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THE BIG BANG

All reunions are nostalgic; this one was especially so. The forty sport-shirted men seated with their wives beside the swimming pool at an Orlando hotel on a balmy October evening in 2002 shared a unique experience. The last time the man at the lectern had addressed them was from the podium of the Florida House of Representatives twenty-eight years before. T. Terrell Sessums still appeared the same—as tall, professorial, and taciturn as when a reporter wrote of him that if the world ended he would be found standing calmly in the rubble, assessing his next move. The colleagues to whom he was speaking were also their recognizable old selves, despite some expanded waistlines and hair that was graying or gone. But for them the world *had* ended, at least the part that had been their special bond. Florida politics had changed almost beyond recognition since their time in Tallahassee. Sessums remarked on the difference. “I have a little difficulty remembering which of you were Republicans and Democrats. They don’t have that problem any longer,” he said.¹

Their common bond was having served in the House from 1971 through 1974, the flowering of what came to be remembered as the Golden Age of the Florida Legislature. The decade of the 1970s was distinguished by progressive politics and a constructive two-party system. By 2002, however, the Golden Age was as evanescent as Camelot. Only one in four Floridians was native to the state, whose population had doubled since Sessums’s speakership. Such circumstances are not conducive to collective memory; new citizens saw Tallahassee as a capital so thoroughly defined by partisan differences and party discipline that

Speaker of the House Johnnie Byrd, a Republican elected from the same county that Democrat Sessums had represented, remarked matter-of-factly that his members were “like sheep in a way . . . looking for someone to tell them what to do.”²

Only two people at the reunion were still in the capacities they had filled during the Golden Age. One was Representative Jerry Melvin of Fort Walton Beach, who had served twenty years as a Democrat, sat out sixteen, and returned in 1994 as a Republican. The other was the author, capital bureau chief of the *St. Petersburg Times* from 1969 to 1976, residing once again in Tallahassee to write his editorials and columns. We agreed that the politics of the present had changed for the worse from the politics of the past. “I don’t think it was directed to be partisan, like it is now,” Melvin said.³ When the Golden Age inaugurated Florida’s modern two-party system, Democratic and Republican leaders shared an agenda in which partisan disputes were incidental rather than paramount. They worked hard to keep it that way.

“It was the greatest time in my life . . . the greatest time of [all] our lives as far as I’m concerned,” said Richard A. Pettigrew, the other former Speaker present that night. Pettigrew, a liberal Democrat, had a friendship transcending party differences with House Republican leader Don Reed. It contributed to the passage of dozens of bills on which they agreed even when many of their own party members did not. Legislators of both parties followed their example, forming cross-party friendships that are conspicuously rare today. The most common complaint among Republicans was not that they could not pass bills but that Democrats would grab the credit.⁴

The Golden Age was the product of a peaceful revolution, a court-ordered reapportionment that overthrew the eight-decade reign of rural legislators who, with few exceptions, were racially and economically reactionary. That their successors accomplished so much owed immeasurably to the remarkable, once-in-a-generation leadership of a man who had left the legislature to defy the seemingly impossible odds against his being elected governor. The biography of Reubin O’Donovan Askew and the history of the Golden Age are inseparable.

Askew was governor of Florida from January 1971 to January 1979. In 1981, a paper presented to the Southern Political Science Association

placed Askew among the “ten outstanding governors of the 20th Century,” along with such luminaries as Robert La Follette, Woodrow Wilson, Alfred E. Smith, and Terry Sanford. Although Askew breathed life into what had been a nonexistent Democratic Party organization, his relations with the legislature were essentially nonpartisan; unlike his most conspicuously partisan successor, Jeb Bush (1999–2007), Askew cultivated both sides of the aisle. This was a necessity as well as a virtue, because Askew could not count upon—nor did he expect—Democratic legislators to follow in lockstep. Discipline as dogma did not occur to him, and it would not have occurred to any leaders of the 1970s to characterize their rank and file as “sheep.”⁵

