

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

FALL TERM A. D. 1954

FINAL REPORT OF THE GRAND JURY

Filed
May 10, 1955

Circuit Judges Presiding

N. VERNON HAWTHORNE
GEORGE E. HOLT

Officers and Members of the Grand Jury

WILLIAM J. BROWN, Foreman

DEAN S. CAMPBELL, Vice Foreman

O. EUGENE ROUSH, Treasurer

GERTRUDE RAND, Clerk

THEODORE D. REDUCKA, Asst. Clerk

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CARSON BRADFORD, JR.	WILLA D. STILLMAN
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JOSEPH B. HOURIHAN	WALTER C. TINSLEY
ELLIS B. LEWIS	ALFRED A. TORRES
GEORGE WILBUR McHENRY	JOHN R. RING (Excused)
RAY H. MONSELL	JEAN L. ARTHUR (Excused)

State Attorney

GEORGE A. BRAUTIGAM

Assistant State Attorneys

GENE WILLIAMS	WILLIAM MEADOWS
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ADELE FASKE

Administrative Assistant

ELEANOR ROBINSON

Investigators

EDWARD L. DuBOIS, JR.
EARL WARFORD
KENNETH ALTSCHUL

Official Court Reporter

JACK MALLICOAT

Official Bailiffs

JAMES T. RICHARDSON	CHARLES BENN
EARL SCHRYER	MICHAEL ROSA
MICHAEL YURKO	LARRY DUGAN
JOHN GLEASON	MICHAEL GORMAN

A list of capital cases considered by the Fall Term
 1954 Grand Jury is presented herewith, indicating the action
 taken thereon:

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
JOHN LEE KING	First Degree Murder	True Bill
ORIS CHARLES SHAFFER	Rape	True Bill
WILLIAM ARTHUR BANKS	Second Degree Murder	True Bill
J. T. JACKSON	First Degree Murder	True Bill
J. T. JACKSON	First Degree Murder	True Bill
DANIEL McINTYRE	First Degree Murder	True Bill
RICHARD C. COMPTON	Rape	No True Bill
MARY JACKSON	First Degree Murder	True Bill
GEORGE GRIFFIN	First Degree Murder	True Bill
FRANK KENSAK	Rape	True Bill
WILLIE DEE ALFORD	First Degree Murder	True Bill
WALTER LEONA	Rape	True Bill
EDNA MARIE KOLP YOUNG	Accessory before the fact	True Bill
HARRY KANE	Accessory before the fact	True Bill
RUDY CROWDER	Accessory before the fact	True Bill
WILLIE JAMES PORTER	First Degree Murder	True Bill
BETTY JEAN WILLIAMS	First Degree Murder	True Bill
LEE JOHNSON	Rape	True Bill
DAISY LEE (Alias Reynolds)	Second Degree Murder	True Bill
THOMAS FRANCIS MacDONALD	First Degree Murder	True Bill
WILLIE ABE FLOWERS	First Degree Murder	True Bill
CHARLES JOHN OLIS	Rape	No True Bill
ARTHUR SOREY	Rape	True Bill
CHARLES CHAPIN	Rape	True Bill
DANIEL LEE	First Degree Murder	True Bill
WILLIAM DAVENPORT ANDERSON	First Degree Murder	True Bill
ULAY NATHANIEL WASHINGTON	First Degree Murder	True Bill
THOMAS CLYDE WOOTEN	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
SIMPLICIO COLON	First Degree Murder	True Bill
JAMES A. WILLIAMS	First Degree Murder	True Bill
SAMUEL THOMPSON	First Degree Murder	True Bill
WILLIE JOE LEWIS	Rape	True Bill
GEORGE EDWARD ARMSTRONG	Rape	True Bill
DONALD ALBERT STEWARD	Rape	True Bill
JOHN P. GARCIA	Rape	True Bill
CARRIE LEE HUGHES	First Degree Murder	True Bill
JEANNE MARIE McGOWAN) HULON BAXTHER GUNTER) JAMES ARCHIE MILLS, JR.)	First Degree Murder	True Bill
LeROY WALTER	Rape	True Bill
JAMES P. MAY	Grand Larceny	True Bill

TO THE HONORABLE GEORGE E. HOLT, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

We, the Grand Jury in and for Dade County, Florida, for the 1954 Fall Term of the Circuit Court of the Eleventh Judicial Circuit of Florida, present this our Final Report.

