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BEN KRENTZMAN (1914-1998)
Gentle in Spirit, Resolute in Robe

Historian and twice Pulitzer Prize winner for biography (Grover Cleveland, Hamilton Fish), Allan Nevins (1890-1971) once wrote, “History is not a remote Olympian bar of judgment, but a controversial arena in which each generation must make its own estimate of the past.”



Looking back at the life of Ben Krentzman, we see a major player in the judicial history of the Middle District of Florida, and, indeed, of the entire Sunshine State. Over his lifetime, he played a series of roles: lawyer, Bar leader, sachem in Pinellas County Democratic politics, decorated Army officer, family man, church official, and finally, United States District Judge for the Middle District of Florida. In the latter capacity, he was in the epicenter of the storm surrounding some of the most volatile and difficult issues facing America during the turbulent sixties and seventies.

The future judge was born Isaac Benjamin Krentzman, Jr. on March 21, 1914 in the sleepy town of Milton, seat of county government in Santa Rosa County, Florida; a look at the map tells you at once why West Florida is popularly known as the Panhandle. He was the only son of I.B. and Juanita Rogers Krentzman. They also had four daughters, all of whom had attended Florida State College for Women in Tallahassee, forerunner of Florida State University. The Krentzman girls were honored in 1986 upon being named Honorary Marshals of the FSU Homecoming parade, smiling and waving to the throng of spectators from an open convertible. That happy spectacle was witnessed by many, including former Governor Leroy Collins, who wrote a detailed history of the family in the January 11, 1988 *St. Petersburg Times*.

I.B. Krentzman was a Jewish immigrant from Lithuania who came to America as a small boy, and grew up near Birmingham, Alabama. After his marriage to Juanita Rogers of Athens, Alabama (close to its Tennessee boundary), the Krentzmans settled in Milton. “Formerly known by the eloquent names of Scratch Ankle and Hard Scrabble, it was established as a trading post about 1825. Just which Milton was honored by the final name is in dispute. Some say it is a contraction of an earlier Milltown; others that it was Milton Amos, a pioneer and ancestor of the present Amos family; still others that it was John Milton - not the English poet but the Civil War governor of Fla.”* The family home was there until I. B.’s death in 1939 at age 57. At that time local papers lauded him as a merchant who was a leader in Santa Rosa County business, civic and charitable affairs.

Ben's father was bonded to the faith of his ancestors; Juanita was equally committed to her Protestant roots and thus remained a Methodist. The children were encouraged to participate in the church of his or her preference, and there was never known to be any conflict within the family circle as result of the personal choices made by individual members. After receiving his early education in Santa Rosa County schools, Ben enrolled in the University of Florida where he excelled as a student and as a leader. After being awarded a BS degree, he was tapped for membership into Florida Blue Key, and elected President of that distinguished society in 1937. Meanwhile, he was accepted into the College of Law at Gainesville and graduated with his LLB on May 30, 1938. Graduating in law that same year were one future Supreme Court of Florida Justice, James C. Adkins, Jr., also several men who became highly regarded lawyers with Tampa connections: Delphin A. Arduengo, Paul R. Dixon, Manuel M. Garcia, William S. Rodgers, Edward F. Boardman (later United States Attorney then Second District Court of Appeal Judge), George A. Smathers, destined to become United States Senator from Florida. There were no female members of the Class of 1938. Ten years later when this scribe received a law degree without honors, there were two women graduates, the late Frederica Cook and Marie Garcia of Tampa who became and still is Mrs. Howard L. Garret.

* From Florida Place Names, 1995 by Allen Morris. Used by permission of Pineapple Press, Inc.

During his tenure at the University, Ben was active in campus politics, and also was recognized as a spirited debater. One of his colleagues on the debating team was the aforementioned George Smathers. Krentzman was a lifelong Gator fan, attending home football games with his lovely wife, Wilma, whenever possible. Although not ranking perhaps at the top of his own list of achievements at Gainesville, he was on an all-male squad of cheerleaders and member of the Gator Pep Club. Senior Judge William Terrell Hodges now in Ocala has a photo of that group at a 1935 Gator football game, and Ben Krentzman is readily recognized. He and Judge Krentzman were closely associated in the Tampa Division of the Middle District for some time. He also delivered a movingly beautiful eulogy at his friend's funeral service in 1998.

With his law degree in hand, he settled in Clearwater which was to be headquarters for the remainder of his life. It is thought that one of his law professors in Gainesville recommended Clearwater as a good spot for a new twenty-four year old lawyer to set up shop.

