

1997

Remarks, Presentation of the Fordham-Stein Prize to Judge Gerald Bard Tjoflat October 31,1996

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Recommended Citation

Byron R. White, *Remarks, Presentation of the Fordham-Stein Prize to Judge Gerald Bard Tjoflat October 31,1996*, 65 Fordham L. Rev. 2405 (1997).

Available at: <https://ir.lawnet.fordham.edu/flr/vol65/iss6/2>

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**PRESENTATION OF THE FORDHAM-STEIN
PRIZE TO JUDGE
GERALD BARD TJOFLAT
October 31, 1996**

INTRODUCTION

Byron R. White

DEAN Feerick, members of the family of Louis Stein, Fordham Law School faculty, alumni, and friends. It is a great privilege for me to be here to present the 21st Annual Fordham-Stein Prize to Judge Gerald B. Tjoflat, of the United States Court of Appeals for the Eleventh Circuit. He is an outstanding member of the federal bench who has contributed so much to our judicial system for so many years and whose integrity, compassion for others, and great courage serve as a benchmark for all of us.

In presenting this evening's prize, we also honor, the late Louis Stein, creator and benefactor of the Fordham-Stein Prize, whose life was devoted to the public interest and service of his fellow man. Mr. Stein's vision was that this would be a national award which would emphasize in the public's mind the contributions of lawyers to our society and to our democratic system. With this mandate, each year a distinguished selection committee receives nominations from jurists, professors, and other prominent attorneys across the nation.

Over the years, honorees have included four members of the United States Supreme Court; three ex-Secretaries of State and other cabinet members; highly revered lower court judges; and other worthy individuals. Gerry, if I may still call you that, you are in fast company, in the high clover as we say in the West. But you clearly do justice to this great tradition.

Judge Tjoflat was born in Pittsburgh and attended local public schools. He studied at the University of Virginia (1947-50) and the University of Cincinnati (1950-52). His first year at the University of Cincinnati Law School was interrupted by military duty, and he subsequently served in the U.S. Army for two years, as a special agent of the Counterintelligence Corps.

In 1955, Judge Tjoflat resumed his legal studies at Duke University School of Law, where he was associate editor of that school's law journal. After receiving his law degree in June of 1957, he joined the Jacksonville, Florida firm of Howell & Kirby where he practiced for ten years until his appointment to the bench of the Circuit Court, Fourth Judicial Circuit of Florida, in 1968.

Judge Tjoflat served as a judge of that court, and also sat from time to time on the Florida District Court of Appeals, until October 28, 1970, at which time he was appointed to the United States District Court for the Middle District of Florida, where he served until December 12, 1975, when he was appointed to the United States Court of Appeals for the Fifth Circuit.

Judge Tjoflat served on the Fifth Circuit bench until September 1, 1981 and thereafter became a member of the newly created Court of Appeals for the Eleventh Circuit. Eight years later, on October 1, 1989, he became the Court's Chief Judge, serving the complete seven year term, as allowed by statute, and stepping down from that position on October 1 of this year.

Jerry Tjoflat's colleagues on the Eleventh Circuit bench and members of the bar filed a supporting statement about his career as a judge, and it sets forth eloquently the reasons why he was chosen by the Fordham-Stein Committee to receive the 1996 Prize. I quote the opening paragraph:

As judges in the Eleventh Circuit who have worked with him, we know of no one whose life and work better exemplify the highest standards of professional conduct and dedication to the rule of law. His energy and devotion to the realization of the rule of law through the administration of justice and through leadership in his community are demonstrated in his work as a lawyer, judge, and judicial administrator. He has made many contributions to this country's system of justice and helped to create a positive perception of that system.

The statement goes on to detail the support for this assessment of a great judge; and much of what I have to say is taken from this account.

