

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

**FALL TERM A. D. 1955**

**FINAL REPORT OF THE GRAND JURY**

**Filed**

**May 8, 1956**

Circuit Judge Presiding

ROBERT L. FLOYD

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<u>I N D E X</u>	<u>Page</u>
ACKNOWLEDGMENTS .....	27
AMENDED RESOLUTIONS IN DOWLING ESTATE CASES.....	1
BOOKMAKERS & BOLITA SELLERS.....	26
BONDS IN CITY TRAFFIC CASES.....	13
BUSINESS PERSONAL PROPERTY TAXES.....	8
CAPITAL CASES	
CIRCUIT COURT PROCEDURE RECOMMENDATIONS	
(1) Full investigation of condition of files.....	6
(2) Rotation System of Administrative Head.....	6
(3) Filing Judges Individual Public Reports.....	7
CITY OF MIAMI "PEACE PLAN" APPROVED.....	14
COMMUNICATION SYSTEM NEEDED.....	21
EDUCATION COMMITTEE PUBLICIZES SCHOOL PROBLEMS.....	11
GRAND JURORS	
(1) Recommendation for Equalized Compensation.....	25
(2) Necessity to Guard Against Political Use.....	25
HIALEAH GARDENS SPEED TRAP .....	16
JUVENILE DELINQUENCY RECOMMENDATIONS	
(1) Need for County Sheriff's Juvenile Bureau.....	9
(2) Need for Character Building in County Schools.....	9
(3) Need For State Law Governing Parents Responsibility.....	10
(4) Need for County Supervised Recreation.....	12
(5) Expediting Juvenile Witness Cases.....	10
(6) Appeal to Budget Commission.....	11
LEGISLATIVE CANDIDATES APPROVE JURY PROJECTS .....	15
LINEN SHOPS RACKET .....	7
MIAMI SANITORIUM (RETREAT) INSPECTION.....	23
MIAMI CITY STOCKADE INSPECTION .....	21
(1) Recommend Stockade Garden Expansion.....	22
MIAMI BEACH AMBULANCE SERVICE .....	23
MIAMI BEACH POLICE HEARING .....	18
MOONSHINE INVESTIGATION .....	17
OPA LOCKA AND DEMOCRACY .....	19
RECOMMENDATIONS FOR JACKSON MEMORIAL HOSPITAL .....	2

## I N D E X

	<u>Page</u>
RECOMMENDATIONS:	
(1) Mandatory jail sentences for first offenders convicted in gambling, bolita, prostitution, etc.....	14
(2) State Attorneys should select own assistants.....	22
(3) Local ordinances governing use of telephones in cases of serious emergencies .....	20
(4) State law to regulate advertising of homes by builders and developers .....	21
(5) Uniform state compulsory motor inspections .....	16
SOUTH MIAMI GOVERNMENT STUDY .....	19
SPECIAL PRIVILEGES IN DADE COUNTY JAIL .....	24
STATE HIGHWAY PATROL GETS NEW ORDER IN DADE COUNTY...	17

TO THE HONORABLE ROBERT L. FLOYD, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

We, the Grand Jury in and for Dade County, Florida, for  
the 1955 Fall Term of the Circuit Court of the Eleventh Judicial  
Circuit of Florida, present this our Final Report.

On November 8, 1955, we were impanelled by the Honorable  
Robert L. Floyd, Circuit Judge. This Grand Jury has held  
meetings, and various committees met upon numerous occasions  
to facilitate the work.

#### AUTHORITIES AND DUTIES OF GRAND JURY

The grand jury has broad inquisitorial power and the authority to investigate every offense that affects the morals, health, sanitation, and general welfare of the county. It may investigate state, county, and municipal institutions, offices and buildings and make due presentment concerning their physical, sanitary and general condition. It may investigate state, county and municipal offices and officers and recommend removal or recall of officers for acts of misconduct which warrant removal or recall, although such acts of misconduct do not constitute a criminal offense indictable by the grand jury. See *In re Report of Grand Jury*, 11 So. 2d 316; also *Clein v. State*, 52 So. 2d 117.

A list of capital cases considered by the Fall Term 1955 Grand Jury is presented here-  
with, indicating the action taken thereon:

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
JOHN SMITH	Second Degree Murder	True Bill
HARRIET WILKINS	Second Degree Murder	True Bill
AGUSTIN TORRES SANCHEZ	Second Degree Murder	True Bill
CHARLIE EDWARD MINCEY	Second Degree Murder	True Bill
BILLY AARON LEWIS ) ERNEST BERNARD COLLIER )	First Degree Murder	True Bill
LILLIAN BLACKWELL	Homicide	No True Bill
WILLIE JACK KYLES	Manslaughter	No True Bill
CLARENCE WALKER	Rape	True Bill
OSCAR ALBERT HEINTZ, JR.	Rape	True Bill
WARREN JEROME SMITH	Rape	True Bill
MINNIE JENKINS	Manslaughter	True Bill
JACK DOLLINGER	Manslaughter	True Bill
EDDIE WILLIAMS	Manslaughter	No True Bill
WILLIE JAMES WHITE	Manslaughter	No True Bill
WILLIE TICE	Manslaughter (2 Counts)	True Bill
DANIEL TURNER	Manslaughter	True Bill
SAMUEL LEE TRIMBLE	Second Degree Murder	True Bill
BERTRAM MOSS	Second Degree Murder	True Bill
LUCILLE WALKER	First Degree Murder	True Bill
WILLIAM C. JOHNSON	First Degree Murder	True Bill
ETTA MAE WALKER	First Degree Murder	True Bill
LUTHER LIVERSON	Second Degree Murder	True Bill
ROBERT SHEPARD ) JERRY MANNING )	Rape (2 Counts)	True Bill
MARY FREEMAN	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
MRS. MARIAN V. MOORE	First Degree Murder	True Bill
CLAUDE CLINTON JOHNSON	Manslaughter (2 Counts)	True Bill
WALLACE E. JOHNSON	Rape	True Bill
PRESTON SMYTHE	First Degree Murder	True Bill
JAMES E. REYNOLDS	First Degree Murder	True Bill
EARLIE OWENS	First Degree Murder	True Bill
VERDIS COLBERT, JR.	Rape	True Bill
GERTRUDE FRENCH	First Degree Murder	True Bill
JOHNNY LEE GALLIMORE	First Degree Murder	True Bill
EDWARD ROBERTS	First Degree Murder (3 Counts)	True Bill
TOMMY WATTS	Rape	True Bill
WILLIE GRANT	First Degree Murder	True Bill



