

GRAND JURY
REPORT

Winter Term
A. D. 1947

for

Dade County, Florida

Filed

12 MAY, 1947

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE
COUNTY OF DADE

Winter Term, A. D. 1947

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HERBERT M. COOPER, *Vice-Foreman*
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Supplemental and Final Report of the Grand Jury

TO THE HONORABLE JUDGES OF THE
ABOVE STYLED COURT:

We, the Grand Jury, duly impaneled and sworn to inquire in and for the body of the County of Dade, impaneled at the WINTER TERM, A. D. 1947 of the Circuit Court of the Eleventh Judicial Circuit of Florida, respectfully report to the Court that we were convened on the 10th day of March, A. D. 1947. RAYMOND J. ARKLEY was appointed Foreman by the Court; HERBERT M. COOPER was appointed Vice Foreman. HAROLD M. BLICHER was designated as Clerk. Forthwith thereafter we recessed and reconvened at the hour of two o'clock P. M. on the 24th day of March, 1947.

We have considered the capital cases against seven persons, and have returned the following indictments, to-wit:

MURDER IN THE FIRST DEGREE.....	4
MURDER IN THE SECOND DEGREE....	1
MANSLAUGHTER	1
ASSAULT WITH INTENT TO COMMIT MURDER IN THE FIRST DEGREE....	2
ARMED ROBBERY	1
NO TRUE BILLS.....	1

REASONS FOR OUR INVESTIGATIONS

In view of certain simultaneous developments which occurred about the time this Grand Jury was impaneled, it was deemed advisable to proceed with an investigation into the law enforcement agencies in Dade County. About this time certain newspaper articles appeared, calling the attention of the public specifically to the chaotic condition in the City of Miami Police Department. It was prominently stated in both local papers that certain affidavits alleging payment of graft by known gamblers to police officers were in existence. At the same time a series of so-called unauthorized or wild-cat raids by police officers was widely publicized. Likewise, a great deal of publicity was given to the statement by the City Attorney, in which he is quoted as saying that the gambling laws

in Miami were not being enforced impartially. On March 12th, two days after this Grand Jury was impaneled, a report of the Dade County Bar Association's Committee on Law Enforcement was presented and published, in which they said:

"Dade County is a mecca for criminals. This is especially true during the winter season when we harbor in our midst more criminals of all classes than any other community of comparable size in the nation. They come here not only because of the good "pickings" but also because our lax, inefficient and inadequate law enforcement makes this area a relatively safe, as well as a profitable, place in which to ply their trades. The result is that more crimes are committed in this county each year, in proportion to our population, than in any other county in the country.

The most flagrant lack of adequate law enforcement exists in the case of gambling, but we have a serious lack of adequate law enforcement in the case of other crimes, too."

With all of this occurring at the same time, there appeared to be no other alternative than to proceed with an investigation into the causes which bring about this unhealthy condition.

PRELIMINARY INVESTIGATION

We began our investigation by calling witnesses from some of the surrounding municipalities with the idea of ascertaining if it was possible to operate a city without gambling. It was brought out in the testimony submitted by a number of city officials and residents of the City of Coral Gables that there were no gambling establishments or book-making lay-outs within the corporate limits of the city of Coral Gables. We also ascertained from a similar list of city officials, prominent business men and residents of the Village of Miami Shores that there were no gambling establishments operating in that municipality. In both instances the reason given was that the city officials were elected on a platform of law enforcement. The city commissioners understood definitely that their election constituted a mandate from the voters to enforce the law; they, in turn,

transmitted* this information to their law enforcement officers in no uncertain terms, with the result that the reputations of the cities of Coral Gables and Miami Shores as clean law-abiding municipalities are known throughout the state. They are recognized as desirable places in which to live. With this evidence before us that it is possible to keep gambling out of a municipality, if there is a desire on the part of the city officials and law enforcement officers to keep it out, we proceeded to investigate the conditions existing in the city of Miami.