One of Judge Tjoflat's assignments when he became a judge of the United States District Court for the Middle District of Florida was to take over a pending case involving desegregation of the Duval County public school system. After months of working literally day and night, he issued a comprehensive order creating a structure for the desegregation of the school system.¹ The order was praised by responsible groups in the community, but other elements did not agree and responded with threats against Judge Tjoflat and his family. For many months afterward, he had the company of U.S. Marshalls at his residence and elsewhere.

As a District Judge, he also streamlined the administration of criminal cases by implementing an "omnibus" system of pretrial hearings. Due in no small part to his efforts, that system was widely adopted, and is still used, in many federal districts throughout the nation. While carrying a full load of cases in Jacksonville, Judge Tjoflat also

1. See *Mims v. Duval County Sch. Bd.*, 329 F. Supp. 123 (M.D. Fla.), *aff'd*, 447 F.2d 1330 (5th Cir. 1971).

tried a number of multi-defendant cases in other courts that the Chief Justice assigned to him.

In 1975, when Judge Tjoflat was appointed to the United States Court of Appeals for the Fifth Circuit, that court was then the country's most heavily burdened appellate circuit. By the late Seventies, the court had grown to twenty-six judges in active service. Judge Tjoflat strongly believed that an appellate court of that size could not properly function. In his view, a "jumbo" court would suffer from internal inefficiency and loss of collegiality, and ultimately would produce a body of law that is both unstable and unclear, thus failing to perform one of the principal functions of an appellate court. He worked tirelessly to support legislation that would split off the old Fifth Circuit and create a new court. After several years of strenuous effort, that goal was achieved, and the new Eleventh Circuit Court of Appeals was created.

His colleagues' assessment of Judge Tjoflat as Chief Judge of the Eleventh Circuit is as follows, and I quote:

He proved to be one of the rare individuals who could lead a federal circuit through sheer force of untiring energy, engaging personality, and powerful intellect. He has been guided by the conviction that achieving collegiality among judges, and a shared dedication to the common goal of producing clear and consistent decisions, are essential to the administration of justice. Even in a group as diverse as the Eleventh Circuit, he is universally revered as an outstanding example of all that a chief judge should be.

The emphasis on Judge Tjoflat's qualities as a leader should not overshadow his contributions as a judge. In *Hishon v. King & Spalding*,² he argued in dissent that Title VII's proscription of sex discrimination applied to a law firm's decision to admit a person to partnership.³ The Supreme Court ultimately agreed and reversed the decision of the panel majority.⁴ His opinion for the en banc court in *United States v. Beechum*⁵ is widely cited for its exposition of the admissibility of extrinsic misconduct evidence under Fed. R. Evid. 404(b). Over the years, he has authored other opinions that have been extremely influential on subjects as diverse as voting rights, abortion rights, admissibility of coconspirator statements, and a host of other issues. Just lately, Jerry had what was in effect a major victory. In the *Seminole*⁶ case he wrote an opinion announcing that the Indian Commerce Clause did not authorize Congress to waive the State of Florida's Eleventh Amendment sovereign immunity from

2. 678 F.2d 1022 (11th Cir. 1982), *rev'd*, 467 U.S. 69 (1984).

3. *Hishon*, 678 F.2d at 1030 (Tjoflat, J., dissenting).

4. *Hishon v. King & Spalding*, 467 U.S. 69 (1984).

5. 582 F.2d 898 (5th Cir. 1978) (en banc), *cert. denied*, 440 U.S. 920 (1979).

6. *Seminole Tribe of Fla. v. Florida*, 11 F.3d 1016 (11th Cir. 1994), *aff'd*, 116 S. Ct. 1114 (1996).

suits in federal court.⁷ This was in spite of the Supreme Court's earlier decision in the *Union Gas* case that, by virtue of the Interstate Commerce Clause, Congress had the power to waive a state's immunity.⁸ Judge Tjoflat knew he was bound by *Union Gas*, but concluded that it did not govern Indian Commerce Clause cases.⁹ Interestingly, in passing, he opined that *Union Gas* was seriously flawed. He also gave me a raking over for making the fifth vote in that case and for writing a cryptic concurrence not explaining why I joined only the judgment, not the opinion, a view shared by many others.¹⁰ The Court granted certiorari and affirmed five to four on the ground that *Union Gas* was indeed flawed and overruled that decision, thus reaching the same result that Gerry had come to.¹¹ This was indeed a major development in constitutional law.