### SUPERVISION LAXITY BASIC CAUSE OF HOSPITAL COMPLAINTS

The Grand Jury criticizes the management of Jackson Memorial Hospital for laxity of supervision over directives issued by the upper echelon officials in the operation of the Emergency Ward. Need of a system for signatures of hospital employees as proof they have read such directives is indicated so there can be no evasions. A directive to insist that case records are kept complete within 24 hour periods is needed to assure full information being available to shifts of staff and nurses.

The Dade County Board of Commissioners, upon invitation, sat with the Grand Jury during eight hours of presentation of fact developed by Grand Jury investigator and questioning of hospital's Executive Director, Dr. Kermit H. Gates; liaison between the hospital and University of Miami Medical School, Dr. C. C. Hillman, Associate Dean of the Medical School, and Paul Walker, Director of Public Welfare of Dade County.

Evidence at inquests into deaths in county jail of persons sent there from the hospital started the Grand Jury special quiz. Questionable practices and attitudes of emergency ward employees were studied. One such death occurred 10 minutes after the person had been dismissed by the hospital under the institution's "hold for bed at Retreat" order.

Evidence of two typical cases, experiencing unreasonable delays between arrival at the ward and first attention, was presented to the joint hearing, in addition to review of fact exposed by inquest testimony. Unsympathetic attitude of reception employees was criticized. Commission members and hospital heads took notes for their personal investigations.

The Grand Jury criticizes the hospital management for allowing laxity in keeping of emergency case records as revealed in one of the jail deaths when, three weeks after the man's demise and when faced with the inquest, the hospital's Executive Director issued a special order to "be sure to have the case file complete." At

that period following death, he allowed entries to be made on the card regarding medication, etc.

The Grand Jury criticizes the hospital management for permitting patients to be discharged from the Emergency Ward by hospital attaches who have no power of admittance. It likewise criticizes practice of allowing partially qualified or unqualified personnel to attempt to "read" wet X-rays. One death may have resulted from a faulty interpretation of the lines and shadows.

Civil rights of at least 114 persons, mostly "uncomplicated" intoxicants, may have been violated between April 1955 and January 15, 1956. They were sent to the Dade County Jail to await transfer to the Miami Sanatorium on orders allegedly signed by hospital physicians in the Emergency Ward. Even though no charge was entered against them, these individuals were "booked" like common criminals, "mugged" and finger-printed. The order usually read "To jail to await a bed at Miami Retreat."

The hospital has recently tried to correct this practice by opening "WARD A" in the emergency section with 14 beds where persons can be "held for observation" (or sobering up). Since occupancy of these beds is not limited to intoxicants, there will still be times when this ward will not be large enough.

At the request of the Dade County Commission, the Grand Jury has prepared a series of recommendations for improvements. They are:

(1) The County Commission should insist on periodic written reports being given them from the Emergency Ward by the hospital Executive Director on (a) case load statistics, (b) departmental head changes, (c) policy revisions and changes in operating procedure, and (d) financial condition, expenditures, details of allocation of funds appropriated for hospital operation by departments.

(2) A central file should be established on all hospital administrative directives, policy changes and all changes in general operation procedure with copies being filed with the County Commission members.

(3) Establish and insist on basic minimum requirements for all departmental heads in hospital personnel.

(4) It is recommended that Welfare Bureau representatives be on duty around the clock to aid in psychiatric placement of indigent patients and for the purpose of screening for welfare aid; in emergency cases such screening to be only after treatment.

(5) Completely review and revise operating and administrative procedures to correct recognizable present deficiencies; including all directives from the administration of departmental heads being returned, initialed, to the issuing agent and establishment of a system of "Red Flag" marking of patients' charts, denoting all patients needing further prescribed treatment in the Emergency Ward.

(6) Facilities of Ward A should be increased; there is great need for additional space for "Hold for Observation" cases. In the event Ward A is filled and there are rooms elsewhere in the hospital, we recommend such rooms be used for overflow Ward A patients, so such individuals are not sent to jail.

(7) Periodical checks by executive management to see that directives are being followed.

(8) Only qualified and responsible personnel should make entries on medical charts and records and each such person should affix his or her signature to same.

(9) A system of reporting forms should be established and strictly maintained for the police room at the hospital. This record should show individual's name, address, personal history, charges against individuals, name of arresting officer, names of witnesses, time and date of the incident and names of attending physicians and nurses.

(10) A definite correlated reporting system is needed between the Miami Sanatorium, Dade County Jail and Jackson Memorial Hospital.

(11) A police ward should be established at the hospital with sufficient bed space to eliminate the necessity of any such practice as "To jail to await bed at Retreat"; such ward should be close to medical facilities.

(12) The Dade County Sheriff's office should be advised by the County Commission to guard against any further violations of the civil rights of individuals being remanded to their custody. In no instance should anyone be incarcerated or have their freedom restrained unless proper charges have been filed against them by legally authorized officers.