THE SITUATION IN MIAMI

Our investigation into the law enforcement process in the City of Miami covered a wide range of witnesses. We questioned the five City Commissioners, the City Judge, City Manager, City Attorney and Assistant City Attorney, two former City Managers, the Director of Finance, as well as various members of the police department, including the Chief of Police, the Acting Chief of Detectives, former members of the so-called Morals Squad, and other officers, including the previous Chief of Police. We also questioned numerous prominent citizens from different walks of life, who are leaders in their various professions or occupations.

We found an almost unanimous opinion existing that horse race book-making was the root of all gambling activity. We confined our investigation to bookie gambling because we found it to be the broad base upon which all other forms of gambling stood. The same names appeared again and again whenever bolita and casino gambling was mentioned—they were the big shots in the bookie racket. Book-making is the main business of these racketeers, bolita and casino gambling are their lucrative side lines. We found an almost unanimous conviction that the ramifications of the bookie traffic was detrimental to the city and that Miami would be a better place in which to live and do business without the harmful influence of the gambling racket. However, these expressions were not borne out by the actions of several public officials. We found no evidence of a desire on the part of the City Commission to wipe out gambling. On the contrary, we are convinced that a majority of the City Commission desires its continuance, because they have

convinced themselves the citizens want a "liberal" policy continued.

"Liberal Policy" was defined in the Grand July report of 1944 as:

"A term, coined locally, to give a nice name to a system of permitting violation of the laws for the profit of those permitted to do so, and the political advantage, financial gain, or both, to those who give the permission."

Also quoting from the same report they said:

"The very presence of gambling naturally suggests the existence of some bribery.

"The big gamblers have innumerable ways of rewarding their friends besides outright bribery. If the recipient of the favors is a lawyer he can earn very handsome fees for handling real estate transactions and in other purely civil matters. If the recipient is a business man very profitable but technically legal business transactions can come his way. So far as the results to the public are concerned it makes little difference as to what it takes to get the politicians to carry out the policy of the rackets. The result is the same whether or not an official takes graft in addition to campaign funds and political support.

(SOURCE OF CORRUPTION SHOULD
BE DESTROYED)

"The only effective way of eliminating corruption is to destroy the source of the corruption. We realize, of course, that it is no more reasonable to think that gambling can be entirely eliminated than it is to think that murder, or robbery, can be eliminated. The war against crime must constantly be waged, as crime is always present in varying degrees. The machinery of society for combatting crime is its police, prosecutors and courts. These agencies cannot combat crime unless they believe in combatting crime and are sincerely trying to do so."

We regret to state that conditions apparently have not changed since the above was written in 1944.

We found evidence that the City Commission has at no time taken a firm stand toward eliminating the gambling rackets. On the contrary, we are convinced that a sort of "partnership" exists wherein the city treasury benefits from the periodical shakedown of gamblers who are brought before our municipal court, fined a nominal sum and allowed to return to their place of business to carry on until their "turn" comes again. (The police refer to these as "arrests for revenue.")

We have found a distinct inclination on the part of the City Commission to hide behind the Charter provision which says that it is unlawful for a city commissioner to interfere with or make suggestions to the City Manager. They also take the same attitude toward their other appointed officers, the City Attorney and the City Judge. They cannot deny, however, that in making up the budget each year they continue to increase the "Fines and Forfeitures" item, which can only be met through systematic fining of gamblers.

It is inconceivable to us that the City Commissioners of the City of Miami could not legally advise the City Manager, the City Attorney and the City Judge of their definite policy on enforcement of gambling laws as is done in the City of Coral Gables and the Village of Miami Shores where they have the same kind of government set-up.

The City Commission has always found the means to convey its wishes to its appointed officers on other matters. It is only when it comes to bearing down on the gambling fraternity that they retire behind the iron curtain.

None of the witnesses questioned testified that there had ever been an honest and sincere effort made to close up gambling in the City of Miami. They testified, however, that the policy had been to confine gambling to certain favored individuals.

We are not inclined to put all the blame on the City Commission, however. The citizens themselves must shoulder part of the blame for lax law enforcement. The City Commissioners are only human. They want to do what the majority of the voters want them to do. The trouble is that the gamblers carry on a highly intensive, vicious system

of propaganda designed to instill in the minds of the public officials the fact that the people want gambling, that they have to have it to attract tourists, that it is necessary for business, etc. They are highly organized, have unlimited funds, and they keep eternally at it. A tree leans away from the prevailing breeze.