On November 9, 1954, we were impaneled by the Honorable N. Vernon Hawthorne. Judge Hawthorne, in addition to the usual instructions to a Grand Jury, charged this Grand Jury with the specific duty of investigating rumors, charges, and accusations reflecting on the Dade County Commissioners. The investigation of these rumors, charges and accusations has consumed most of the time of the present Grand Jury, and our findings to March 31, 1955, in this matter were reported in our Interim Report dated March 31, 1955. (By reference thereto made a part hereof.)

Since our Interim Report, investigation has continued, additional information secured, and additional witnesses have been heard, revealing further abuses to support our recommendations. These abuses we found (1) in the work and billing of Rader Engineering Company, and (2) in the method of purchases by the County and Port Authority.

1. Following the employment of A. B. Curry as "consultant", and as "job-getter" for the Rader Engineering Company on September 1, 1952, Dade County fell a victim to very loose business practices exhibited by A. B. Curry as the Port Director, the Rader Engineering Company, and the Dade County Commissioners, acting in their capacity as the Port Authority. Immediately following this employment, the Rader Engineering Company began billing the Port Authority for work done including "indirect overhead", plus 10%.

An examination into "indirect overhead" revealed that this item included A. B. Curry's fee while so employed by Rader Engineering Company, A. B. Curry's expenses for travel in his work as "job-getter", political campaign contributions of the firm, etc. so that included

in the bills to Dade County Port Authority, submitted by Rader Engineering Company, approved by Curry, accepted and paid by the County Commissioners, were a part of the aforesaid items. The fee arrangement and the billing arrangement went on for 19 consecutive months to the benefit of Rader Engineering Company and A. B. Curry, and to the detriment of Dade County.

During this same period of employment, engineering bills submitted by Rader Engineering Company were not in every instance properly classified before approval for payment, and it is indicated that a great saving could have been made for Dade County had this been done.

It is the considered opinion of this Grand Jury that the clandestine handwritten agreement entered into between A. B. Curry and the Rader Engineering Company on September 1, 1952, and the keeping of such agreement from the knowledge of the County Commissioners was an inexcusable breach of ethics in public service, and gives support to the need of a check and balance system to stop any further opportunity to undermine public confidence in men doing county work.

It is recommended, therefore, that immediate steps be taken by the Board of County Commissioners to audit the books and records of Rader Engineering Company to determine:

- A. The amount of money improperly charged to the Port Authority under bills carrying the item "indirect overhead" from August 1, 1952 to September 7, 1954.
- B. The amount of money improperly charged to the Port Authority on separate job numbers that should have been billed as l-R jobs. And, all such moneys so determined to be due and owing be recovered either by payment in full, or suit, or that such amounts be set off against any money due or to become due to Rader Engineering Company.

While this Grand Jury does not feel that the course of conduct carried on between A. B. Curry, while Port Director, and Rader Engineering Company, under a fee basis, constituted a violation of any criminal law, such course of conduct was so reprehensible, so clandestine, so unethical, and so improper to be publicly condemned.

2. The Grand Jury heard testimony concerning the practice of split billing. Split billing consisted of a practice whereby purchases were made in excess of \$1,000.00 on a multiple billing to avoid the necessity for advertising for bids.

This is to serve as an all time warning to the members of the Board of County Commissioners to be ever vigilant in protecting the interest of the people of Dade County from such abuses as hereinabove reported.