#### GRAND JURY RECOMMENDS ADMINISTRATIVE HEAD OF COURT BE ROTATED

The Grand Jury recommends to the Supreme Court of the State of Florida that it sponsor an amendment to the State Constitution if required so the office of Administrative Head of the Dade County Circuit Court be rotated at periods of not more than every two years and that the title of "Senior Judge" be discarded. Lifelong control of the Circuit Court in the hands of any one man under the present senior judge plan is unfair, unjust to other equally competent judges and tends to lead to the abuse of the authority invested in one man. The Supreme Court of Florida uses a rotation plan and we believe it will eliminate many causes for complaint against the Dade County Circuit Court and increase its efficiency if put into practice here. A rotation system will remove the criticism that only cases with hard work are referred to some judges, while others get all those offering opportunities for patronage and repayment of political obligations with large fees.

#### INVESTIGATION RECOMMENDED OF FILES OF MASTERS AND RECEIVERS

This Grand Jury recommends to its successor that, as soon as it is impaneled, it start a complete investigation into the files of the Dade County Circuit Court, particularly as to condition of masters and receivers files. Too late in the life of this Grand Jury it realized a number of questionable practices had become habit, but we did not have time left to go into a thorough job. The clerk of the court and his aides must follow orders from judges relating to release of files to attorneys and other court representatives. When attorneys are derelict about observing the 5-day rule, office aides should be strict and insist that files be returned. In some instances they have been out so long they have become "misplaced." One file was found in the "attic" of the lawyer who had taken it out. In two cases it was necessary for the Grand Jury to threaten to have files subpoenaed before they were brought back. One had been out three consecutive times for three months each. When the concealing attorney was questioned, his answer was that

"they" did not want the opponents of a candidate for a judgeship to get hold of the file and use it for political propaganda. Study of some receivership cases is difficult because records are in such bad condition that complete analyses are impossible because key papers, reports and rulings either never were put into the files or removed after they had been placed there.

#### RECOMMEND CIRCUIT JUDGES FILE PERIODIC PUBLIC REPORTS

The Grand Jury recommends that the Dade County Circuit Court Judges adopt a system of filing public reports on their individual work every week or by periods of not more than every 30 days. The public can then compare the separate records and decide whether each judge is meeting the responsibilities for which he was elected; how many cases heard and completed and their nature; how many cases assigned to him not heard and how many unfinished; how many masters and receivers named; who they were and what fee was recommended or paid under his orders in that period and to whom. When final reports are filed by receivers information in the judges' monthly reports shall disclose total expenditures and costs of receivership. The Grand Jury believes that if judges are willing to lay their records of production open before the public and voters, efficiency of the courts will be improved. New Jersey is a typical state in which such reports are filed.

#### NO INDICTMENT BUT TAX AUTHORITIES HELPED BY GRAND JURY SUBPOENA

Investigation of the linen shop racket in Miami and Miami Beach failed to produce evidence for an indictment because the Adjmi clan, owners of Belfast Imports on Flagler Street, Miami, and Dresden Galleries on Miami Beach, settled each claim when complaint was made and victims, with their money returned and many from out of Florida, did not want to waste time and emotions to prosecute. Leon Adjmi, his clerk and a son were the only persons this Grand Jury had to cite to the Circuit Court on an Order to Show Cause for contempt as to why they

refused to produce their business records and answer questions. They changed their minds when faced with a jail sentence for contempt and their own pet system of bookkeeping was revealed. State tax officials had not been able to see the books either, and claim they found misrepresentation of gross sales in tax returns. The state tax department planned to slap a special assessment on them. Now, the federal authorities have taken up this case. Practically all purchases had been made from one New York City source already under investigation by the Manhattan District Attorney. Copy of the Dade County record has been sent to New York as it is believed that the suspect is a key man in a chain of racket stores in various cities.

#### BUSINESS PERSONAL PROPERTY TAXES SHOULD BE UNIFORM

Dade County and most of its municipalities assess taxes on business personal property as a source of revenue.

Tax authorities tell the Grand Jury that existing laws cannot be enforced on the 100 per cent basis so assessors strive to equalize levies between taxpayers on a basis substantially below the cost of taxed business personal property.

At least one municipality in the county does not assess business personal property such as inventories, machinery, etc., and warehouses are being attracted there. Inventories of merchandise have been removed from the City of Miami and the loss of revenue is of much concern. The Grand Jury recommends our legislative delegation prepare a law for this county placing assessment of business personal property in a central authority and permit an equitable division of taxes collected between the county and its municipalities.

## JUVENILE STUDY DEVELOPED THREE SEPARATE RECOMMENDATIONS

The investigations by this Grand Jury as a whole and by its special committees resulted in three separate recommendations being adopted unanimously by the entire jury body:

### (1) NEED FOR FULL-FLEDGED JUVENILE BUREAU IN SHERIFF'S DEPARTMENT.

The Grand Jury strongly recommends that a complete Juvenile Bureau with a staff of 10 deputies without other responsibilities be created in the Dade County Sheriff's office. Two deputies from the crime bureau and three highway patrol officers are now valiantly trying to do the job over 2,034 square miles of unincorporated area with two borrowed automobiles, one of which has neither siren nor flashing light. The 10 deputies, with proper motor equipment, can supply county juvenile protection and constructive youth-parent counseling with two cars operating day and night, each with two officers while a fifth pair would be available for special emergencies and relief. From present deputies under this assignment, the Grand Jury learned there are some areas where one man dare not go alone and spots where officers dare not leave motorcycles or automobiles for fear of damage and dismantling by youths.

### (2) NEED FOR DEFINITE CHARACTER BUILDING COURSE IN PUBLIC SCHOOLS.

A second lengthy report was issued by the Grand Jury recommending that consideration be given by school authorities to the development of a character building course in the public schools of Dade County, with graduating credits for certain subjects in the upper grades. The Grand Jury study found that "the greatest cause of Dade's juvenile problem--the same as on the national level--is the weakness in today's family life. The report, available in the Grand Jury file in detail, says that "the high percentage of parents who are failing to instill respect for obedience, law and authority in their young children at home" is loading the increased responsibility on the public schools. With less than 40 per cent of children today having definite church relationship, according to



Walter H. Beckham, Judge of the Juvenile and Domestic Relations Court, the Grand Jury believes that the schools should go far beyond all present efforts at character building and should create a special non-sectarian course starting in the lower grades. The report praised vigilance of school principals and teachers and recommended creation of a Parental School, already being discussed by authorities, "as soon as properly trained supervision is available."