The public is unorganized and therefore inarticulate. The people have no way of letting the City Commissioners know what their wishes are. If an aroused public opinion could express itself in no uncertain terms that the citizens want gambling stopped, no City Commission would dare do otherwise. This expression will have to come through the churches, civic clubs, Parent-Teachers Associations and such civic minded groups by resolution and by delegation. Sufficient breeze must be applied to counteract the opposing forces.

Another thing the citizens can do is to be more careful in their choice of men to serve on the City Commission. If the public will insist the candidates declare their position on gambling law enforcement and only elect those men who have the nerve to come out flat footed for the enforcement of those laws, we will find the City of Miami will embark on a new era and will take on a new complexion.

MUNICIPAL JUDGE

During our investigation we did not find one witness who thought that a stiffening of the attitude on the part of the Municipal Judge toward gamblers would not go far toward eliminating the rackets. It was freely stated many times that if the Municipal Judge were to announce that hereafter gambler first offenders would be fined, second offenders fined and jailed, and third offenders given the maximum fine and jail sentence that the racketeers would leave town over night.

We found the attitude of the Municipal Judge to be the same as expressed in the report of the Committee of the Dade County Bar Association, which follows:

"One of our municipal judges refuses to impose jail sentences on the gamblers who are brought before him because he

thinks a certain police official is causing only certain independent gamblers, who operate outside of an alleged syndicate, to be brought before him. He thinks, if he imposes severe sentences on these independent gamblers, he will merely be playing into the hands of this police official and forcing these independent gamblers to join up with the syndicate, which, in his opinion, is not being troubled by the police. There may or there may not be justification for his suspicions in this matter, but we feel this is not a matter with which the judge should be concerned.

The judge's duty is to determine whether the defendant who is brought before him is guilty or innocent of the charges preferred against him. If he finds him guilty, he should impose a sentence which is believed to be sufficiently harsh to prevent a repetition of that offense by the same offender and sufficiently harsh to discourage others from committing that offense. He has no right to acquit that man or let him off with a light sentence just because he thinks the police have neglected to arrest some other man who has committed the same offense. That, in our opinion, is none of the judge's business, as a judge."

We are in accord with the conclusions expressed by the committee.

He did state, however, that if he had the slightest indication from the City Commission that they were not satisfied with his policy of handing out \$100 fines to gamblers, regardless of the number of arrests of the same individual, he would change his policy to agree with their expressed wishes. It is significant that since this Grand Jury has been in session there has been a stiffening attitude on the part of the municipal judge which we highly commend. We are thoroughly convinced that the organized gambling racket can be destroyed and its sinister influence removed with the facilities at hand. All that is required is a real and sincere desire on the part of those charged with the enforcement of the laws to do so.

POLICE DEPARTMENT

Our investigation of the City of Miami Police Department disclosed a condition which cannot long exist without a complete breakdown of all law enforcement. There are factions and counter-factions, charges and counter-charges. We listened to a confusing parade of contradictory testimony for several days. We were careful in our questioning not to do anything which would embarrass or hinder the City Manager in any investigation he must make in straightening out the present difficulties. We satisfied ourselves that evidence of the taking of graft on the part of some police officers does exist in the form of sworn affidavits signed by known gamblers. We have not satisfied ourselves as to why these gamblers should be willing to voluntarily incriminate themselves by signing such affidavits. It is the responsibility of the City Manager to investigate the charges contained in the affidavits to determine the guilt or innocence of the officers involved without delay.

Evidence was presented which clearly shows that the Miami Police Department is forced to operate with a skeleton crew that is spread too thin to be effective. It is the recommendation of this Grand Jury that the total personnel be brought up to the accepted average of cities of the size of Miami.

We believe the majority of the men on the Miami Police force are hard working, honest individuals who are trying to do a good job.

The Miami Police Academy is one of the finest in the country. It has recently been accredited as an institution of learning with college status and is eligible to train classes of ex-G. I.'s in all phases of police work. We wish to commend this phase of the police department and urge the continuance of the established policy of requiring completion of the required course for rookie policemen with passing marks before putting them in uniform.