We find that many improvements have been made in the operation of the Port Authority since this body was impaneled. Suggestions made by this body have been approved in part. The additional recommendations of this body, if adopted and installed as a part of the check and balance procedure at the Port Authority, should result in a more efficient operation of this facility.

From our investigation and facts disclosed, we feel very strongly that the County Auditors should be supplemented by an outside independent firm of auditors. At present, the auditors for the bondholders are not auditors for the County or the Port Authority, and are not responsible for any past failures of procedures. It is important that a constant check be made on the operation of accounting and auditing of the Port Authority.

PUBLIC HEALTH AND WELFARE

1. Jackson Memorial Hospital

Dr. C. C. Hillman, Executive Director of Jackson Memorial Hospital, at the request of the Grand Jury, submitted a statement dated April 4, 1955, concerning the present status

of the hospital. From his statement, the current major problems may be outlined as follows:

Most Pressing Problems

Adequate morgue facilities.

Need of general medical and surgical beds.

Other Problems and Needs

Recent operating budget increase apparently not sufficient to attract competent additional personnel needed.

Child mental patient facilities.

Observation ward for emergency cases.

Modern emergency facilities.

Suitable quarters - 140 persons of resident staff.

Suitable quarters - Student Nurses.

Adequate laboratory space.

Adequate storage for X-Ray films.

Completion of third floor Chest Unit.

Complete installation of a pneumatic system for rapid transmission of small items and paper work.

This Jury feels that the above conditions exist because Dade County is and has been one of the fastest growing areas in the country. We, therefore, recommend that the County Commissioners take the necessary corrective measures to remedy these problems at the earliest possible date.

Recommendations:

That a suitable specialized Hospital Architect-Engineering firm be engaged to study the existing plant and requirements, and using a forecast of county growth as a yard stick, prepare a long range development plan. This plan should be complete enough to clearly define all departmental requirements in 1960, 1965, and possibly 1970. This plan should also be arranged so that a continuous year to year, orderly expansion of facilities may take place just before they are acutely needed.

That in conjunction with this long range plan, a suitable continuing long range means of financing be developed, so that

monies required for each year's expansion program will be available on schedule.

That the above plans be given suitable and continuous county-wide publicity through churches, service clubs, and similar organizations so that they will be supported by public opinion.

This Jury wishes to commend Dr. Hillman and his staff for the excellent services they are rendering Dade County under conditions and with problems which are, at times, trying.

2. Miami Sanitorium

Inspection made of the above facility disclosed that many of the recommendations made by previous Grand Juries had been carried out, and the improvements were noted.

The proposed remodeling and enlargement of the institution should prove of benefit to its efficiency and operation. This should be accomplished in the near future.

3. City and County Jails

Inspection was made of the City of Miami and the Dade County Jail facilities in the Dade County Courthouse.

The new Chapel, located on the twenty-first floor was visited. It is the Jury's opinion that installation of this feature was a constructive move.

Very little can be done to improve the above two facilities, and the recommendations made by five previous Grand Juries that new jail quarters be provided are concurred in by this body.

4. Youth Hall, Juvenile & Domestic Relations Court

Inspection was made of the above facility which contributes much in exceptional and worthwhile service to this community.

The Annual Report of this institution for the year 1954, in comparison with 1953, indicates that the work of the Court is increasing due to the population increase in Dade County. During the year 1954, 7,649 complaints were investigated as compared to 7,159 handled in 1953. These complaints call for individual investigation on the

part of probation officers, and many cases are adjusted by conference.

An increase in the 1955-1956 budget to allow for two additional probation officers and additional stenographic help is being requested in order to give more coverage to the entire area. Further consideration is also being given to the matter of adjustment in salary scale for personnel in order that qualified persons may be retained.

5. Dade County Hospital, Old Folks' Home, and Children's Home, Kendall, Florida

On January 1, 1955, the above facilities became divisions of the Department of Public Welfare.