In addition to his accomplishments as a jurist and leader of the Eleventh Circuit, Judge Tjoflat found time to contribute substantially to the administration of criminal justice, not merely through his decisions, but in the broader context of crime prevention and corrections. From 1975 to 1987, he was a member of the Advisory Corrections Council of the United States, a body charged by statute with overseeing the operation of the federal prison system. From 1973 to 1987, he was a member and then, after 1987, chairman of a seven-judge committee charged with overseeing the performance of the nation's probation and parole officers and with communicating to Congress the views of the federal courts on matters of crime and punishment. It is reliably reported that Tjoflat, the chairman, was affectionately called the Jacksonville Alligator because of his ferocious grip on the issues and intolerance of shoddy work, his great good humor, which of course was only hopefully like an alligator.

In 1980 and in 1985, Judge Tjoflat was also a member of the United States delegation to the Sixth and Seventh United Nations Congresses for the Prevention of Crime and Treatment of Offenders.

In 1975, a group of Jacksonville leaders asked him to consider serving as president of the North Florida Council of the Boy Scouts of America. Although he knew very little about scouting, he agreed to serve for one year. He approached the job with his customary enthusiasm, and quickly came to see scouting as a potential answer to many of the problems presented by young people with too much time and too little guidance. The one-year term as president of the council grew to ten years, during which the program under his leadership more than doubled in size. Much of that growth occurred in the disadvantaged and urban areas where scouting had previously achieved

7. *Id.* at 1026.

8. *Id.* at 1026-27 (citing *Pennsylvania v. Union Gas Co.*, 491 U.S. 1 (1989)).

9. *Id.* at 1027.

10. *Id.* at 1026-27.

11. *Seminole Tribe of Fla. v. Florida*, 116 S. Ct. 1114 (1996).

little or no foothold. Judge Tjoflat delivered scores of speeches to community leaders, not only in the South but all over the country, promoting the values of the scouting program as a tool to change the lives of young people at an early age. For his volunteer service, he was given scouting's highest honor, the Silver Beaver Award.

Judge Tjoflat has received other awards and honorary degrees too numerous to mention.

Judge Tjoflat is a member of St. John's Episcopal Cathedral, where he served several terms on the Vestry and as Senior Warden. He is an honorary life member of the Board of Visitors of Duke University School of Law, which has honored him many times for his years of dedicated service. Most recently, he was the subject of a tribute published by the *Duke Law Journal* containing contributions from a host of justices and judges who have worked with him, and come to know and admire him, over his years of service in the federal judiciary.¹²

Chief Justice Rehnquist said that Judge Tjoflat's "judicial accomplishments, along with his public service, are testaments to his outstanding career. [His] dedication to the judiciary and to his country are highly laudable."¹³ Judge Edward Becker of the Third Circuit Court of Appeals, who served with Gerry for eight years on the Probation Management Committee, said that he "never ceased to be awed by Gerry's total command of the realm that he oversaw" and that Gerry is the most unforgettable man that he had ever met.¹⁴ Retired Chief Judge Clark of the Fifth Circuit referred to him as a contrary-to-nature "perpetual motion machine."¹⁵ He also suggested that Gerry was at least twins to do all of the things that he regularly did.¹⁶ "What makes Gerry run," the judge said, "makes Gerry uniquely interesting. It also defines his charm and warmth. He obviously does as much as he does because he likes to be with people and help them. He cares for his friends as much he cares for justice. He is a cordial friend, a pleasant fellow, and a great colleague."¹⁷

As for me, I became acquainted with Gerry a long time ago and immediately liked this gregarious, outgoing man as I think everyone would. Thoughtful of others, with a fine sense of humor and a remarkable talent for interesting conversation, he was a joy to be with. Physically impressive and with seemingly boundless energy, he is an admirable figure. Also, I found him to be a very bright man with excellent judgment as was evidenced by asking Sarah to be his wife. And from the bench I had a bird's eye view of Gerry's work as a judge, which I found to be remarkably good and agree with the enco-

12. *Tribute: Gerald Bard Tjoflat*, 44 *Duke L.J.* 985 (1995).