When war clouds were about to envelop his country in 1941, Krentzman received a commission in the Army of the United States. His service included some time in a combat zone in the Philippines, for which he was awarded the Bronze Star. That decoration was established in 1944 to honor one who has demonstrated heroic or meritorious achievements during a military operation. He was discharged in the rank of Lieutenant Colonel in 1946. Before that year ended, the returning decorated veteran made his wisest and most important decision, on or off the bench, when he married the love of his life, Wilma McMullen, a member of one of the areas pioneer families, on November 30, 1946 at Peace Memorial Presbyterian Church in Clearwater. He and his bride first met at a young singles social function at the Jaycee Beach Club. Judge and Mrs. Krentzman have three children, a son, John, and two daughters, Mary Lou and Elizabeth, and several grandchildren. After his marriage to Wilma (for whom he had an affectionate nickname, "Bunny"), he adopted the Presbyterian doctrine, becoming a Ruling Elder and Sunday School teacher in the church. His religious views could be described as devout but not pietistic.

After his military service was concluded, Krentzman resumed the practice of law in Clearwater, forming associations with others from time to time with which he was comfortable. Prior to 1941 he had teamed up with an older lawyer, Charles E. Ware, to practice as Ware & Krentzman. In the late 1950s he organized the firm of Krentzman & MacKenzie (William M. MacKenzie). Later associates included Barry L. Williams and Richard Bennison. Early on he showed an affinity for public service-related professional work after he was appointed City Attorney for Clearwater and the Town of Largo. For a short time, he was Special Counsel for the State Road Department. A busy law practice didn't preclude Krentzman from assuming a leadership role in the fraternity of Pinellas county lawyers. Elected President of the Clearwater Bar Association, he then served on the Board of Governors of The Florida Bar. Ralph Dell, formerly of Tampa where he was an outstanding trial lawyer for many years, who now resides in Redington Shores, knew Krentzman well and has this to say about him:

He served on the Board or Governors of the Florida Bar when I did. Later he and I served on the Home Mission committee for the Presbytery of the Presbyterian Church in the U.S.A. He was still on the committee after his appointment to the federal bench. He felt that he should not continue after his appointment. He was always very careful not to have any activity that might be considered to affect his judicial position. He was a hard-working individual as I knew him, either on the Board of Governors or in his service to the Church committees.

He was the trial judge in the federal government's anti-trust case against Florida SteelCorp. and others. I represented one of the principal defendants, and Manuel (Manny) Garcia (who was in the Judge's graduating class at Gainesville) was attorney for another defendant. One incident that occurred during the trial. An objection was made to a question of a witness, and we were having a bench conference. Garcia, a tall and very aggressive advocate, felt that a young (but large) prosecutor had shoved him while trying to approach the Court so Manny gave him a good shove. The prosecutor was about to take a swing at Garcia when Judge Krentzman looked up from reading a case, and ordered the prosecutor to behave himself and not try to intimidate Mr. Garcia. We all had a hard time keeping a straight face.

Over the years, I found that Judge Krentzman listened fairly and intently to arguments presented, even when I did not win. He was a very conscientious judge.

T. Paine Kelly, Jr. was one of the most polished and durable trial lawyers in the Tampa Bay area. Still in practice but avoiding the rigors of jury trials, Kelly has written books about his wartime experiences and prisoner-of-war experience, and also about his stellar career in law. Prior to Ben Krentzman's tenure in that office. Kelly was president of Florida Blue Key. About Krentzman, he muses:

I tried Cases before Ben when he was on the District Court, and I also tried several cases against Ben in Clearwater before his appointment, and I guess I won most of them. So I always felt that when he became Federal Judge he was determined to get even. But he was always fair in my cases and

we became friendly before his death, although he was a liberal Democrat and I was a conservative Democrat.

Ben Krentzman was a highly visible figure in both local and national Democratic Party politics. But he was not, says wife Wilma, promoting himself as a candidate for any judicial or political appointment. There was, however, much speculation in the local press about his potential for that eventuality. Chief Justice Charles Evans Hughes commented about a popular public figure at that time: “We measure our extraordinary men as we do ships by their displacement.” Paraphrasing Hughes, it is clear that Ben Krentzman displaced everybody when the time came for President Lyndon Johnson to nominate a replacement for Judge Bryan Simpson as judge of the Middle District Court in Florida.

1967 was Krentzman's *annus mirabilis*. It was then that he was chosen at age 53 with appointment to his first and last judicial post. He was confirmed by the Senate on June 12, 1967. Serving as Chief Judge during 1981-82, he took senior status on Nov. 15, 1982. Serving with diligence as long as his failing health permitted, he was gathered unto the fathers on March 29, 1998.