Many major improvements have been made in these county operated facilities during recent years, outstanding of which is the building remodeled for the Pediatric Division, installation of new operating and delivery tables, emergency ramps for safety and comfort of the patients, installation of a gas heating system, and new laundry, maintenance, and warehouse buildings. Under construction at the present time is a school building for colored children and an auditorium with a seating capacity of 400. Also on order is new fire equipment which will be operated by trained personnel.

As previously reported by preceding Grand Juries, the quarters provided for the inmates of the Old Folks' Home for the Colored are entirely inadequate and should be replaced.

The administration of these facilities cannot be too highly commended, and we believe this is primarily due to those in charge of the various institutions.

AIRPORTS FOR PRIVATE AND BUSINESS AIRCRAFT

The previous Grand Jury report indicated that there was a feeling among the private and executive pilots and aircraft owners that an executive in the Port Authority was attempting to discourage them in every way from coming into Dade County.

We find that at the time this previous report was made, the Port Director had informed the Commissioners that the Airport Use Panel recommended that as soon as other facilities could be made available, the Tamiami Airport be closed. The present Director presented this Grand Jury with a copy of letter directed to him under date of January 17, 1955, from the Secretary of the Airport Use Panel, advising him that no such orders were ever considered.

Representatives of the Civil Aeronautics Administration felt that:

1. Tamiami Airport was sufficient to accommodate all private flying in this particular area.
2. That the field should not be enlarged to accommodate large transport planes since there were ample facilities at the International Airport where the rates for this type of traffic are in line with other airports throughout the country.
3. At the present time, the Port Authority is negotiating a contract with a well financed firm which includes, in addition to other services, the building of eight new hangars at Tamiami Airport which will be available for engine overhaul, radio repair and other necessary services to accommodate private planes.

From the information the Jury obtained, there appears to be no hazards whatever for the private flier using Tamiami Airport, and that as developments take place, such facilities as taxi transportation and restaurants will be available.

We are further advised that Jet planes coming into the International Airport are not using the entire length of the present runways, so that the inference that longer runways should be installed at the Miami International Airport, thereby making Tamiami Airport useless, does not seem to be correct.

Conclusions:

With the above in mind, the Jury strongly recommends that the

Tamiami Airport development be continued so as to maintain adequate airport facilities for private aircraft in the future.

NEED FOR MEDICAL EXAMINER IN DADE COUNTY

The Grand Jury's information from the County Solicitor and State Attorney's offices indicates that there is a very definite need for a permanent medical examiner such as exists in Broward and Monroe Counties, and is being asked for now in both Duvall and Hillsboro Counties.

The Medical Examiner should be a skilled pathologist, and should have on his staff competent legal-medical men who can visit the scene of a death and determine whether any criminal action is involved and assume responsibility immediately upon their arrival at the scene of such crime.

His autopsy should have in mind all factors needed by the prosecutor in the handling of criminal cases. At the present time, death certificates are issued without stating the real cause of death. The letters "D.O.A." affixed to the certificates, meaning "Dead on Arrival" is not sufficient information for either the prosecutor, the family, or the insurance company and others who might be interested.

We believe this service would be of great help to law enforcement bodies in Dade County.

IMPROVEMENTS IN LAW ENFORCEMENT

The time permitted the Grand Jury to investigate crime and law enforcement in Dade County and its municipalities was very limited. The Sheriff of Dade County, the Chief of the Dade County Road Patrol, the Chief of the Dade County Police, and the Chief of Police of Miami, appeared before this body and made statements as to their operations, and made recommendations to this body for the improvement of law enforcement.

Since the police power of the County and its municipalities is

for the protection of life and property, it should have the first consideration of the controlling bodies of the political division of the County.

