

2013

## Fifty Years of Central Florida History Through the Lens of the Federal Courts

Richard S. Dellinger



Part of the [American Studies Commons](#), and the [United States History Commons](#)

Find similar works at: <https://stars.library.ucf.edu/fhq>

University of Central Florida Libraries <http://library.ucf.edu>

This Article is brought to you for free and open access by STARS. It has been accepted for inclusion in Florida Historical Quarterly by an authorized editor of STARS. For more information, please contact [STARS@ucf.edu](mailto:STARS@ucf.edu).

---

### Recommended Citation

Dellinger, Richard S. (2013) "Fifty Years of Central Florida History Through the Lens of the Federal Courts," *Florida Historical Quarterly*: Vol. 92: No. 2, Article 4.

Available at: <https://stars.library.ucf.edu/fhq/vol92/iss2/4>

## **Fifty Years of Central Florida History Through the Lens of the Federal Courts**

by Richard S. Dellinger and Jon M. Philipson

**F**ifty years ago, Central Florida schools were segregated by race; population was beginning to swell; development was beginning; airports were not used for significant travel; Disney, Universal and Sea World had not yet arrived; and the Space Race had just started. Central Florida has seen much change over the past fifty years. And, all throughout those fifty years, our courts have been a witness to the changes in Central Florida.

Due to great population growth, on October 30, 1962, the Middle District of Florida was born after being carved out of part of the Northern District of Florida and part of the Southern District of Florida. Three Judges were selected from the Southern District and three Judges were selected from the Northern District to sit in Courthouses across Central Florida. Those judges heard and decided federal cases. And those legal disputes provide an in depth perspective into the past fifty years in Central Florida.

This special addition of the *Florida Historical Quarterly* reviews the cases and issues that the Courts in the Middle District of Florida have grappled with over the past 50 years. As you read about the

---

Richard S. Dellinger is the Vice President for the 11<sup>th</sup> Circuit, Chair of the Vice Presidents, and an ex officio member of the national Board of Directors with the Federal Bar Association. Mr. Dellinger is a partner with Lowndes, Drosdick, Doster, Kantor and Reed, P.A. in Orlando, Florida.

Jon M. Philipson is the former Editor and Chief of the *Florida Law Review* and former law clerk to Chief Judge Anne C. Conway. Mr. Philipson is an associate attorney with Carlton Fields, P.A. in Tampa, Florida.

cases, think about the people involved, think about the stories involved and think about how those cases make up the story of Central Florida's history. The stories contained in this edition are stories that were known by a few judges, lawyers, and litigants, but not preserved for the general public—until now. We hope that by bringing you an analysis of these cases, we do our part to preserve the last five decades of Central Florida history.

This edition is divided into sections for civil cases and criminal cases. Within the civil cases, you will read about segregation and integration, prison overcrowding, admiralty cases, employment cases, and intellectual property cases. And, within the criminal cases, you will read about terrorism, espionage, organized crime, fraud, drug policies and federalism.

Today, many take for granted the integration of our public schools. Fifty years ago, Florida's public schools were not integrated as the school districts felt that "separate but equal" schools were legally and morally permissible. The case *Brown v. Board of Education* changed that, when the United States Supreme Court required that all schools be integrated "with all deliberate speed."

In Central Florida, the Federal Courts oversaw the school boards' plans for integration. In this edition you will read the remarks from Senior United States District Judge William Terrell Hodges, a Federal Judge who oversaw segregation and integration of school districts all throughout his lengthy career. You will read about a case where Governor Claude Kirk attempted to take over the school board in Bradenton in order to halt the integration efforts. Governor Kirk's coup of the school board and his attempt to stop the busing related to integration resulted in U.S. Marshalls being dispatched from the Federal Court to ensure compliance with the desegregation plan.

And, although the desegregation of schools in Florida was largely non-violent, you will read about an African-American student, Donal Godfrey, whose house was bombed after he joined an integrated school in Jacksonville, Florida.

In this edition, you will read about the problems with prison overcrowding in Central Florida and how the federal courts addressed those problems. You will hear from Senior Eleventh Circuit Court of Appeals Judge Susan Black who oversaw some of those cases as a District Judge. And you will hear from a litigant, Bill Shepard, who worked as an attorney on those cases. You will



hear how Central Florida's overcrowded prisons were addressed through the oversight of the federal courts.

And in this edition you will read about cases associated with Florida's waterways. You will read about the Skyway Bridge collapse in Tampa and the litigation that ensued. And you will read about the Jacksonville shipyards. You will read about the case of *Robinson v. Jacksonville Shipyards* where women fought to remove pervasive pornography from the shipyards when they joined the workforce on the docks.

And you will read about intellectual property disputes that have been decided by the Federal Courts. You will read about *Tyne v Time Warner* where a former crew member of the *Andrea Gail* sued to obtain royalties from the movie *The Perfect Storm*. And you will read about *Playboy Enterprises v. Frena*, an early case dealing with online subscription services being used to distribute copyrighted materials without the consent of the copyright holder. And, you will read about commerce clause challenges to textbook regulations in *American Yearbook Company v. Askew*.

And you will read about significant criminal cases decided by the Courts in the Middle District. You will read about the case of Santo Trafficante, Jr., a mob boss who was prosecuted as part of the Donnie Brasco investigation. You will hear about the prosecution of Carlos Enrique Lehnder Rivas, a well-known cocaine trafficker believed to be the highest ranking member of the Medellin Cartel prosecuted before Manuel Noriega. You will read about a \$450 million ponzi scheme perpetrated by Sholam Weiss through the National Heritage Life Insurance Company. And, you will read about the case of Colonel George Trofimoff, a high ranking military figure prosecuted in the Middle District for spying for the KGB. And, you will read about the case of Sammy Al-Arian, a professor who was prosecuted after September 11, 2011 and charged with providing funds for Islamic Jihad.

And, in the criminal section, you will read about challenges facing the courts. You will read about the decline of federalism and the expanding role of the Federal Courts in the criminal arena from Professor Robert Batey of Stetson University. And, you will read about the prosecution of defendants by prosecutors who were withholding evidence. And, you will read about a recent case overturning laws that eliminated the criminal mind (*mens rea*) element for drug crimes.

As you read these stories, you will see that the story of this Court is really a story of the people of Central Florida. The creation of the Court is a direct result of population growth and expansion. And the cases heard by this Court reflect the major political events of the times, whether that be segregation and integration, prison overcrowding, natural disasters such as the collapse of the Skyway Bridge, criminal drug trafficking and the war on drugs, terrorism, spying or the evolving technology disputes associated with intellectual property. The cases heard by the Courts tell the story of Central Florida over the past fifty years. The true stories discussed in this edition tell the real story of Florida. And in Florida, reality is much more interesting than fiction.