The Golden Age was remarkable for how far the legislature progressed in a very short time. Until the 1960s, it had been by at least one quantifiable measure the nation’s worst. Under a constitutional formula unchanged since 1924, rural areas that made up less than 15 percent of the population could elect a majority of both houses. The Senate ruling clique, which *Tampa Tribune* editor James Clendenin famously nicknamed the Pork Chop Gang for its 1950s resistance to fair apportionment, were segregationists who would have closed the public schools but for Governor LeRoy Collins’s 1957 veto, were deeply suspicious of the fast-growing coastal areas, and saw their responsibilities through the eyes of the special-interest lobbyists and bureaucrats upon whose advice they depended. The House of Representatives was nearly as reactionary. The legislature’s noblest contribution that decade was to agree with Collins on establishing community colleges within fifty miles of every Floridian. They were of enormous worth as Florida’s population more than tripled in the ensuing half century. In Askew’s judgment, an urban legislature probably would have had different priorities.⁶

The legislature was overwhelmingly Democratic in name if not in spirit. This was a legacy of the Civil War and Reconstruction. The Democratic Party itself was, in effect, a shell corporation; political scientist V. O. Key Jr. famously wrote in 1949 that the Florida story was “every man for himself. . . . Florida is not only unbossed, it is unled.” Democratic primaries—restricted to white voters before 1948—were the only elections that mattered. Governors built personal campaign organizations that dissolved upon victory because the constitution did not allow

consecutive terms. Most power belonged to six officials known collectively as the Cabinet, who were not subject to term limits, were seldom opposed for reelection, and rarely risked their sinecures to run for governor or U.S. Senate. Democratic nominees, taking the general elections for granted, gave no thought to party organization, an indifference that the Republicans would exploit. Some county supervisors of elections automatically enrolled new voters as Democrats, warning them that to register Republican would waste their votes and perhaps their reputations. When Kenneth H. “Buddy” MacKay Jr. of Ocala returned from the Army and attempted to register as a Republican, the Marion County supervisor told him that doing so would “disgrace your family” and enrolled him as a Democrat. Many years later, MacKay would conclude a distinguished political career as Florida’s last Democratic governor of the twentieth century.⁷

Pork Chop rule ended with a series of U.S. Supreme Court decisions that eventually forced the 1965 state legislature to reapportion with relative fairness. Askew, one of a handful of northern Florida legislators who supported equitable apportionment, managed the Senate bill. It eliminated or merged the districts of several of his friends, among them Senator Doyle Carlton Jr., a Collins ally, who later contributed \$1,000 to an Askew opponent in 1970. Askew had stood for fair apportionment since his first Senate term, when former Senate president Dewey Johnson admonished him that “you’ve got a bright future, but it’s going to be short . . . if you don’t get right” and threatened to prevent construction of the University of West Florida, slated for Askew’s hometown of Pensacola.⁸ In the 1966 elections held pursuant to Askew’s bill, Dade residents could vote for twenty-eight legislators elected county-wide and found more than four hundred names on their local ballots. The legislators had barely taken their seats at a special session in January 1967 when the U.S. Supreme Court ruled the plan unconstitutional because districts varied in population by as much as 40 percent, a spread that “can hardly be deemed *de minimis*.” The decision meant that states would have to justify *any* deviation from mathematical equality. The High Court sent the case back to a three-judge district court at Miami, which, out of patience with the legislature, ordered new elections and commissioned Manning J. Dauer, a University of Florida political

science professor, to write a new plan. Dade, the largest county, would now have nine senators and twenty-two House members, all elected at-large. Hillsborough County shared eleven House members with three small counties that each formerly had its own. Only six single-member districts remained in the Senate and only three in the House.⁹

When the legislature convened in April 1967, 67 of the 119 House members were first-termers. Of the 48 senators, 25 were freshmen, although 13 of them had been in the House. The 92 newcomers were the most in Florida's modern history, exceeding even the 83 seats that changed hands when a term-limits initiative took its first toll in 2000. After the 1966 campaign, Dade freshman Bob Graham had been given a coveted seat on the House Appropriations Committee for his timely support to elect Ralph Turlington Speaker. The special election in March 1967 disposed of every senior Democrat on the higher education subcommittee, making Graham chairman by default. It was the first rung on his ladder to the governor's office twelve years later. The few returning legislators included a leadership cadre of urban progressives—Pettigrew, Reed, and Sessums among them—who had been stifled under rural rule. With the new members, they reinvented their state. "They were some of the most brilliant members in Florida's history. They came refreshed, young, eager to change the world. They did change the world of Florida," said environmentalist Nathaniel P. Reed.¹⁰