It is apparent from a study of the statistics of the growth of this area that the problems of law enforcement are becoming acute and will become moreso in the next few years. It is also apparent that the future of law enforcement is dependent upon the attraction of well qualified personnel to police work. A study of the scale of compensation for the new law enforcement officers revealed that it is not adequate to attract personnel of proper educational qualifications to insure a source for top grade, executive officers. Not only is the starting salary in our opinion too low, but the compensation incentive to continue and make a career of law enforcement is not adequate. Our study reveals that the starting salary for law enforcement officers should be enough to exclude the necessity of outside work to supplement income. The entire time for law enforcement officers should be devoted to law enforcement and study for advancement in police work.

We find that many of the defects in law enforcement in Dade County and its municipalities have come to the attention of previous Grand Juries and many recommendations of previous Grand Juries are now in process of change by legislative action.

We find from our study that the recommendations, particularly of the Spring Term 1954 Grand Jury, contained many excellent suggested improvements in law enforcement. It is unnecessary to repeat the recommendations at this time, but we heartily endorse the idea of the consolidation of many independent police functions so that better coordination may be achieved in the prevention and detection of crime in our community.

ENFORCEMENT OF LIQUOR LAWS

The Grand Jury is in receipt of considerable information to the effect that the liquor laws are not being properly enforced

in Dade County. We believe that selling liquor after hours and to juveniles during legal hours contributes materially to the rising toll of automotive accidents, juvenile delinquency, and violations of municipal, state and federal laws. The net result is an excessive cost of time and money to the public for prevention, detection and prosecution of these cases.

As a remedy for this situation, the Grand Jury recommends the following:

- (a) Local State Beverage Supervisor be given more authority over the local enforcement officer and his investigators in order that responsibility shall be placed on the local level.
- (b) Dade County Commissioners investigate the violations of closing laws and take such action as is necessary to assure compliance.
- (c) Dade County Sheriff actively assist in arrests of violators of state and county liquor laws.
- (d) Commissioners of the various municipalities within Dade County investigate to make certain that violations of municipal laws within their city are prosecuted.
- (e) Dade County Commissioners call a meeting of representatives of the various municipalities in Dade County for the purpose of coordinating liquor laws on a county-wide basis.
- (f) Investigation be made by the Dade County legislative delegation into the liquor laws relative to minors. Strengthening of these laws is necessary.

INSURANCE FOR DADE COUNTY

The Grand Jury finds that the insurance program for Dade County and the Port Authority is serviced by one agent appointed by the County Commission as Supervisor of Insurance. The Supervisor places

certain contracts of insurance with agents selected by the Commissioners.

Investigation reveals lack of coordination between department heads, the County Auditing Department, and the Insurance Supervisor. Responsibility for placing contracts of insurance is not centered in any one office.

It is the recommendation of the Grand Jury that, under the present system, a county employee familiar with the basic principles of property insurance should be vested with the authority and responsibility of effecting adequate insurance coverages.


It is also recommended that the payment of insurance premiums be made direct to the agents issuing policies covering property owned by the County and the Port Authority, instead of making payment direct to the Insurance Supervisor who makes final disbursement.

It is the opinion of the Grand Jury that there are many points in favor of the creation of an office of insurance buyer for Dade County, and the Dade County Port Authority. The Grand Jury recommends that the County Commission consider the appointment of an unbiased Committee of businessmen to investigate and report to the County Commission as to whether the present system of appointing an independent insurance agent as insurance advisor for and to the County is more desirable than the creation of a new department in the County known as the Insurance Buyer.

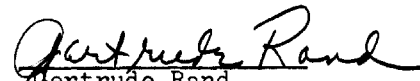
ACKNOWLEDGMENTS

The members of this Grand Jury wish to express their sincere thanks and appreciation to the Honorable George E. Holt, Senior Circuit Court Judge, State Attorney George A. Brautigam, and County Solicitor John D. Marsh, for their assistance and cooperation during our term as Grand Jurors.

Respectfully submitted,


Dean S. Campbell
Acting Foreman

ATTEST:


Gertrude Rand
Clerk