13. *Id.* at 985.

14. *Id.* at 987.

15. *Id.* at 990.

16. *Id.* at 991.

17. *Id.*

miums of his fellow judges about his judgeships. It was exciting to see his star rise so rapidly. It is worth noting also that Gerry hits a golf ball a country mile, is a walking dictionary about baseball, and he will not be found in the courtroom during the ACC basketball tournament or when Duke is one of the final four in the NCAA tournament. I also admire his enthusiasm for fishing as well as his taste for vidalia onions.

Judge Tjoflat's colleagues on the bench have noted that he is a great leader and a great judge, and that this respect and admiration is felt by the lawyers who have appeared before him, and a host of people who know him or of him. It might also be added, that this high opinion has been expressed over and over again in the numerous letters which the selection committee received for his nomination.

It is a truly great honor for me to present to Judge Gerald B. Tjoflat the 1996 Fordham-Stein Prize.

ACCEPTANCE SPEECH BY THE HONORABLE
GERALD BARD TJOFLAT

Gerald Bard Tjoflat

President O'Hare, Dean Feerick and members of the Stein Family, Justice White, distinguished guests, and old friends and colleagues who have traveled from afar to share this evening with me. One is never quite prepared for a moment such as this. As I stand here tonight to accept the Fordham-Stein Prize, I recall Lou Gehrig's words as he bid the fans farewell at Yankee Stadium fifty-seven years ago. "Today, I consider myself the luckiest man on the face of the earth." Those words express how I feel at this moment. I am indeed a lucky man.

Throughout my professional life I have been surrounded by great people. The lawyers with whom I practiced in my ten years at the bar were as fine as they come. They taught me much. In twenty-eight years on the bench, I have been exposed to so many wise and courageous judges—from all areas of the country—that I could not begin to count them. Many are gone now, but they left behind a legacy of fond memories that will remain with me always.

The past seven years, during which I have been privileged to serve as the Eleventh Circuit's chief judge, have been especially rewarding. The judges of the courts of the Eleventh Circuit and I are not only close colleagues, but we are also good friends.

My best friend of all, though, is Sarah Tjoflat, my magnificent companion of forty years. Her support for me has been steadfast and unwavering. And she is far and away my best critic.

Since receiving the news of my selection as the 1996 recipient of the Fordham-Stein Prize, I have been pondering what to say tonight in accepting the prize. As Justice White's introduction indicates, I have

spent a great deal of time working in the criminal justice system and have devoted considerable thought to the causes of crime and the treatment of offenders. Because this topic is of great current interest, and will be for some time, I thought I would share my perspective on this matter.

On November 2, 1995, former Attorney General Griffin Bell and former Education Secretary and Director of National Drug Control Policy William Bennett announced the formation of the Council on Crime in America, a bipartisan body of nine members. One of the Council's announced goals is to compile the best available empirical evidence to help communities reduce violent crime through the efforts of individuals and civic organizations.

In January of this year, the Council issued its first report, entitled "The State of Violent Crime in America." Charles Colson, founder and chairman of Prison Fellowship Ministries, used the Council's report to buttress several points in a January 24 *Wall Street Journal* article entitled "The New Criminal Class."¹⁸

Colson began his article by predicting that recent reports heralding a drop in the nation's crime rate merely indicate "a brief lull—due largely to the aging of the baby boomers—before the arrival of the mother of all crime waves."¹⁹ He noted that the Council on Crime warns that due to a large increase in the number of fourteen to seventeen-year-old boys, violent crime will "spiral out of control" by the turn of the century.²⁰ The Council also predicts that this generation will be dramatically more violent than previous generations of criminals.