(3) GREATER LEGAL RESPONSIBILITY OF PARENTS  
FOR ACTS OF CHILDREN

Judges in Florida have no state law to give them authority to assess damages against parents whose children damage and wreck property. Some other states have. Numerous incidents have happened in Dade County with much loss. The Grand Jury recommends that the Dade County delegation sponsor a Florida Parental Responsibility Law whereby any municipal corporation, county, township, village, school district, and department of the State of Florida, or any person, partnership, corporation, or association, or any religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed \$500.00, in a court of competent jurisdiction, from the parents of any minor under 18 years of age, living with the parents, who shall maliciously or wilfully destroy property, real or personal or mixed, of individuals or groups listed herein.

AGREEMENT ON EXPEDITING JUVENILE WITNESS CASES

Everything possible to expedite cases where juvenile witnesses are involved, frequently from out of the county and state, is the policy of the court of Judge Ben C. Willard. This subject was on the minds of the Grand Jury members when Judge Willard accepted an invitation to talk with them and he announced his policy. He reported his docket is usually kept up to within a week; his handling of approximately 23 out of every 25 cases without a jury helps greatly to "speed the legal wheels without sacrificing justice."

#### APPEAL TO BUDGET COMMISSION NOT TO REJECT JUVENILE AID ITEMS

The Grand Jury questions the wisdom of the Dade County Budget Commission in continuously rejecting the requests of the Dade County Commission and the Dade County Sheriff for minimum adequate personnel to handle the county's juvenile problems. The Grand Jury reviewed copies of such rejections as far back as July 1, 1953 when the Budget Commission cut \$21,000 from the Sheriff's budget "due to disapproval" and "eliminated medical-legal advisor \$10,000; juvenile aid director, \$4,200; juvenile aid deputy, \$3,300, and junior deputy director, \$3,600." If the \$11,000 had been granted in 1953, 1954, and 1955, today's delinquencies outside the municipalities might not be so complicated. The Grand Jury prays that the souls and lives of Dade County children will carry more weight than the dollars when they consider the requests for funds needed to operate the full fledged Juvenile Bureau in the Sheriff's Department as recommended by this Grand Jury.

#### EDUCATION COMMITTEE AIRED SCHOOL PROBLEMS IN PUBLICITY RELEASES

The Education Committee decided it could best serve the taxpayers, parents, children and public schools by preparing a series of publicity releases on the present and future problems of the public schools as it found they now exist and will arise in the next few years. Because all these problems will be on the program of a "Little White House Conference on Education" being arranged for next November, the Grand Jury Committee studiously avoided recommendations in most instances since 500 men and women will be given an opportunity in the November conference to tell the Board of Education and the new Superintendent of schools what they want.

The subjects of the five studies were:

- "What Should the Public Schools Teach?"
- "What Are the School Building Needs?"
- "How Can We Finance Building and Operation of Schools?"
- "How Can We Attract and Hold Good Teachers?"
- "How Can We Improve Efficiency of School Operation?"

Complete copies of all these reports to newspapers, radio and television stations are part of the permanent record of this Grand Jury.

DEFINITE RECOMMENDATIONS WERE:

(1) United support for constitutional amendment in fall election that would permit Dade County to appoint instead of elect its Superintendent of Schools. The Grand Jury committee believes the Board of Education should have the power to select and hire the most successful school administrator available in the United States instead of being compelled to operate the great system with a man selected by popular vote regardless of experience or ability. The second improvement in efficiency of such method would be to relieve teachers and school personnel of political and disturbing pressures at election time. Thus teachers could be more efficient with happier and more harmonious lives.

(2) Development of complete merit system with the aid of expert counsel to assure full personnel equity in recruitment, promotions, pay scales, retirement and other factors necessary to secure and hold good teachers. The Grand Jury recognized that the Board of Education was already working toward this end but believed maximum emphasis should be placed upon getting the final COMPLETE result.

TEENAGERS AND JURY ASK MORE SUPERVISED RECREATION IN THE COUNTY

Young people in the high schools, when their opinions were sought regarding the Grand Jury's recommendation for intensified character-building emphasis in public schools, frequently expressed the need for more supervised recreation, especially around the county. They recognized the fine Dade County Park system but complained that the parks do not help them keep busy in the evenings.

According to the University of Miami Bureau of Business and Economics Research, population growth in the unincorporated areas is more than twice that of the incorporated towns and cities. Its report shows that since 1950 there has been an average 15.9 per cent annual growth outside the towns. Yet not one cent

has been budgeted by the Dade County Commission for any recreation program.

Children attending the 29 public schools in the unincorporated areas must depend completely on school, home, church, and commercial entertainment.

In contrast, some of the towns and cities are showing much consideration for their boys and girls. A list of sample appropriations has been supplied the Grand Jury. These are typical:

City of Miami (1955-1956) \$228,533; Miami Beach (1955-1956) \$309,000;  
Coral Gables (1955-1956) \$144,344; Hialeah (1955-1956) \$47,999; Miami  
Springs \$19,178; Opa Locka \$10,870, and North Miami \$21,000.

The county owned Camp Owissa Bower is rented to organizations for outings. The Grand Jury recommends that as part of the answer to the boys and girls pleading for public supervised recreation in the county, that well lighted and supervised swimming pools, baseball diamonds, playgrounds, and juvenile centers with teenage dances and other programs to keep young minds and bodies busy be considered by the County Commission and the County Budget Commission.

