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John Grady Hodges Apalachicola Anecdotist (1911-1998)



Hillsborough Circuit Judges at a fishing hole somewhere. Between 1960 and 1965. Left to right: Hidges, McMullen, Sandler, Moody, Spoto and Maxwell.

Immortal thinker Aristotle's comment about a play applies to mortal man's life as well. A play, he said, has a beginning, a middle and an end.

John Hodges had his beginning on August 29, 1911. His birth certificate, on file in Atlanta, Georgia, documents that he was born alive. Alive he was, and live he did, with gusto, for the ensuing eighty-six plus years. How is it that a 4th generation Floridian, whose ancestors settled in Apalachicola or environs, was born such a distance away? Well, there was no hospital in Franklin County. Moreover, it is believed the new baby's father, Joseph Harper Hodges, wanted his first-born to take his first breath in Atlanta. The senior Hodges was 33 at the time, but John, who also sired three children, outdid old dad by not marrying until age 40.

For those not acquainted with the area, historians tell us that the port of Apalachicola wasn't established until 1822 when President Monroe appointed a port collector. Before then, the Indians had occupied the territory for 10,000 years. Its strategic location made it the situs of a naval blockade by Union forces during the Civil War. During World War II, a major Army Air Corps airfield was established. Nearby was Camp Gordon Johnston, one of about 200 temporary military installations in the Sunshine State. Dr. John Gorrie, a physician, is credited with developing the first ice-making machine while living in Apalachicola. The former Hyde Park Grammar School in Tampa was given his name in 1915, and has since been called Gorrie Elementary. Today, Apalachicola is best known for its seafood restaurants. Its population in 1997 was 2700 people, and the town boasted 22 eating places. Oyster harvesting was formerly a major industry, but growth, habitat incursions and development appear to have decimated it.

Hodges had a remarkable life. The man did so many things well: newspaper reporter, lawyer, social lion, judge, mediator, teacher, outdoorsman, scout leader, husband and father. There was little that John Hodges left undone in the course of his long life. His longevity surely was genetically linked to his mother, Alice St. Clair Hodges. She lived to be 101 years of age.

Hodges attended Emory University, but did not receive an undergraduate degree (none was required at that time). He was a young man in a hurry, so he applied for admission to Georgetown University Law School and was accepted. While in school, he worked nights as a cub reporter for the *Washington Times*. He was awarded his LLB degree in 1939.

The war clouds were already fully formed over Europe, so he decided it was a propitious time to seek a connection with the United States Navy. Less than two weeks

prior to his 30th birthday, he was commissioned an Ensign in the Naval Reserve. His application was supported by letters from influential people in his hometown like H.L. Oliver, President of the Apalachicola State Bank.

Before being called to active duty, Hodges commenced the practice of law in Tallahassee, as an associate in the firm of later-Governor, Leroy Collins. That connection would prove valuable to him after Collins was elected Governor in 1954. It should be added that having John Hodges head up his campaign in Hillsborough County was a stroke of good fortune for Collins. He carried this county where he was not well known and not expected to do well.

Years before giving any thought to political campaigns, John's time was given to naval duty, serving as both an intelligence officer and, later, as a gunnery officer in both the Atlantic and Pacific theaters. He was discharged in early 1946, in the rank of Lt. Commander. Included in his memorabilia is a certificate commending him for his service, issued by President Truman on March 17, 1946.

In July of the latter year, he was appointed Asst. U.S. Attorney in Tampa, under the longtime prosecutor, Herbert Phillips. Phillips, who was originally appointed by Woodrow Wilson, was later swept out of office during a Republican administration and then reappointed by FDR.

There can be little doubt that the new prosecutor in town got caught up in Tampa's social whirl - a handsome, well-turned-out 35-year-old bachelor just home from the Big One. Here's what Sara Keller Hobbs had to say in October, 1946, in her society column in the *Tribune*:

An attractive addition to our eligible men-about-town is John Hodges, who hails from Apalachicola and who is an Asst. in the U.S. District Attorney's office. He was a Lt. Cdr in the Navy during the war, is brunette and charming, and should make the hearts of the local eligible young ladies skip at least three or four beats. "Red Skelton (or perhaps Fibber McGee) might have said, "Old four beat John, he was knowed as in those days. "

Hodges quickly became a member of the elite Merrymakers Club. Former judge, John Germany, now in private practice, says his earliest memory of John Hodges is when he brought the assemblage of young revelers to near hysterical laughter with his impersonation of Claude Pepper. John also accepted an invitation to join Ye Mystic Krewe of Gasparilla. In 1949, he was a candidate for King of that citadel of Tampa's social superstructure.