By the time Askew left office in January 1979, they had replaced Florida's obsolete 1885 constitution, a goal that had eluded Collins's best efforts; reorganized the judiciary and the executive branch; made the governor rather than the elected Cabinet responsible for the state budget; stopped cities from dumping raw sewage into the environment and created effective, enforceable pollution controls; established a pioneering system of water-management districts; enacted restrictions on development and requirements for land-use planning; begun the purchase of environmentally sensitive land for recreation and preservation; limited campaign spending and required effective disclosure of campaign contributors; passed an open-meetings law and strengthened the public-records statute; registered lobbyists; stopped the commercial dredging and filling of bays and estuaries; enacted a tax on corporate profits and repealed the sales tax on household utilities and residential

rentals; made the judiciary nonpartisan and provided for appointing rather than electing the appellate bench; created an ethics commission and required public officials to disclose their financial assets and liabilities; ordered due process in rule-making and other administrative procedures; passed a deceptive trade practices act modeled on federal law; instituted no-fault divorce and auto insurance; given utility consumers an advocate before the Public Service Commission and switched its membership from election to appointment; granted home rule to cities and counties; created a statewide juvenile justice system; required treatment rather than jail for alcoholics; protected the civil rights of the mentally ill; rewritten the school code to more nearly equalize spending between rich and poor counties; reformed property taxation; demanded effective regulation of nursing homes; capped the small-county shares of state racetrack revenue; redistributed gasoline taxes to help growing counties; and taxed the mining of phosphate and other minerals. The capitol in those years was an abattoir for sacred cows. The significant failures were few. Florida's refusal to ratify the proposed Equal Rights Amendment doomed the amendment's prospects for becoming part of the U.S. Constitution. In a spasm of homophobia, the 1977 legislature made Florida the only state that explicitly forbade gays and lesbians from adopting children. The tax base, heavily dependent on retail sales and residential construction, remained inadequate and left the state exceptionally vulnerable to swings in the national economy.

But the successes at the time eclipsed the shortcomings. "Government in Florida," wrote Jack Bass and Walter De Vries in *The Transformation of Southern Politics*, "was transformed almost overnight into a system far ahead of any other in the South in terms of its responsiveness to specific issues and its institutional ability to respond." What Dade representative Marshall Harris called "the ferment of reapportionment" conditioned him and others to think, "Hey, this legislature which has never done anything might finally begin to act on behalf of the people." They did not think of themselves as unique, though history would. "These were new faces thrust into an old institution, without ties—no ties to the leadership, no ties to the lobbyists, no ties to the old cabinet officers who had been there from time immemorial. They were brand new on the scene and they felt they were taking a fresh look at the

institutions,” Pettigrew said in 1985. There was also, as MacKay would remark, “a consensus for reform in the business community,” excepting only a few diehards who tried to thwart Askew’s tax reforms.¹¹

The reforms that were fundamental to all the others improved the legislature itself. Before reapportionment, members worked without staffs, offices, or printed copies of bills and amendments. The legislature tacitly outsourced its fact-finding and bill-drafting functions to the lobbyists and bureaucracies. Members were paid only \$100 a month and met for only sixty days every two years. Senate committee chairmen could “meet” by themselves, their pockets full of proxies signed by the absent members. By 1970, however, Rutgers University academician Alan B. Rosenthal could write that no other legislature “has made as much progress as Florida’s.” His account described the Florida legislature as having “emerged as the very picture of health . . . matched by few in the nation.” The new leadership had provided, among other things, for professional staff, member offices, computers, printed bills, a public record of committee deliberations and roll-call votes, and interim committee meetings to prepare legislation in advance of the annual sessions specified by the 1968 constitution. The Senate adopted open hearings and due process in voting on whether to remove officials suspended by the governor. The auditor general and his staff now worked for the legislative branch instead of the executive. Members had increased their pay to \$1,000 a month. In 1971 the Citizens Conference on State Legislatures ranked Florida’s first nationally in independence and fourth-best overall; it was the only southern state among the top twenty-five. Speaking at a seminar during his seventh month as governor, Askew said that the legislature’s independence was a tonic for the executive branch. He remarked, however, that “I’m beginning to think we have the most independent legislative branch since Parliament beheaded the king.”¹²