Until such time as county owned facilities can be provided, arrangements should be made with the Dade County Board of Education to use public school properties during the summer months with the installation of necessary equipment by the County Commission with a recreational supervisor provided by the county.

#### HIGH BONDS IN CITY TRAFFIC CASES DISCUSSED WITH THE JUDGE

Complaints received by the Grand Jury against alleged high bonds for minor traffic accidents in the city were discussed with Judge Ben Willard who sets the amounts. A typical case where damage was less than \$50 but the bond was \$102.00 was cited. Judge Willard told the Grand Jury he is on duty 24 hours a day with a telephone by his bed for night work, and while "name or color mean nothing in setting the amount of bonds" reliable residents of the area can secure release on either their own recognizance or their attorney's by calling him.

#### GRAND JURY APPROVED CITY COMMISSION PLAN FOR PEACE

Grand Jury members approved the monthly "closed door" sessions suggested by the City Commission of Miami. With no transaction of official business but devoted to around-the-table chats on how its administration of city affairs can be improved, the meetings will offer opportunities to discuss criticisms and complaints about various departments with the department heads themselves. With the entire commission and the City Manager entering into these discussions, the public feuding and fussing should be eliminated.

The afternoon roundtable session with the whole Commission, City Manager, and Chief of Police convinced the Grand Jury that all members of the City of Miami legislative body were weary of the "fireworks" of the past with its public "washing of municipal linen." The Grand Jury believed that, with sufficient evidence, the Commission's suggestions will be received by administrative department heads with cooperative consideration. Then, the Commission will welcome the opportunity to devote its time and energies to more constructive programs. Lagging or erring department heads will get monthly personal evidence, if needed, that all five Commissioners are working for the finest administration Miami has ever had, as they told the Grand Jury.

Happy indeed was the confidence expressed by all Commissioners on the ability and integrity of their City Manager and in their Police Department with the exception of the Detective Bureau.

#### MANDATORY JAIL SENTENCES RECOMMENDED FOR FIRST OFFENDERS

The Commissioners agreed with the Grand Jury recommendation that 60 day jail sentences should be mandatory for first offenders in gambling, bolita, prostitution, and other vice cases instead of the present alternative of fine or jail until the third conviction. This matter was referred to the City Attorney by the City Commission a few days after the conference for his study and recommendations.

Many other municipal problems were discussed . . . . the civil service regulations, safety director or not, needed police guards and a higher fence at the City Stockade, traffic handling, etc. Members of both groups expressed opinions and arguments. Adjournment of the roundtable followed the Grand Jury's invitation to the City Commission to return for further conferences any time it believed the Grand Jury could help.

#### LEGISLATIVE CANDIDATES WILL SUPPORT GRAND JURY PROPOSALS

Half of one morning's regular session of the Grand Jury was devoted to a conference with legislative candidates on some of the proposals of the jury. All candidates were invited and more than a dozen accepted the invitation. Matters discussed were the Grand Jury advocacy of (1) a uniform automobile inspection system for the county and state, (2) a parental responsibility law for Florida, and (3) uniformity of assessment and collection of business personal property taxes. All candidates present agreed wholeheartedly with the Grand Jury recommendations. The proposed Home Rule Enactment was suggested as probably the best method of achieving uniformity of business personal property tax assessment for the county, and an oft advocated State Tax Commission could secure statewide equality of assessment.

#### GRAND JURY CALLED 11 WITNESSES TO EXPOSE HIALEAH GARDENS SPEED TRAP

Eleven witnesses were subpoenaed and quizzed by the Grand Jury to lay the foundation and secure the evidence for the injunction filed by the State Attorney against the speed trap of Hialeah Gardens. With 80 registered voters, a \$60,000 municipal budget included \$45,000 to be collected from fines and bond forfeitures. Town officials had refused to open their books even to the newspapers but the Grand Jury subpoenaed all the town records and exposed some startling figures.

With approximately 50 automobiles owned by town residents, the "government" had bought 10,000 inspection stickers to be sold throughout the county to garages and filling stations at 75 cents each. The town's former Marshal, Louis Schantz, in charge of the distribution received 25 cents from each sticker sold and the town collected 50 cents. More than 2,200 of the inspections are of automobiles whose owners live in Miami, Coral Gables and other cities and towns as far away as Hollywood. Mayor-Chief of Police James A. Grimsley set up the Police Department, tagged by the Grand Jury as a scheme for raising revenue and not for "safety regulation" as alleged. A \$21,000 police department for approximately 175 residents, with 4 1/2 miles of Route 27 Highway to patrol, was believed by the Grand Jury to be completely out of order. The Mayor and Council gave a Christmas party for all residents with a fountain pen gift for all men and boxes of candy for the women, paid out of city funds collected from fines. The Gardens has no local taxes.

#### GRAND JURY RECOMMENDS STATEWIDE COMPULSORY MOTOR INSPECTION

No uniformity exists in the methods used by the 23 municipalities in Dade County for inspection of automobiles for safety. In most cases, inspections are completely inadequate to protect the motoring public. The standard of inspection varies so much that complete wrecks can be approved in some sections. In some communities the inspection and issuance of stickers is merely a revenue raising device in the disguise of a safety measure. The Hialeah Gardens case is

a typical one. All police officials interviewed believe the only solution to this abuse is a state-wide, uniform, compulsory motor vehicle inspection and the Grand Jury urges that the Dade County delegation promulgate such a statute in the next session of the Florida State Legislature.