In the interest of efficiency and harmony in the City of Miami Police Department, we recommend the removal of the Acting Chief of Detectives, Captain C. O. Huttoe, from his present position of administrative authority in the Police Department.

GAMBLING IN DADE COUNTY

Evidence was presented which showed that gambling ran wide open and uninterrupted in certain spots in Dade County during the past season. Testimony was presented to show that these conditions were called to the attention of the Sheriff of Dade County and the Governor of Florida but the places in question continued to operate until the Saturday night before the convening of this Grand Jury. The Sheriff stated to us that he had no knowledge of the offenses claimed. It is inconceivable that the Sheriff, with his facilities for investigation, should not be aware of a condition which was known to everyone else in the community. There is no law in Florida under which an indictment can be drawn against a public official for non-feasance in office. We can only criticize the Sheriff's powers of observation and suggest that he join in a concerted effort to drive the gamblers out of Dade County before they gain a still stronger foothold.

It should never be necessary for a group of individual citizens to spend their time and money in the securing of evidence of gambling violations, in places where everyone knows gambling does exist, in order to close down those places. It should never be necessary to resort to injunction proceedings to accomplish those results.

Whenever it becomes necessary for the citizens to "police" themselves we are only a few steps removed from the frontier vigilante days.

The Law Enforcement League of Dade County, a group of public spirited law abiding individuals, have spent a great deal of time and money fighting the people's battle for good law enforcement in Dade County. We regret the fact that they have had little or no support from those officers from whom they had every right to expect it.

If it is necessary to have a Grand Jury in session to keep gambling closed in the County, then we recommend that a Grand Jury be kept in continuous session through the season months of January, February and March. This, of course, would not be necessary if there was an honest and sincere desire on the part of our law enforcement officers to enforce the gambling laws.

STATE LAW OUTLAWING WIRE SERVICE FOR GAMBLING PURPOSES

We believe if the legislation now before the State legislature outlawing the use of telephone and telegraph services for the dissemination of race information is passed it will give the law enforcement officers a weapon they have long needed. A similar bill was introduced in the previous legislature but was killed in the Senate. The same forces are opposing its passage now backed by unlimited funds and a large and active lobby.

This Grand Jury recommends the hearty support of our delegation in the House and Senate toward this bill and that they individually vote for its adoption.

INSPECTIONS

City Jail

We inspected the City Jail in the Dade County Court House and found it in a very deplorable condition. We understand that a considerable improvement has been made since the last Grand Jury inspected it. However, there is a great need for immediate improvement. A thorough scrubbing and a coat of paint are badly needed throughout.

Numerous wash basins and toilets are missing entirely. Several others are out of order. Plumbing leaks are the rule rather than the exception. Rust and decay are evident on all sides. For the health of the prisoners as well as the protection of the building this valuable property should not be allowed to fall into such disrepair. If the City cannot keep it up, the County should do so, because if allowed to continue, the whole structure will be jeopardized.

The food appeared to be of fair quality and sufficient quantity and the kitchen was reasonably clean.

County Jail

The County Jail showed evidence of good care. It was in good repair, well painted, clean and orderly. We wish to congratulate the Sheriff and his department heads for maintaining the County Jail in a manner which should be a source of pride to every Dade Countian.

Virginia Key and Crandon Park

This Grand Jury made an inspection of the gigantic Dade County development taking place on Virginia and Biscayne Keys. This work involves the building of the Rickenbacker Causeway connecting the mainland at S. E. 26th Road with Virginia Key; the development of the county owned portion of that key, including the Negro bathing beach; the four-lane paved highway through Virginia Key; the building of the steel and concrete bridge connecting Virginia and Biscayne Keys; the highway system through beautiful Crandon Park and the development of the upper two and a half miles of Biscayne Key into the most beautiful playground area to be found anywhere in the world.

Because this project can be reached only by boat very few residents have had an opportunity to see what has been done. When the causeway is opened to traffic sometime late in the Fall the general public will have an opportunity for the first time to view the wonders that have been wrought.