Colson lamented that what the Council had perceived in empirical evidence he "ha[s] seen in the faces of the youths now jamming our prisons."²¹ He recalled the atmosphere he encountered in a recent visit to Indiana State Penitentiary. He had visited the prison several times in the 1980s, but had never before witnessed such a level of hostility.

He stated:

[W]hat chilled me to the bone were the eyes. Some were cold, distant, as if the life had been sucked out; others were seething with rage and anger. All were impenetrable. . . .

. . .

This is the face of the new criminal: cold, remorseless, conscienceless. By the year 2005, there will be 23% more teenagers in the violence-prone age group—enough to destabilize the social and political order in America.²²

18. Charles W. Colson, *The New Criminal Class*, *Wall St. J.*, Jan. 24, 1996, at A12.

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

Colson argues that the root cause of the crisis is moral, involving the breakdown of traditional families.²³ As the Council observed in its first report, and as anyone involved in the juvenile justice system knows, a large percentage of violent juveniles have themselves been victims of serious abuse or neglect by members of their own family. Most juvenile offenders come from broken homes; many have never seen their fathers. They are often raised in an atmosphere of alcoholism and drug abuse.

It is against this bleak backdrop that I present a story of hope. The story is not drawn from my judicial experience; rather, it is a product of my involvement with the Scouting movement. It begins in the spring of 1982, when I was in the seventh of my ten years as president of the North Florida Council of the Boy Scouts of America.

The setting is a Florida juvenile corrections facility called the Jacksonville Youth Development Center. At the time, the Center was the state's most restrictive juvenile facility for boys aged ten to fourteen. Forty boys were confined at the Center. Each had committed between eight and twelve felonies: burglary, grand larceny, grand auto theft, assault and battery, and arson. One boy had committed murder. They were Florida's worst juvenile offenders in their age group. Like the juvenile criminals described in the Council on Crime's report, they had come from broken homes characterized by alcoholism, drug addiction, and physical abuse. Without intervention, they were destined to become "cold," "remorseless," and "impenetrable" criminals like the inmates Charles Colson met at Indiana State Penitentiary.

The boys at the Center had rebelled against the treatment they had received at home. In particular, they had rebelled against those in a position of authority—their parents, their teachers, the police, their juvenile counselors, anyone who called them to task or tried to set them straight. Although the boys put on a face of macho self-confidence, they, like most inmates in adult prisons, had little, if any, self-esteem.

Discipline was practically nonexistent at the Center. Fighting was rampant. The boys not only fought at the drop of a hat, but they seemed bent on destroying property. In addition to finding broken windows, it was not uncommon for the staff to find commodes and sinks torn out of the walls. The Center lacked facilities for isolating the most incorrigible boys, the ring-leaders. Consequently, the kids felt no constraints. Some even resorted to climbing onto the Center's roof or high into the trees located in the Center's compound. It took all of the staff's ingenuity to get them down; the staff's threats fell on deaf ears. The Center's inability to maintain order was such that Florida's Department of Health and Rehabilitative Services ("HRS"),

23. *Id.*

which operated the facility, had a difficult time keeping a superintendent on the job.

Such was the case in the spring of 1982; the superintendent, unable to bring the boys to heel, had resigned. His replacement fared no better; he resigned in two weeks. The next to tackle the job was Marilyn Heck, an assistant superintendent at the Center. Some say that HRS selected Marilyn because it had decided to close the facility; she would take care of the details and preside over the Center's demise.

But Marilyn Heck had other ideas. She believed that order could be restored to the institution and that the boys could be "turned around," if the Center developed a program that appealed to their inborn creativity and leadership abilities and consumed their idle time. The Boy Scouts of America would furnish that program.