#### STATE HIGHWAY PATROL ORDERED TO CARRY OUT GRAND JURY SUGGESTIONS

Investigation of two complaints against procedure of Florida State Highway Patrol resulted in orders from State Director of Safety H. B. Kirkman to Commander of the Patrol in Dade County to "please advise troopers in Dade County to follow suggestions of Grand Jury." Permanent residents of the county were being "paddy-wagoned" to jail to enter bond for minor traffic violations. In the investigated cases, one elderly couple was going slightly over the 40 mile maximum marked for a certain zone. In the other case, the driver had one headlight out and was hauled over the fence out of his own yard. Arresting officer failed on two counts: (1) No summons or citations were given and (2) he did not inform them that he was authorized to take cash bonds. Both steps are specified in his regulations. The Grand Jury had to finally carry their case to Governor Collins before a satisfactory answer was given. The jury asked that State Troopers issue citations in minor violations, and instruct violators that they are permitted to accept cash bonds. The Grand Jury conceded that the arresting officer has the right to require a cash bond if he feels summons or citation is not sufficient; that the order should not include drunks, speeders, unruly or reckless drivers, and should be confined to Dade County residents who can easily be located if they fail to answer their summons to appear in court.

#### MOONSHINE INVESTIGATIONS AND RAIDS RAISED PRICES TWICE

Combination of the United States Government, the State of Florida and the Wholesale Liquor Dealers Association in an attempt to suppress or reduce the traffic in moonshine whiskey, with seizure of more than 600 gallons between February 1, 1956, and March 1, 1956, caused the retail price of moonshine



to rise twice in Dade County during that period. Grand Jury investigator reported that an asking price of \$1.50 per pint had been reached by February 21 with a disappearance of any supply at many of the original sources. It is believed by the Grand Jury that raids made by Deputy Sheriff Joseph Gorman, with other officers, made a deep impression on the moonshine traffic. In view of the announced plans by the enforcement agencies named above, the Grand Jury halted its investigation into this illegal activity.

#### SOME FOLKS CARED NOTHING FOR OATH IN MIAMI BEACH POLICE HEARING

Who told the truth in the Miami Beach hearing before the Personnel Board on the appeal of Patrolman Darrell Turk against discharge by Chief of Police Romeo Shepard? The Grand Jury recommends that the board launch its own inquiry into who committed perjury. The trio picked by the Grand Jury to attend the hearing listened to every witness up to 3 A.M. Even though all witnesses solemnly raised their right hands in swearing to tell the truth, two separate and distinct stories of facts were told, completely at variance. Members of the police department came up with conflicting tales about the finding of the cameras and photographic equipment Turk was accused of stealing. The Grand Jury was more concerned over who was telling the truth than in the board's decision to believe the witnesses against Turk. The Grand Jury now has reports from two sources that the Chief of Police has issued a supposedly confidential order that any member of the police department who talks with a Grand Jurymen will be discharged. This Grand Jury challenged Chief Shepard to carry out any such threat and suggests that the succeeding Grand Jury keep this effort to conceal evidence in mind when it goes into action.

#### GRAND JURY FOUND NO REASON TO CHALLENGE SOUTH MIAMI GOVERNMENT

At the request of Mayor Carl Gluck of South Miami, who asked that he be given a hearing by the Grand Jury, a special committee investigated criticism he made on the way municipal affairs in that bailwick were being handled. The committee went over a voluminous file of council minutes, budgets, and budget messages along with selected correspondence and communications he submitted. The investigation included calling in by subpoena civic and business leaders of the city and a member of the City Council. It appeared to the committee that the charges were purely personality clashes of the Mayor and his council members, although both the council and the business community were not satisfied with the city manager's method of operation. Among other things, it was apparent that the citizenry in general was not aware the incumbent was holding down several offices-- city manager, city treasurer, tax assessor, tax collector and recreation director. This was explained to the Grand Jury as only a temporary situation, but the Jury recommended that the involved responsibilities be separated as quickly as possible. As some members of the council realized the implication of such a situation, the Grand Jury did not feel it was within its realm to intervene in administrative policy. Adequate bonds and protective procedure had been set up for the handling of municipal funds. The committee report to the Grand Jury, adopted by the body as a whole, said "It seems to us... and appears to be the opinion of business leaders that the elected officials are striving to do a conscientious job."

#### ELECTION MAY GIVE OPA LOCKA DEMOCRATIC PROCEDURE AGAIN

When a 3-2 council majority decided it was going to run things the way the trio wanted it done ... when the Mayor, head of the triumvirate, gaveled down citizens whose opinions did not agree with his, telling them they were out of order... when the same Mayor walked out of meetings with an explosive "I'm not going to waste any more time on this" when things did not go his way... when every possible road block was being thrown in the way of more than 150 voters

seeking a recall of the three...that was when the Grand Jury subpoenaed the Mayor, members of the council, city clerk, city attorney, building inspector and representatives of the Opa Locka Civic Improvement League to come in and answer a few questions. Advice on procedure and moral support were given the citizens' group. A committee of six Grand Jurors attended a critical council meeting in the Opa Locka town hall and when an opportunity was given to certify the signatures on the recall petitions, many more than the required number, the young city clerk certified the list despite the advice given him that same noon by the city attorney not to do it. He acknowledged later that the presence of the Grand Jury was the deciding factor in his decision. Then a charter defect threw another delay to procedure. A week before the primary election in Opa Locka on April 3, one of the triumvirate who was up for re-election, switched over to the other side in a 2-3 roll call, but the voters apparently felt it was too late. He came in eleventh in a field of twelve candidates. True democratic action may now be returned to this city even if the recall of the remaining two is lost in legal byways.

#### RECOMMENDATION FOR ORDINANCES AGAINST TELEPHONE "HOGGING"

Because the City of Miami has no ordinance strong enough to successfully prosecute a person who refuses to relinquish a party telephone line in an emergency, the court in mid-March was compelled to dismiss disorderly conduct charges against a woman whose obstinacy caused a ten minute delay in calling an ambulance for a man who died from a heart attack upon final arrival at Jackson Memorial Hospital. The Grand Jury recommends that a special ordinance be adopted by the City of Miami and other Dade County municipalities carrying either a jail sentence or fine, or both, for persons found guilty of such breach of human decency. Equal penalties should be assessed against any person falsely claiming an emergency in asking for the release of a busy line when none exists.