Vast areas have been cleared and paved for parking. Highways have been constructed, swamp areas have been filled in, undergrowth has been cleared. A broad belt of stately coconut palms extends back from the finest natural protected strip of beach in Florida. There will be available to the citizens of Dade County and our visitors one of the finest recreation areas anywhere in the country because the county commissioners had the foresight and the initiative to take advantage of the opportunity when it was presented to acquire this valuable property, and the intestinal fortitude to stay with it and complete the project regardless of wars, hurricanes, material and labor shortages and public apathy.

After viewing this tremendous undertaking and seeing what has been accomplished, we believe the County Commissioners, who are responsible for this development, are entitled to the undying gratitude of the citizens of Dade County.

We hope the City of Miami will develop their portion of Virginia Key in keeping with the improvements made by the County.

GRAND JURIES

We strongly recommend a change in the selection of grand jurors to insure a more uniform high type of civic minded individuals for this important duty.

At present the members of the Grand Jury are selected by lot from the list of petit jurors drawn for a particular term of circuit court. They do not know they are liable to be Grand Jurors until the Judge calls their name and informs them to that effect.

Only eighteen names are drawn, fifteen of which constitute a quorum. That only leaves a margin of three men to work with. In the present instance we were faced with the immediate request of one member to be excused from any consideration of bookie gambling because of his business connections. Shortly after we began our investigations, one of our members had to go to the hospital for a serious operation. That left us with only sixteen men, which made it very difficult at times to secure a quorum. A term of court (which is the life of a Grand Jury) runs approximately four months. It is a long time to keep a group of men away from their businesses and occupations. Emergencies arise which require absences from the city and non-attendance at meetings.

There is no screening of names for the Grand Jury and it could be possible to have a majority on a Grand Jury who were friendly to the racketeers by reason of business dealings, participation or sympathy, in which case no investigation would be possible into law enforcement conditions.

There were several members on the present Grand Jury who asked to be excused from jury duty, because of press of business. Because their request was refused they served against their will and in one instance it was necessary to take legal steps to compel attendance on the part of a member.

The Grand Jury system is the only avenue left open to the people giving them the means and the right to inquire into the official acts of their elected and appointed officials. Every facility should be provided for its continued and successful functioning. Steps should be taken to insure the highest type of individual members, who are willing to serve and whose background and connections are

above reproach. An enthusiastic State Attorney and a willing Grand Jury can clean up any community. An unwilling Grand Jury and a passive State Attorney will not accomplish anything.

Selection of Grand Juries

We recommend that a separate list of 500 names of qualified freeholders be set up to be known as the Grand Jury list. That membership on the Grand Jury list be by application and that in the application the applicant agrees to serve when called. That the Clerk of the Circuit Court shall have the applicants investigated and only those who are found qualified shall be eligible to serve. That the Grand Jurors shall be drawn by lot from the qualified Grand Jury list by the Circuit Judge at the convening of a term of Circuit Court. No Grand Juror to be required to serve oftener than once every two years.

Alternate Grand Jurors

We recommend that in addition to drawing eighteen names from the Grand Jury list the Circuit Judge draw three additional names as alternates to be called when and if needed during the term to insure a quorum being present at all times.

Mandatory Convening of Grand Juries

We recommend the mandatory convening of a Grand Jury by the Circuit Judge at the beginning of each term of Circuit Court and that they not be discharged from their service until the term of court expires.

Legal Counsel for Grand Juries

The committee of the Dade County Bar Association on law enforcement made the following recommendation in their report:

"To give our Grand Juries greater independence in the performance of their duties, we recommend that whenever they deem it advisable they be authorized to employ, at the expense of the County but for a fee not exceeding \$100.00 per month, any lawyer in the community who meets with the approval of the senior Circuit Judge, to advise with and assist them in the performance of their duties."

We concur in this recommendation.