What Marilyn knew about the Scouting program came from reading a Boy Scout handbook she had recently come across. She liked what she had read about the program and concluded that it could provide the solution she was seeking. Scouting would furnish the framework for the Center's correctional program. Why Scouting? As she put it:

Scouting's program, especially its merit badge program, took a positive approach. The satisfaction of earning a merit badge and the esteem in which a Scout is held when he is the focus of an Honor Court ceremony let kids feel good about themselves.

Scouting creates an air of competition. Kids love to compete. The merit badge program provides an outlet for their competitive instinct while imparting invaluable knowledge and fostering positive ideals. Scouting, because of its breadth and versatility, satisfies a multitude of interests and provides an opportunity for each kid to excel at something.

Finally, kids love leadership roles—to be the head of the gang. On the street, the gang might be the Crips or the Bloods. In Scouting, the gang is the troop or the patrol. Scouting would give the kids at the Center plenty of opportunities to lead—if they earned the right to lead.

Having reached her decision, Marilyn called the North Florida Council Boy Scout Office. She spoke with Travis Johns, one of the Council's professional Scout executives. Johns was immediately responsive; he liked the idea of forming a Scout troop at the Center.

But there were obstacles. High-level officials in the Scouting movement and at HRS questioned whether a Scout troop could function amidst the disorder and negative inmate peer pressure that permeated life at the Center. Scouting was for law-abiding kids, not for recidivistic delinquents. Moreover, establishing a Boy Scout troop at the Center would be risky. What if the project failed? As is the case in any bureaucracy, risk taking can be hazardous; one's job might be at stake. In light of Marilyn Heck's enthusiasm and the solid support of the Scout Council's volunteer leadership, however, HRS was willing

to take the risk. Thus, the decision was made to go forward. The Center would have a Boy Scout troop.

The first step was to find a Scoutmaster. Dave Sharpless, a former Scoutmaster with experience in juvenile corrections, was employed as an assistant superintendent at the Center and became the Scoutmaster. His troop committee consisted of volunteer Scouters from neighboring areas and members of the Center's staff. Within two weeks, following several training sessions, they formed Troop 644. Joining the troop was not a mandatory condition of confinement; it was a voluntary program. Believing that Scouting would lead to fun and excitement, six boys signed up and became Boy Scouts.

Each boy was given a Scout handbook; some were unable to read, so they received help. The first merit badge the boys were assigned was citizenship. They studied hard, learned the Scout Oath and Scout Law, and one-by-one, at Court of Honor ceremonies, were awarded the merit badge for citizenship. These Scouts, unlike their more fortunate counterparts in other troops, lacked funds to purchase Scouting gear. They had to earn each piece of the green Boy Scout uniform—socks, shirts, shorts, and belts—through work. With each Court of Honor, the doubting bystanders, wanting a piece of the action, jumped on the bandwagon and joined the troop. By the end of the summer, every boy at the Center, all forty, had become a Scout.

In early September, the Scoutmaster and the troop committee decided to take two patrols—ten boys each—on a weekend camping trip to the Olustee National Forest, fifty miles away. The boys who had earned their citizenship merit badge and a skill award and had performed community service were chosen; this group included the boy who had committed murder. Several HRS officials were skeptical. What if a boy ran away? Some would surely try. Despite these concerns, the trip was made and no one tried to escape.

It was a typical Boy Scout camping trip. It rained the whole weekend, and the boys had a great time. They returned to the Center drenched to the bone, but full of spirit. They had become real Scouts. The trip was a smashing success.

The Center had no funds for Scout uniforms, tents, and other equipment—the things Boy Scouts need. To raise funds, the Center decided to hold a barbecue on October 23rd and invite the Center's neighbors. This was another risky undertaking; like most people who live near a prison, most of the neighbors objected to the Center's location in their neighborhood.

Flyers advertising the barbecue were circulated, and the local newspaper ran a story about the event. NBC News picked up the story from the AP wire service and sent a reporter from New York and a camera crew to the Center to cover the story—a story about a Scout troop in a prison for incorrigible boys.