#### RECOMMENDATION TO CONTROL HOUSE SALE ADVERTISING BY BUILDERS

Because there is no state control over advertising statements made by builders and contractors regarding houses they build and sell themselves, the Grand Jury recommended to the Realty Boards of Dade County, the Florida State Board of Realtors, South Florida Chapter of Associated General Contractors and the Builders Association of South Florida that such legislation be readied by them to be sponsored by the Dade County representatives in the next session of the State Legislature. Legally registered real estate brokers and registered salesmen are the only persons now regulated as to "fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing, trick, scheme or device, culpable negligence or breach of trust." A complaint filed by a citizen with the Grand Jury caused the investigation that instigated this recommendation.

#### COMMUNICATION SYSTEM NEEDED TO AVOID JURY INTERRUPTIONS

Because there is no direct communication between the office of the Administrative Assistant to the Grand Jury and the Grand Jury Room, the Grand Jury is frequently interrupted in the midst of its deliberations by alarms at the door with messages, phone calls, etc. To avoid these disturbances of procedure, this Grand Jury recommends that a communicating system be installed between the executive's desk and the clerk's desk in the Jury Room so all messages can be transmitted without jury interruption.

#### CITY STOCKADE VISIT BRINGS HIGH PRAISE FROM GRAND JURY COMMITTEE

Report of the Public Welfare Committee on its visit to the City Stockade resulted in a statement being issued by the Grand Jury that it "could see no reason for censure of the City of Miami Police Department for the report that some 60 prisoners escaped in 20 months" because "we find that a large majority of such escapes occurred after prisoners had been delivered to the guards of other city departments" for labor work in those departments and not while the

prisoners were in custody of stockade officers. The stockade itself came in for enthusiastic praise: "the layout and landscaping... was attractive; buildings are fireproof in construction and well-lighted and ventilated; everything was very orderly and clean; attendants were courteous and appeared alert and interested in doing their jobs well." A higher fence and police gate-keepers instead of using "trusties" were needs indicated.

#### GRAND JURY RECOMMENDS ADDITIONAL AREA FOR STOCKADE GARDEN

Fifteen acres in front of the stockade, owned by the county, but used by the city, is farmed by stockade inmates to furnish fresh vegetables for stockade inmates. The Grand Jury endorsed the committee recommendation that the city should purchase not less than 30 additional acres adjoining the stockade. Fresh vegetables can be grown there as food for inmates of the city jail and other municipal institutions at the same time supplying outdoor recreational work for prisoners.

#### GRAND JURY BELIEVES STATE ATTORNEY SHOULD NAME OWN AIDES

Under present Florida statutes, State Attorneys have no control over the selection of their assistants. They are appointed by the Governor of Florida and must be accepted by the State Attorneys unless specific charges can be filed against them either at the time of appointment or later. This procedure removes all employer-employee atmosphere between the State Attorney and his aides. The Grand Jury recommends to the Dade County Grand Jury Association and the Senator and Representatives from Dade County that they jointly endeavor to secure passage of an amended statute in the next session of the Florida State Legislature whereby State Attorneys shall have the power to select their own assistants, subject to proper regulations for dismissal if such action should be found advisable or necessary.

#### COMMITTEE INSPECTING MIAMI SANITORIUM WAS FAVORABLY IMPRESSED

Outside of recommending that "all windows be washed and kept clean, walls be washed if they cannot be painted, colored section be thoroughly cleaned with emphasis on bathrooms, and remove garbage cans from kitchen area and place in containers in the ground," the Public Welfare Committee inspecting the Miami Sanitorium was "generally speaking, favorably impressed with operation and the handling of patients." Miss Gladys Randolph, Head Nurse, was most cooperative as she conducted the tour, described the various wards and answered questions. Due to remodeling and construction in progress, the inspection was limited and allowance made for the conditions found. The installation of an elevator and the new ambulance entrance should facilitate receiving and discharging patients. The committee was advised that a new range, dishwashing machine and freezer were on order for the kitchen area. The Grand Jury criticized a broken outside grilled door in the male section and again, as did the Grand Jury in 1954, recommended that it be repaired.

(The Grand Jury hired a Chicago actor-investigator, prior to the committee visitation, secured his commitment to the Sanitorium as a patient for two days and gained for the Grand Jury files a lengthy report on the procedure of handling persons committed to the Sanitorium for intoxication treatment.)

#### MIAMI BEACH AMBULANCE SERVICE SYSTEM COULD NOT BE CRITICIZED

Investigation following complaints filed with the Grand Jury against the ambulance call system in Miami Beach developed no cause for criticism. The complaints alleged the City Council had not carried out a referendum passed by the voters calling for a municipally owned system. The City Council, by employing hospital internes on 24-hour call, and a chauffeur and car at the hospital to carry the doctor to all accident scenes, had complied with the spirit of the vote, but instead of investing taxpayers money in a number of ambulances and equipment, hiring three shifts of drivers and attendants and assuming other costs, had worked out a rotation system whereby the police station, into which all accident calls are sent, phones existing ambulance service nearest the scene of the accident at the same it alerts the interne to be on his way to the scene. Records showed that both frequently arrived at the spot at almost the same minute and the professional medical service is immediately available.

### SPECIAL PRIVILEGES HAVE BEEN APPARENT IN THE DADE COUNTY JAIL

A Grand Jury investigator reported that within two years special privileges have been extended to certain inmates of the Dade County Jail in violation of jail rules. Four typical cases are listed in this report and the Grand Jury recommends that jail regulations be applied more diligently, equally to all and without favor, by the Sheriff of Dade County so that such criticism can be completely eliminated in the future. Here are the definite instances selected as examples:

(1) Fred Suponey and Michael Rush, both with long records as hardened criminals, were moved from their cells down to a 22nd floor room with ordinary walls and a screen and bars over the window, mounted on hinges and locked with a padlock. Rush easily opened the padlock and slid down to the 16th floor where he was caught. A bottle of wine was found in the 22nd floor room and some groceries. No outside food is permitted in the jail except by permission from the Chief Jailer.