Grand Jurors Association

We commend the Miami Kiwanis Club for taking the initiative in organizing a Grand Jurors Association similar to the one which has been successfully in operation for many years in New York. We believe the Grand Jurors Association will provide the continuity which has been lacking in our Grand Jury system. Membership in the Grand Jurors Association will be made up exclusively of past Grand Jurors. The Association will employ the best legal talent to advise with and assist the membership in analyzing the recommendations of the Grand Juries. Legislative committees will prepare bills for introduction at the legislature, making changes in existing laws where necessary, and introducing new legislation where needed to carry out those recommendations. It is our belief that a militant and aggressive Dade County Grand Jurors Association can be a real asset to this community. In the past it has been sad but true that Grand Juries have met and expended a great deal of time and honest effort in investigating certain conditions; have completed those investigations and filed their report, including recommendations, and nothing further ever heard of those recommendations. Such a condition cannot and will not exist with the proposed Grand Jurors Association in operation.

Manual for Grand Jurors

There is a distinct need for a Manual for the information and guidance of Grand Jurors, such as is prepared and distributed by the Grand Jurors Association of New York.

A Grand Jury is a group of laymen, usually totally unfamiliar with crime, courts and legal procedures. They are charged by the Judge in a more or less perfunctory manner and turned loose with the admonition that they are all powerful—and they are on their own. The State Attorney presents his capital cases, which are disposed of, and anything else is entirely up to the Grand Jurors themselves.

If they happen to have a strong foreman, who is willing to take the initiative and has the backing of a majority of the members, they can investigate any condition anywhere

in the county if they know their rights and their authority. The Manual explains the duty and authority of Grand Juries and gives the layman a set of rules and suggestions he can understand. A Manual can make the difference between a floundering, ineffectual, impotent group of laymen and an informed, determined, aggressive Grand Jury.

CONSOLIDATION OF STATE ATTORNEY & COUNTY SOLICITOR OFFICE

In the interest of efficiency and economy we recommend the consolidation of the office of State Attorney and County Solicitor. If there ever was a valid reason for two separate offices no such reason is now apparent. Both of these offices are understaffed and underpaid at the present time. By combining the duties and responsibilities of both offices into one, we believe the salary of the administrative head would be large enough to attract the type of fearless and independent prosecutor needed for such an important office.

Until such a consolidation can be consummated, we strongly recommend the employment of sufficient legal assistants, special investigators and clerical help to allow the present County Solicitor and State Attorney to keep abreast of the increasing demands a growing population imposes on their offices.

THE REPORT OF THE COMMITTEE OF THE DADE COUNTY BAR ASSOCIATION ON LAW ENFORCEMENT

It is a promising sign of better law enforcement in the future, as well as a definite indictment of present law enforcement practices, when the attorneys themselves, through their association, deem it necessary and advisable to take an active interest in the lack of enforcement of our gambling laws. Lawyers have been rather reluctant in the past to crusade for any cause. We can only conclude that the conditions as contained in their report caused them to take this very laudable step.

We recommend their Report to the people of Dade County, as it is a resume of conditions as we found them. We hope that every citizen will read the Report of the Dade County Bar Association Committee on Law Enforcement.

SCOPE OF GRAND JURY'S INVESTIGATION

We regret that lack of experience and lack of time has made it impossible for this Grand Jury to carry on all of the investigations which conditions indicate. Because we concentrated our inquiry on the City of Miami does not mean conditions in Miami Beach and Hialeah do not need investigation. We simply did not have time to go into them. Likewise, we did not have sufficient time to go into the many avenues of investigation suggested by letters and phone calls from interested groups and individual citizens.

We recommend to succeeding Grand Juries that they lose no time in starting their various investigations. Two weeks of valuable time was lost to us while waiting to hear capital cases which were not ready to be heard at the convening of this Grand Jury through no fault of the State Attorney's office.

Should future Grand Juries desire to investigate law enforcement practices or gambling rackets, we suggest that they take the initiative immediately and not wait for any suggestions from the Court or the State Attorney as to the matters they are to investigate. All office holders are prone to adopt the philosophy that it is not their duty or the duty of the Grand Jury to correct the mistakes of the voters and that if the voters are dissatisfied with the men they elected, their recourse is at the polls at the next election.

We do not subscribe to their philosophy. We believe that it is very definitely the duty of the State Attorney's office to initiate investigations by the Grand Jury into lax conditions of law enforcement wherever they may occur within their jurisdiction.