The reporter and her camera crew arrived at the Center in mid-morning. Marilyn Heck and I were there to greet them. The reporter wanted to tour the institution, so we arranged to have one of the Scouts show her around. The boys' rooms were so clean and orderly that they looked like a Marine Corps barracks. The beds were neatly made up, and everything was in place. The reporter's immediate reaction was that the boys' quarters had been cleaned up for her visit.

After touring the living quarters, we went to a place on the Center's grounds where the troop held its camp fires and conducted some of its business. A small creek ran along this meeting place; on each side of the creek the boys had constructed two towers and, between them, a swinging bridge. In interviewing the Scoutmaster, the reporter questioned whether the boys had actually constructed the towers and the bridge. She apparently felt that the task was beyond a bunch of incorrigibles with extensive criminal records.

The Scoutmaster's response set her straight. "If you had been here at breakfast," he said, "you would have seen several boys interrupt my meal with requests that I listen to them recite the Scout Oath and the Scout Law. Then you would have understood how they built that bridge and why their living quarters are so neat."

The reporter's last interview was with twelve-year-old Anthony Scott; she interviewed him on camera. A few days later, NBC ran the story with the interview on its evening news program. The late Jessica Savitch introduced the story. The Scout troop at the "prison for boys" had made the headlines.

The barbecue on October 23rd was well received. Teams of boys led the visitors on a tour of the institution, proudly showing off their living quarters. The boys also waited tables. A group of cathedral acolytes could not have been more polite and efficient. People who had detested the presence of the Center in their neighborhood were so moved that several volunteered to help the troop in any way they could.

In early December, we submitted the following plan to HRS. Whenever a boy was paroled, HRS would notify the North Florida Council Scout office. A Scout executive in the boy's hometown—where he would go upon release—would be notified and, in turn, would meet with the boy's parole officer. Together, they would select a Scout troop for the boy to join. At first, HRS was unreceptive to the idea because such an arrangement did not fit into its juvenile supervision protocol; besides, it thought the arrangement might run afoul of the First Amendment's Establishment Clause. Why? Because, in taking the Scout Oath, a boy states: "On my honor, I will do my best to do my duty to God and my Country" After some persuading, however, HRS decided to give the plan a try.

In the third week of December, the Council Scout office received the first list of releasees. One or two boys had already been released.

Anthony Scott was one of them. He had gone home to Immokalee, an agricultural community just north of the Everglades. Anxious to find Anthony and get him into a Scout troop, I called Randall Beaver, the Scout Council Executive in Ft. Myers, and he drove to Immokalee. There, he discovered that Anthony had already joined a troop. Here is part of what Randall wrote to me on January 6th.

After the troop meeting Tuesday night, I drove back to Immokalee, parked my car, and just walked around for a while. It will be a tough environment for Anthony. It is a small farming town with a large migrant farm worker influence. I couldn't help but think that to the average person on the street, a very insignificant value would be placed on the life of any twelve-year old boy who had been in trouble, whose family was a divorced, unemployed mother. It pleased me to know that in Troop 228 he would be more. He will be a member of a great Scouting family. There will be many brother Scouts to play and grow with. There will be many adults who care for him and show him the path to a successful life. Let us hope that at his tender age he has the wisdom to understand and accept this great opportunity which has been given to him.

By the spring of 1983, Troop 644 was in the full swing of things. The Center set aside one day a week for Scouting. On that day, the boys were permitted to wear their uniforms. If the boys had their way, they would have worn their green shirts every day.

Sometime that spring, the Troop began visiting, on a weekly basis, a retirement home in the Town of Orange Park. It was not long before the boys and the retirees formed a family. They shared Thanksgiving together at the Center. They sat at tables for ten, with "grandpa" at one end and "grandma" at the other. The love that shone in the countenances of these grandparents and the boys was something to behold. Sarah and I were there for their first Thanksgiving together. It was a celebration we shall never forget.

