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SANDY D'ALEMBERTE: FLORIDA'S CATALYST

KENNETH H. "BUDDY" MACKAY*

V.O. KEY, in his celebrated study of southern politics, titled the chapter on Florida "Every Man for Himself."¹ That was a highly appropriate title for the Florida of the late 1950's and early 1960's. Giving only lip service to such esoteric ideas as reapportionment and integration, Florida's government was dominated by rural politicians with a distrust for urbanites, liberals, and academics.

Agitation for change was sporadic, emanating primarily from Florida's universities. It was not coincidental that the most outspoken agitators were professors with tenure. Even for this group, the risks were considerable. In fact, entire political careers in Florida's Pork-chop Legislature had been built upon sensational investigations of "unorthodox activities" in the university system. From communists to consenting adults engaging in alternative lifestyles, there was always something interesting to investigate in the universities.

Into this comfortable, well-established tradition came Talbot "Sandy" D'Alemberte, a native of Chattahoochee, Florida. To my knowledge, Sandy D'Alemberte is the only person in recorded history to combine, in the same resume, diplomas from the public schools of Chattahoochee, Florida, the University of the South at Sewanee, Tennessee, and the London School of Economics. Some of us considered it a little short of miraculous that Sandy's open and voluntary association with the socialist-dominated London School of Economics was not a disqualifying factor in his quest for admission to law school at the University of Florida. We decided the Admissions Committee probably overlooked the risk out of respect for the Rotary Foundation, which had somehow, probably in all innocence, financed the London School caper.

Even as a law student, Sandy made it clear he intended to become part of Florida's ill-defined and somewhat tattered reform effort. Although we who were his contemporaries took him seriously, none of us were ready for what happened next.

In the early 1960's, government in Florida was firmly established in the ranks of America's weakest and least respected. By the early

* Member, United States House of Representatives, 1983-1988.

1. V.O. KEY, *SOUTHERN POLITICS IN STATE AND NATION* ch. 5 (1949).

1970's, Florida's legislature and judiciary were among the strongest, most independent of outside influence, and most respected of all state legislatures and judiciaries.

Much credit properly goes to such leaders as Dick Pettigrew, Marshal Harris, Terrell Sessums, Reuben Askew, Murray Dubbin, Lawton Chiles and others, who fought and won the difficult battles leading to Florida's extraordinary reforms. Without taking anything away from their achievements, I want to suggest that Sandy D'Alemberte played a unique role in bringing about those reforms—a role which continues up to this very day.

When I first came to the Florida Legislature in 1968, Sandy was already part of the leadership. My first committee assignment was the newly created Committee on Ad Valorem Tax Reform, which Sandy chaired.

As I began to understand the proposition, our Chairman had an outrageous idea: Exemption from Florida's ad valorem tax should only be granted in situations which could be justified under the Florida Constitution!²

As the Committee began its hearings, it became apparent that property tax exemptions were being granted as a routine matter to all property owned by groups whose names appeared to coincide with constitutionally-specified exempt purposes, regardless of the purpose to which the property was put. The fact that this practice was impermissible had not previously been considered relevant.

This meant that if the Committee took its mandate seriously, we would necessarily confront every good and holy group in Florida, from the Catholic Church (property leased to parking lot operators), the Presbyterian Church (retirement facilities for wealthy retirees), to the Boy Scouts, Girl Scouts, American Legion, Elks Clubs, and even Blue Cross/Blue Shield.

While the rest of us on the Committee were gasping in horror, Sandy D'Alemberte was becoming increasingly intrigued.

What resulted was a two-year donnybrook. During the first year, nothing constructive occurred. In fact, the counterattack by the good and holy people was so strong that the abolition of our Committee was a distinct possibility. During the second year, however, public opinion shifted strongly our way, as more and more Floridians came to agree that property used for profit-making purposes should pay its fair share of taxes, regardless of its ownership.

2. FLA. CONST. art. VII, § 3 provides in pertinent part, "Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation."

Ad valorem tax reform was finally enacted by the Florida Legislature, and the "radical" ideas first outlined by Sandy D'Alemberte are now widely accepted as basic to a fair system of taxation. More important, the experience and credibility gained from this effort set the stage for the much larger reform of article V of the Florida Constitution.

To those of us who appreciated both the substance and the politics of the rewriting of article V, this was by far the most far-reaching reform of the 1970's. Indeed, as the counterpart reforms of the executive and legislative branches have increasingly failed to live up to their earlier promise, Florida's revitalized judicial system may prove to be the *only* permanent reform of the 1970's.

As with ad valorem tax reform, the rewriting of article V is based on radically simple concepts. Courts should be adequately staffed and funded to assure relatively swift and sure justice. They should not be used by any unit of government as a final resting place for lawyer-politicians, or as a means of raising revenues.

Instead of a colorful variety of courts, each with limited jurisdiction but unlimited zeal in guarding its turf, Sandy proposed a two-tiered system with uniform jurisdictional limits throughout the state. The result has been far greater flexibility in utilization of judges, so that case loads and backlogs have been far more manageable.

Often overlooked, but of great significance, was the parallel consolidation of the prosecution function, which had previously been a patchwork reflecting the varying jurisdictions of the courts.

Justices of the peace, county court judges, city prosecutors, county solicitors, judges of criminal courts of record, and circuit judges had nothing in common except their intense dislike of any proposal which reduced or (perish the thought) eliminated their jurisdiction. Once again, Sandy had managed to take on as powerful a group of adversaries as one could imagine.

All of which is to say that drafting article V and securing necessary legislative support was a significant victory. Capping this off with the consensus necessary for approval by a majority of the voters of Florida was one of the major legislative achievements in modern Florida history.

Most Floridians do not know (or care much) what happened ten years ago—much less twenty. I have referred to these incidents of ancient history only because they show the same creativity and the same restless dissatisfaction with mediocrity which has characterized Sandy D'Alemberte throughout his remarkable career.

As a law student, and again as a legislator and lawyer, I have found myself alternately inspired and exasperated by Sandy's ideas

and crusades. And yet, throughout, I have been aware that associating with Sandy has changed me—changed me for the better. Other lawyer-legislators have told me they experienced this same phenomenon. Simply put, Sandy's role was that of a catalyst. He not only changed Florida's government: he changed and inspired the people with whom he worked in government.

Although it is too early to make any definitive predictions, I suspect Dean D'Alemberte's impact on legal education will turn out to have been much the same as his impact on government. All of us know that rumors and dark muttering about deans are not to be taken seriously.³ The difference with Sandy is that the muttering is not confined to his own faculty. The implication is that, once again, Sandy has challenged traditional ideas and practices in legal education, in ways that would be untenable, except for their intellectual soundness.

The American Bar Association is an accurate reflection of all the good and all the bad in its membership. It is capable of combining all the noblest traditions of the profession with the ill-concealed selfishness of a union at its worst. As Dean D'Alemberte prepares to retire from academia and assume national leadership of the Bar, no one can predict the precise direction of the debate. Only that the American Bar Association will be more relevant, more credible, and more true to its mission at the conclusion of Sandy's term.

And the people with whom Sandy reacts? They'll never be the same again.

3. See Rosovsky, *Deaning*, HARV. MAG., Jan.-Feb. 1987, at 34. The author, a long-time Harvard Dean, openly sympathizes with Antonio Salieri, and makes the point that personalities in university faculties bear a surprising resemblance to Amadeus (brilliant, infantile, and inclined to identify all authority figures with a much-hated parent).