RECOMMENDATIONS

Miami City Judge Should Be Elected

We recommend that the office of Municipal Judge be filled by election instead of by appointment as at present. We believe the position of Municipal Judge in the City of Miami is of sufficient dignity and importance to warrant the election to that office of a full-time Judge with salary and respect corresponding to Circuit Judges.

This would remove the City Judge from any suggestion or suspicion of domination by the City Commission and would make him responsible to the people for his decisions. The appointment of City Judge would cease to be a potent factor in the campaign for office on the part of candidates for the City Commission. It would eliminate the buck passing between the City Commission and the City Judge as to who is responsible for setting the Court's policy.

Official Stenographer for Grand Juries

We recommend that the law be changed to allow the taking of testimony by a stenographer during Grand Jury investigations.

The transcribing of testimony given before a Grand Jury appears to us to be an important step in the Grand Jury proceedings which we, in Florida, are deprived of. As we understand the law, it is not the taking down of testimony that is illegal, it is the *presence* of the stenographer. If a Grand Jury happens to have a stenographer among its members capable of taking testimony, they can keep as complete a record of their proceedings as they deem necessary and proper. But, how often would this condition prevail?

The State of New York permits the presence of the prosecuting attorney, court stenographer and the witness in the Grand Jury room during the taking of testimony. We believe this is the proper and logical procedure.

In the course of a lengthy session of a Grand Jury it is impossible for anyone to remember all or a substantial part of what was said by different witnesses. Presentments should be based on testimony given before the Grand Jury. Trusting to memory in the preparation of a Grand Jury report or presentment poses no small problem. For the protection of the witnesses, as well as to aid the Grand Jury, we favor the change suggested.

Grand Jury Subpoenas Should Be Secret

We recommend that subpoenas issued for witnesses to appear before the Grand Jury (other than those affecting capital cases) be kept secret.

Due to the fact that considerable embarrassment is experienced by witnesses sum-

moned to appear before the Grand Jury during investigations, because their names were published in the press prior to their appearance, it is deemed unwise and unfair to continue the practice now in use.

Nothing is to be gained by publishing the names of witnesses, many of whom are summoned but sometimes only a small percentage of whom are actually heard. Whether heard or not, under the present system the public knows they have been called.

BOLITA

We strongly urge and recommend that the following Grand Jury make a thorough investigation of the bolita and numbers rackets in Dade County. These are highly organized and divided into zones. Apparently, they enjoy the ultimate in protection, but these rackets can be broken up if a determined effort is directed toward that end.

We also recommend to the succeeding Grand Jury that they investigate the alleged illegal issuance of liquor licenses in the City of Miami.

ACKNOWLEDGMENTS

We wish to acknowledge the assistance given this Grand Jury by the State Attorney, Honorable Glenn C. Mincer, and his Special Investigator, Mr. I. R. Mills. We would also like to compliment both of these officers on the very efficient and businesslike manner in which they presented the State's cases.

We are indebted to those gentlemen who came before us and testified to conditions as they saw them, whether voluntary or by subpoena. We realize that their presence was often at great sacrifice. It is unfortunate that time did not permit us to hear some of them as fully as their information warranted, and some could not be heard at all.

We acknowledge the interest and sympathy at all times on the part of Circuit Judge Marshall C. Wiseheart and the suggestions and assistance which we received from him.

We acknowledge the propriety of the newspapers during our deliberations.

We wish to acknowledge the kindness and courtesy of the County Commissioners for making possible the inspection of Virginia

and Biscayne Keys and also to thank Mr. Douglas Barns, Mr. Jerry Donovan and Mr. Ward and their men for their kindness in arranging transportation and lunch and their patience in answering the innumerable questions asked them.

CONCLUSION

The term of this Grand Jury expiring by statute as of this date, we respectfully submit this report covering our activities, investigations and recommendations.

Respectfully submitted,

DADE COUNTY GRAND JURY

Winter Term, 1947

RAYMOND J. ARKLEY,
Foreman

HAROLD M. BLICHER,
Clerk

DATED the 12th day of May, A. D. 1947.