Leaving the U.S. Attorney's office in 1947, he teamed up with Joe Gillen, also a former federal prosecutor, to form the firm of Gillen & Hodges. Its headquarters was in the Petteway Building (corner of Twiggs & Florida Aves.), Neil McMullen (later a colleague on circuit court) practiced law at that location with his father, Don McMullen. In the early 1950's, Gillen worked as United States District Judge John Barker's law clerk, then became Clerk of the Second District Court in Lakeland, where he served with distinction. Many lawyers in trial practice remember Gillen's son, Guy, who was in charge of our circuit court jury system.

In the course of his "lawyering," John handled a number of high profile cases. One receiving widespread public attention was when Hodges was associated as counsel with C. Jay Hardee, Sr., representing Joe Provenzano, who was on trial for murder in early 1949. Judge Harry N. Sandler presided. Attorneys for the defense were an incongruous pair. Hardee was a loud, tough, and aggressive criminal defense lawyer. Hodges was

more restrained and polished, but no less effective. The defense team prevailed over a trio consisting of State Attorney J. Rex Fariior, his assistant Fred T. Saussy, and special prosecutor, Grady Burton, of Wauchula. The case went to the jury at 6:00 p.m. At 6:15, the foreman announced that the jury had reached a verdict. Clerk, Raymond Vegue, gave it to judge Sandler, who glanced at and handed it back to the clerk, who recited that Mr. Provenzano had been found not guilty.

After Leroy Collins became Governor, Hodges was rewarded with appointment as attorney for the State Beverage Department. In 1960, he was one of three chosen (prior to the present Judicial Nominating Commission process) as circuit judges of this circuit - the others being Neil C. McMullen and Oliver Maxwell. Judge Hodges served until his retirement in 1981, without ever facing opposition.

Judge Hodges maintained several scrapbooks with records of his military service, legal career, volunteer duty with Boy Scouts, his social activities, and finally, his judicial record spanning more than 20 years. His wife, Mary Ruth, made those pieces of memorabilia available for use, and the writer is indebted to that gracious lady for her assistance.

Here is a short statement about a few of the important decisions rendered by the judge during his tenure:

(a) In 1963, he invalidated a City of Tampa "Blue Ordinance" that banned the sale on Sunday of some 43 items, mostly goods offered by discount houses and chain stores. Its ruling that the law was discriminatory and unfair was applauded editorially by the *Tribune*.

(b) In September, 1963, he decided that private lessees of Tampa Port Authority property were not exempt from city and county taxes.

(c) In January, 1966, he ruled that 18 private property owners close to Tampa International Airport runway were entitled to compensation for invasion of air space up to an altitude of 250 feet, and the Airport Authority was mandated to file eminent domain proceedings within 60 days. An appeal was taken to the Second District, but he was affirmed.

During the debate on the need for change in the state's judicial structure (proposal to amend Article V of the Constitution), Hodges and fellow judge, James S. Moody, publicly opposed the amendment, but it was nevertheless adopted and took effect January 1, 1973.

Less than average height, well-upholstered, with courtly charm, and endowed with rich humor, John Hodges was at ease in any situation. He met his future bride at a bridge game in Tampa. Both of them were exceptionally good players. How their first card-shuffling experience came out is unknown, but we know that John captured the lovely Mary Ruth Betts and, as the song says, it was the start of something big. The issue of that union, in order of appearance, were John, Jr., Bobby, and Jane.

Before retiring from the court, Hodges taught law at H.C.C., and began acting as a mediator/arbitrator with marked success for years. Later, he was active as a senior judge in Pinellas County, and was so popular that an office was made available for him there.

All his life, "Coco" (his nickname) was an avid hunter and fisherman (see photo accompanying this article). His friend and fellow sailor, Howard Garrett, says that John was an excellent mariner but, unfortunately, was not as good at keeping fuel on board! His boat, "Mistrial" (or Miss Trial) ran out of gas and was stranded for a time in the Gulf,

short of the St. Marks buoy, their destination. The temporary redness in his face at that time was not due to sunburn.

After his death, Mrs. Hodges received a lovely letter from Diana Rosenbaum, an official with Mediation & Diversion, who worked with him frequently. She said, in part, "He represents the best of his generation, an American Gentleman. There were qualities in him that I'm afraid I won't ever see again in quite the same unique sweet, but not too sweet, bracing 'cocktail.'"

When Robert Benchley died in 1945, his colleague, James Thurber, quoted a mutual friend as saying: "They're going to have to stay up late in heaven now, and what is more, they must be having the time of their infinities, lucky angels." John Hodges was no angel, but we feel good remembering him, enjoying his good humor, admiring his wisdom and all that he accomplished.

- *Morison Buck*

Afterword:

Humor, to a man, is like a feather pillow.
It is filled with what is easy to get but gives great comfort.

- *Irish Proverb*