His career in law spanned more than five decades. As a journeyman lawyer and as a federal judge, he was a subscriber to perfection. Bob Cooke of Tampa, who retired in 1983 as Deputy Clerk in charge of the Tampa Division, says that the Judge was a galvanic personality on the bench, always wanting everything to be “just right.” Judge Krentzman surely shared the work ethic of Teddy Roosevelt, “Do what you can, with what you have, where you are.”

Usually the most dependable source of information about any person's job performance is the people who have frequent first-hand knowledge. Who better able to evaluate a federal judge's abilities than his assistants, clerks and ancillary officials who see him (or her) in action regularly? In Judge Krentzman's case, that group would include Carol Arias, who was his trusted and loyal judicial assistant for 18 years. Also his law clerks like Gregg Thomas, Terry Smiljanich, and Peter Grilli, to mention just a few; United States Court of Appeals Judge Charles R. Wilson of Tampa, and Magistrate Judge Thomas G. Wilson, also of Tampa. All of

this distinguished company have made a contribution to this story, and the writer is in their debt.

Circuit Judge Wilson relates that Judge Krentzman presided over his first federal jury trial where he represented a woman charged with Medicare fraud. During closing argument, Wilson suggested that the jury might want to request a trial transcript of the testimony of one important witness should their recollection differ with Wilson's. At that point, Judge Krentzman stopped the proceeding to chasten counsel for defendant for violating Local Rule 5.03(a)(15), Middle District of Florida. Adds Judge Wilson: "Judge Krentzman was a no-nonsense judge. You had better be well-prepared and familiar with the Rules or he would not hesitate to remind you of them in the presence of your client and all assembled."

Magistrate Judge Wilson has a warm recollection of the Judge's devotion to his family and to children in general:

There was a large ceremonial proceeding, probably an investiture. Before a packed courtroom, a young child was being noisy. Many presiding officers would have taken some steps to squelch the noise. Judge Krentzman, however, announced that in his view, there was nothing more wonderful than the sound of a young child's voice.

The lawyers young and with exemplary scholastic records in law school who clerk for the Judge with whom this scrivener has been in contact are outspoken in their praise of his demeanor and acumen while acknowledging his mercurial temperament. One of them, Terry A. Smiljanich, expounded at some length about his former boss' effectiveness and courage under fire:

Perhaps the most famous case handled by Judge Krentzman was the desegregation of Hillsborough County public schools in the late 60s and early 70s. There was extreme resistance to any and all forms of desegregation of public schools. When then Governor Claude Kirk resisted certain orders of Judge Krentzman regarding the desegregation. Judge Krentzman issued an order stating that Governor Kirk would be held in contempt of court if he did not comply with court orders. Needless to say, Governor Kirk backed down. Given the mood of the populace during those times, Judge Krentzman received many death threats, and required (over his resistance) protection from the U. S. Marshal's office." (Author's Note: The Tampa Tribune of April 12, 1970 reported that Kirk was held in civil contempt with a \$10,000 daily fine should he continue to interfere with Manatee County schools contrary to Krentzman's orders).

Judge Krentzman presided over several cases involving organized crime in the Tampa area, including tax evasion cases against organized crime figures, and one case that was featured in the Martin Scorsese film "Goodfellas."

He was involved in several important environmental cases. He extended the authority of the federal government to prevent environmental degradation, particularly by ruling that the Army Corps of Engineers had jurisdiction to deny permits on environmental grounds in any and all navigable waters.

On a more personal level, I recall one case that received little publicity but showed Judge Krentzman's compassion. Back in the mid-70s, a local Tampa gadfly named Jim Fair was constantly

filing lawsuits against the “Tampa Establishment” for various perceived violations of public policy and the law. These lawsuits were mostly unsuccessful. In 1974, Jim Fair was arrested by the Tampa police on vagrancy charges and incarcerated in jail. He immediately began drafting habeas corpus pleadings on toilet paper and other scraps of paper which he sent to the District Court. Judge Krentzman set one of his motions for a morning hearing. This was unusual, since Mr. Fair's pleadings hardly complied with local rules and raised constitutional issues that were non-existent or difficult to decipher. The morning of the hearing, I heard Judge Krentzman tell the Marshal's office: “I want you to be sure to keep Mr. Fair in our federal facility all day. Give him a nice lunch and dinner. I know he feels threatened by the whole Tampa establishment, and I just want to be sure that he can get a day away from all that and feel that someone is at least listening to him.” It was then I understood why Judge Krentzman had scheduled a hearing on a matter that normally would not have required a hearing.