(2) Jimmie Demetree was brought down to the Squad Room whenever his wife came to visit and the pair sometimes had coffee together for more than an hour. This practice offered repeated opportunities to bring in dangerous weapons not possible in the regular type visiting room.

(3) Special consideration has been given employees of the Capitol Bonding Company. Irving Seltzer, an employee of Murray Goldberg, has been allowed to hang around the jail booking office for as many as four hours at a time. Widespread rumor among jail employees and outsiders hints that at least one jailer has benefited financially.

(4) Harry Sitamor, notorious longtime jewel thief, when in the county jail awaiting trial at Christmas 1954, gave a bottle of liquor to each of the jailers. Chief Jailer Sims distributed the 14 bottles that were delivered to the jail by Mr. Sitamor's attorney, according to the attorney's own admission to the Grand Jury investigator.

#### RECOMMENDATION FOR GRAND JURORS INCREASED REMUNERATION

No jury receives as little for its services as does the County Grand Jury. This jury recommends that the Dade County Grand Jury Association spearhead an effort to assure men and women who sacrifice their businesses and normal pursuits for stretches of six months, a return of at least the \$6.00 per day paid petit jurors, the \$8.00 paid Federal Petit Jurors, or the \$7.00 per day paid Federal Grand Jurors, plus the seven cents per mile for mileage travelled daily.

The "Manual for Use of Grand Jurors in Dade County" says "All jurors shall receive five cents per mile for every mile necessarily travelled in going to and returning from court." The Attorney General of Florida says: "No. You get paid for one trip to the Grand Jury room and the return trip at the end of your six months service." Thus the jury member who comes 10 miles from his home or office gets the munificent sum of \$1.00 for gas, oil, parking and depreciation on his (or her) car for the entire six months. If he attends 70 meetings, the automobile travels 1,400 miles for \$1.00.

This Grand Jury believes regulation on travel expenses should be clearly defined by state law amendment.

#### POLITICAL USE OF GRAND JURY

This Grand Jury has had to guard continuously against the use of the jury for political promotion in this election year. Many instances arose. One person insisted upon appearing before the jury on a certain date, but was refused because he habitually uses such incidents for personal publicity. Two days after the specified date, he announced his candidacy for an important public office. In the jury's investigation of operation of one of the smaller municipalities, a member of the City Council whose testimony was not needed, was quite persistent in wanting to appear. He was not invited. Then he came out for re-election.



### BOOKMAKERS AND BOLITA SELLERS ARE WALKING THE STREETS

The Grand Jury concurs with its Crime Committee that the City of Miami and unincorporated limits of Dade County at the present time are closed tighter than at any time in recent years so far as bookmaking and gambling is concerned. Bookmaking is going on and bolita is being sold but sales are being made "Cuban Style" (on the streets) rather than in bars and poolrooms. Places that have been known for years to be taking bets have tightened up considerably and are only selling numbers and taking bets from old customers. Grand Jury investigators found it impossible to purchase bolita or numbers or to make bets in unincorporated areas of the county.

The Chief of Police of Miami Beach was called before the Grand Jury, after the Crime Committee had checked various rumors of gambling and prostitution on Miami Beach. The committee's findings was that there was no outright casino gambling but that practically every hotel of any size on Miami Beach has what they call a card-room where card games of a gaming nature predominate. Most of the bookies work in cabanas, more or less under wraps. From the testimony of the Chief of Police, we learned that it is more or less the desire of beach residents to have lax law enforcement of gambling, so he only has two officers on his vice squad. As to prostitution, Grand Jury investigators found no open houses but prostitution is on a call girl basis and bars and bellhops furnish women. This apparently does not disturb the Beach Chief of Police.

The famous list of "17" turned over to the Miami Chief of Police by the Miami Mayor has been under surveillance by jury investigators. Gambling exists but you must be known by the bookie. Open-house prostitution is suppressed but the call girl system operates.

The Grand Jury wishes to give credit to the Police Department of Miami and the Dade County Sheriff's Office for the unusual control under which gambling and prostitution has been placed. The excellent moral atmosphere of Coral Gables eliminated that municipality from investigation. As far as Miami Beach is concerned, the public there is apparently satisfied with the way the city is run.

ACKNOWLEDGMENTS

This Grand Jury wishes to express its appreciation to the Honorable Robert L. Floyd, Judge of the Circuit Court, for his cooperation and helpfulness in advising and counselling this jury in matters dealing with the proper procedure of the jury during its duty.

This Jury also expresses its thanks to the State Attorney and his staff for their willingness at all times to properly assist the jury in the transaction of its business. We pay special tribute to Alexander Reed, investigator for the State Attorney's office, for his diligence in getting facts on an important matter placed in his hands.

The services of S. D. Weissbuch, appointed as Special Assistant to the State Attorney at the request of the Grand Jury, were valuable. His years of legal practice, enabling him to analyze complicated court files and give the Grand Jury the facts therein, allowed us to reach our conclusions and to issue a report from the legal records of the Dowling Estate cases that told its own story.


Judge Francis J. Christie sent to the Grand Jury, without cost, the complete transcript of evidence in the inquests into the hospital-to-jail deaths, which contributed information on hospital emergency case procedure.

We would be remiss if we did not publicly acknowledge our thanks to the Jury's Administrative Assistant, Eleanor Robinson. Not only has her daily "service with a smile" made the jury's task less complicated, but the wealth of material in the files maintained in her office produced foundations of records and knowledge that conserved much valuable time of the jury in some of its studies.

Our Bailiff, Maurice Mounsey, was cooperative at all times.

Respectfully submitted,

  
Samuel S. Parker  
Foreman

Attest:   
John J. Jackson  
Clerk

Date: May 8, 1956