In May of each year, for Armed Forces Day, the North Florida Council and the Jacksonville Naval Air Station join together to celebrate "Scout World." The event begins on Friday afternoon, when 5000 Scouts, Explorers, and Webelos arrive at the Air Station and set up camp. On Saturday, each Scouting unit puts up a display in one of the Air Station hangars or between the runways. Upwards of 100,000 spectators visit these displays and Scouting exhibits. It is a world-class exhibition according to the volunteer Scouters who have worked the big shows and jamborees.

Troop 644 attended Scout World and walked off with all sorts of awards. Troop 644 was held in the highest esteem by everyone, especially Scouting's senior echelon who are seldom complimentary. Getting a chance to attend Scout World and winning a good share of the awards gave the boys a sense of confidence, satisfaction, and self-esteem that should last a lifetime.

In June, the Center held an open house for the Jacksonville Sheriff, the sheriffs of the adjoining counties, the juvenile judges, and others involved in the state's criminal justice system. HRS sent a delegation from the state capitol. It was an important event, indeed.

As each invitee arrived, he or she was met by a Scout and given a tour of the premises. Invariably, the Scout would show off his merit badges. As one Scout was impressing our sheriff with his five merit badges and his excellent deportment, I whispered in the sheriff's ear that the Scout had committed a dozen burglaries and a robbery. The sheriff was amazed.

At the luncheon that followed the tours of the premises, I explained how Troop 644 had been formed, and then I turned the program over to Scoutmaster Sharpless, who reviewed the boys' Scouting routine. He closed with this story.

On a Saturday morning earlier in the month, he took a patrol to the beach. It would be the boys' first serious exposure to the sun, so he stopped at a shopping center to purchase some sun-tan lotion at a drug store. He debated whether to take all ten boys into the store with him, or to have them wait in the van. He took the latter course. On returning to the van, he immediately took a head count. One boy was missing. Sharpless' heart sank, as he feared the worst. A run-away boy could end the Center's Scouting program. The doubters would prevail; the boys could not be trusted. At that point, he looked across the parking lot and saw the missing Scout. The boy was helping a disabled lady put her groceries into her car. After finishing the chore, he ran back to the van—they were going to the beach.

And Scouting at the Center continued as a way of life.

The episodes I have related are but a few of the moving stories that I could tell about Troop 644. These should suffice, however, to illustrate that Father Flanagan was right when he said, "There is no such thing as a bad boy."

The recidivism rate for juveniles is generally much higher than it is for adults. For adult males, the rate is in excess of 70%. For boys in the Center's age group, the rate in 1982 was over 85%. The recidivism rate for the Scouts released from the Center was 14.6%!

The question arises: Why was Troop 644 a success? Several reasons come to mind. These are some of them.

First, the Center's administration was firmly committed to the program. The superintendent, who had her career at stake, was willing to assume the risk of failure.

Second, Scouting's volunteers, who had nothing to lose but their time and effort, pledged the North Florida Council's full support. These volunteers were indispensable to the program's success.

Third, the Scouting program addresses a boy's innate need to be creative. In Genesis it is written: "So God created man in his own

image, in the image of God created he him; male and female created he them.”

If God is the creator, and He created us in His own image, then we are creators, too. In creating, we find fulfillment. Only when we find fulfillment—by creating—can we begin to love ourselves. Only when we love ourselves can we love our neighbors. Kids who love themselves are not likely to harm their neighbors. They are not likely to become the “cold,” “remorseless,” and “impenetrable” inmates Charles Colson saw when he visited Indiana State Penitentiary. The transformation of young lives in Troop 644 shows us that we can prevent the “mother of all crime waves” predicted by Colson and the Council on Crime in America.

If we are to avoid such chaos, however, we must act, and act now. For as Edmund Burke said over 200 years ago, “[t]he only thing necessary for the triumph of evil is for good men to do nothing.”