Wayne Mixson, Mickie Ehrlich, Justice James Adkins

The Rosemary Barkett Award

Rosemary Barkett, the 71st Justice of the Florida Supreme Court, was the first woman to serve on the Court and the first female Chief Justice. A former Catholic nun, she graduated from the University Of Florida College Of Law with honors. Appointed to the circuit court in 1979, then to the Fourth District Court of Appeal in 1984, she was appointed by Governor Bob Graham to the Supreme Court in 1985. She served as Chief Justice from 1992 to 1994, when President Bill Clinton named her to the U.S. Eleventh Circuit Court of Appeals.



The Rosemary Barkett Award was created in her honor in 1992 by the Academy of Florida Trial Lawyers. It is presented annually “to a person who has demonstrated outstanding commitment to equal justice under the law; given in honor of the first woman justice of the Florida Supreme Court and an independent and fierce defender of equality of all.” Florida State Representative Carrie Meek received the first award.



Selection of Jurors

State v. Neil

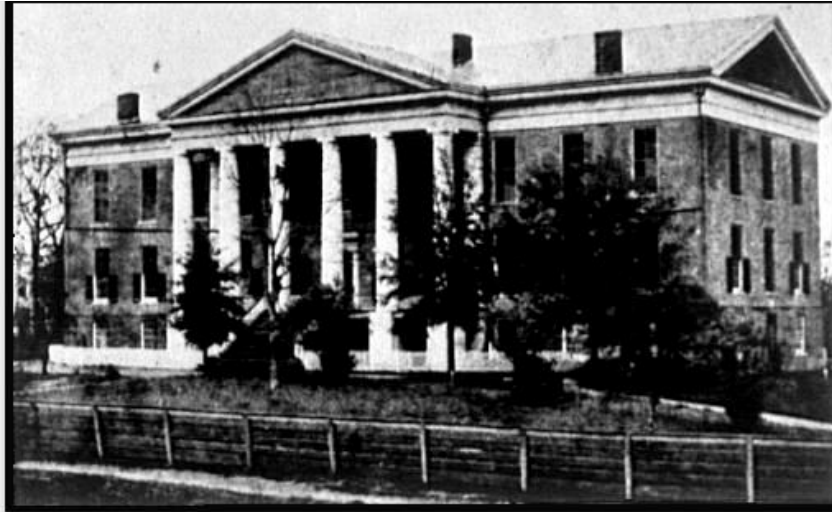


Peremptory challenge, excusing a potential juror without stating a valid reason, allows each party to participate in the selection of jurors and is intended to assure an impartial and fair jury. In a landmark case 1984, *State v. Neil*, the Florida Supreme Court adopted specific criteria to examine peremptory challenges in order to determine any racial bias. These procedures were broadened four years later in *State v. Slappy*, when Justice Barkett wrote: “Our citizens cannot be precluded improperly from jury service. (It) constitutes the most direct way citizens participate in the application of our laws.”

In subsequent court opinions, the *Neil* and *Slappy* rulings were extended to identify and prohibit gender bias in the jury selection process. In June 1987, Chief Justice Parker Lee McDonald (left) appointed Justice Gerald Kogan (center) and attorney Gill Freeman (right) to lead the court's Gender Bias Study Commission with the mission to "determine in what areas of our legal society bias based on gender exists and recommend measures to correct."

The Expanding Court: Florida Supreme Court Buildings

Florida has had one of the fastest growth rates of the 50 states, only 50,000 people at statehood and around 500,000 in 1900. Today it numbers over 16 million and ranks fourth in the nation. Similarly, the Florida Supreme Court has had to grow to keep up with the demands on the court.



The State Capitol, 1845

Photo courtesy of Florida State Archives

Finished in 1845, the year Florida became a state, the first state capitol housed the judicial, legislative and executive branches. One large room, located on the south end of the second floor, contained the Supreme Court chamber, court library, and clerk's office.



T-46 THE WHITFIELD BUILDING, TALLAHASSEE, FLORIDA

On October 10, 1912, the Supreme Court moved into its new building on Jackson Square in Tallahassee, just a block from the Capitol. It housed the Railroad Commission, the courtroom, Justices' and staff offices, and the law library. It was renamed the J.B. Whitfield building in 1952 in honor of Justice Whitfield and was demolished in 1978.

The Expanding Court: Florida Supreme Court Buildings



Architect Frank Milburn added the dome and two wings to the Capitol in the 1902 expansion. The enlarged Court area included four Justices' rooms, new oak furniture, and a specially constructed law library. The court, located in the far left wing on the first floor, would continue to meet here until 1913.



By the early 1940s the court needed more space. After considering various plans to enlarge the Whitfield Building, they decided to build a new structure. The present Supreme Court Building, constructed in 1948 at a cost of \$1.7 million, is located directly west of the Capitol complex. It was renovated in 1990.