There were a number of other noteworthy cases before Krentzman over the years, e.g.

The Bremen case. The opposing lawyers, both from Tampa, were David C.G. Kerr and Dewey R. Villareal, Jr. The Court's Order in that case is reported in 296 F.Supp 733. It made the appellate circuit all the way to the top. Any reader interested, the citations are: 428 F.2d 888 (1970), and 92 S.Ct. 1907 (1972). As a sidebar to the case, Messrs. Kerr and Villareal, ironically, died on the same day, Feb. 23, 2002.

In 1975, the Judge drew the wrath of local newspapers when he had a meeting with the lawyers that was closed to the press. Also, he would not permit them to see some documents during the five month 'influence-peddling trial of former U. S. Senator Ed Gurney. He also incurred the blatant displeasure of a lawyer from Cleveland, Ohio who represented a man charged with tax fraud (U.S. v. Herzog). The Tampa Tribune edition of March 30, 1979 reported the unusual contretemps between the Judge and Terry Gilbert, attorney for Mr. Herzog. The 30 year-old lawyer said years later:

Judge Krentzman was as hostile a judge as I ever appeared before in all my years of practicing criminal defense. He was biased against northern lawyers. He bent over backwards to Judy Rice (the prosecutor) and never gave me a break throughout the entire trial. (Author's note: Herzog was convicted at trial, and on appeal, the conviction was affirmed).

At an official court proceeding honoring Judge Krentzman on his 75th birthday, his court reporter and friend, Edward R. (Ted) Mack, now residing in an assisted living facility in Tallahassee (after a stroke), recited some doggerel prepared by him as a tribute to the Judge. Ted is himself a lawyer who enjoyed a long career in the service of judges on the U. S. District Court. He has countless friends in Tampa, likes to make people laugh. You can see that he has the talent to put his pen to use for that worthy purpose:

In a small Panhandle Village on a dusty Southern road
Our District Judge Ben Krentzman, as a boy made his abode.

Now Milton's not Las Vegas but Ben's life was never slack.
He starred at Milton High School in the role of Quarterback.

From there he went to college at that famous Gainesville U.
He served as a Cheerleader there, a fact that's known by few.
Now this was then an all-male school and life was rough and callous.
Cheerleaders didn't look like those who now perform for Dallas.

He served on the Debating Team with Miami friend George Smathers.
George often made the statement that, "If I can have my drathers
Someday I'll be a Senator, and let me now report
That when I do I'm appointing YOU to the U. S. District Court."

But came the War and Ben went off to some jungle combat scenes.
He served with valor when our guys retook the Philippines.
When peace came he returned to Law and wed his pretty wife
And loved his thriving practice and that "sparkling downtown" life.

He became a Judge; but if Politics had been his chosen game,
Wilma could have helped him rise to even greater fame.
In any race he ran in he'd have gone up like a rocket
With thousands of McMullen votes all safely in his pocket.

For Judges these were troublous times. They got a lot of heat.
But Ben displayed rare genius for landing on his feet.
Even his "Busing Order" made at least Sports Fans believers.
Tampa schools got good at Basketball; had super Pass Receivers.

Though wise and diplomatic, he could be tough now and then;
And counsel called him - tongue-in-cheek - by a nickname, "Gentle Ben."
His record on reversals was among the best we know.
If there WERE such things for Judges, he would be a sure ALL-PRO.

Now he's taking Senior Status, with more time to read and fish.
With at least five grandkids growing up, these things for him we'd wish:
May the girls all be Cheerleaders - - perhaps also Debaters.
And may each boy complete his joy by playing for the GATORS!!!

POSTSCRIPT

We're happy to be here tonight, to see Ben make the scene
As a member of that exclusive club called THREE SCORE AND FIFTEEN.
The GATORS have helped him celebrate - - let your applause be brisk --
With a brand-new Conference Championship - - WITHOUT AN ASTERISK!

"To everything there is a season and a time to every purpose under the Heaven."

Ecclesiastes 3: 1. Ben Krentzman was on the District Court at a critical season in modern times to fulfill his destiny, tearing not the thorns or the sharp stones along the path of his life (as Kahil Gibran phrased it).

He had a long life, outdistancing the coveted three score and ten by fourteen years. Ben Krentzman believed in staying productive as long as he was capable. And he did.

Morison Buck

AFTERWORD: FREEDOMS TO LIVE BY

Freedom from hate unconditionally;

Freedom from self-pity;
Freedom from the tear of doing something that
would help someone else more than it does me;
and freedom from the kind of pride that makes
me feel like I am better than my brother.

--Edw. Kennedy (Duke) Ellington