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

FALL TERM A. D. 1964

FINAL REPORT OF THE GRAND JURY

Filed

May 11, 1965

Circuit Judge Presiding

HAL P. DEKLE

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W. RUFUS HOLZBAUR

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TO THE HONORABLE HAL P. DEKLE, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

We have been advised this has been one of the hardest working Grand Juries in recent years and for this we are pleased. We trust our work is not measured solely by the number of indictments, meetings, or even the total hours we served. We have endeavored to be busy but not busybodies. In our view a Grand Jury need inquire into major matters of community concern and yet be available to pursue injustice no matter its size. Although the Jury examines every complaint received, decisions must be made as to the degree of attention available. Citizens are counseled that the Grand Jury is not constituted, nor was it intended, to serve as a repository for every wrongdoing committed. Law enforcement agencies, elected officials, the courts, and the press exist to service many of the problems posed to Grand Juries. In essence, for Grand Juries to be effective, their efforts should not be diluted by matters best brought to other agencies.

Grand Juries speak only through their reports to the Court and are limited by law as to the content and tone of their conclusions. This is as it should be. The high regard in which the Grand Jury is held in our community requires careful consideration be given by Jurors to their findings. The Florida Supreme Court case, State of Florida vs. Interim Report of Grand Jury - 93 So.^{2} 99 outlined these standards:

> This court is committed to the rule that a grand jury may investigate "every offense that affected the morals, health, sanitation and general welfare of the county, as well as county institutions, buildings, offices and officers and .... make due presentment concerning their physical, sanitary and general conditions."

The Supreme Court decision further laid down these restrictions:

> For the future guidance of the grand juries of this state, we repeat the admonition .... that a grand jury "will not be permitted to single out persons in civil or official position to impugn their motives, or by word, imputation, or innuendo hold them to scorn or criticism ... Neither will they be permitted to speak of the general qualification or moral fitness of one to hold an office or position ...."

There were times during our deliberation when we wished these restraints did not exist but we recognize their purpose.

Our reports seek out no individuals but rather are directed toward systems and attitudes. We are hopeful our service has provided some contribution to the community betterment. We earnestly encourage others to participate on Grand Juries. It has been a rewarding, enlightening and inspirational experience. The power of the Grand Jury reaches into all aspects of community existence and yet every six months, twenty-three ordinary citizens hold these reins and then quietly, almost without notice, pass them on to another group of citizens. History will show few forms of government willing to relinquish this authority to literally an unknown group of people. We recognize the responsibility this places on us and pray our report to be purposeful, lawful and we hope helpful.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

Defendant	Charge	Disposition
HARRY WILLIFORD, also known as DUB, and HENRY JENKINS, JR.	First Degree Murder	True Bill
JAMES LAWRENCE MORRISSEY, III	First Degree Murder	True Bill
LEON EUGENE PEARSON, CHARLES HENRY DOUGLAS, WATER BUSH, JR. and WILLIE LEE PEARSON	Rape	True Bill
OZZIE B. SMITH and JOHN MOORE	First Degree Murder	True Bill
LESTER JACKSON	First Degree Murder	True Bill
EUGENE BROWN, also known as REDSKIN	Rape	No True Bill
DON REA BROWN, also known as DONALD RAE BROWN	First Degree Murder	True Bill
RUTH ANNE BLYTHE	Accessory After the Fact to Second Degree Murder	True Bill
RUTH ANNE BLYTHE	Petit Larceny	True Bill
JAMES PATRICK KANE	Second Degree Murder	True Bill
CLEVELAND MORRIS AVANT	First Degree Murder	True Bill
BARCLAY EUGENE NOBLE	Rape	True Bill
HARRY HARTMAN HANNAH, also known as "BLUE"	First Degree Murder	True Bill
DON JAMES SNYDER	Rape	True Bill
ULYSSES THOMAS	Rape	True Bill
ULYSSES THOMAS	Rape	True Bill
ALFONSO ROBLES	First Degree Murder	True Bill
ORLANDO BRADY	First Degree Murder	True Bill
CHARLES ARTHUR ROBBINS and [illegible] BAXTER GUNTER	First Degree Murder	True Bill

Defendant	Charge	Disposition
HIRAM JOHNSON	Solicitation of Legal Services or Retainers Therefor	True Bill
JOHN M. ABRAMSON	Solicitation of Legal Services or Retainers Therefor	True Bill
LINDY HAYES WILLIAMS	First Degree Murder	True Bill
LONNIE EDWARD WARREN	Rape	True Bill
DOROTHY BLATT	First Degree Murder	True Bill
RUFINO DIAZ, also known as PETE MARTIN	Solicitation of Legal Services or Retainers Therefor	True Bill
ARTHUR NEWMAN	Solicitation of Legal Services or Retainers Therefor	True Bill
RONALD EUGENE SWENSON	Rape	True Bill
ROBERT RALPH MORET and CHARLIE ODLE	First Degree Murder	True Bill
FRANK LEE GLENN, also known as FRANKIE LEE GLENN	First Degree Murder	True Bill
ADOLPH VALDES, also known as ADOLPHO VALDES	Solicitation of Legal Services or Retainers Therefor	True Bill
RUFINO DIAZ, also known as PETE MARTIN	Solicitation of Legal Services or Retainers Therefor	True Bill
RUFUS McKENZIE	Solicitation of Legal Services or Retainers Therefor	True Bill
EMMIT MALLARD, JR.	Solicitation of Legal Services or Retainers Therefor	True Bill
HIRAM JOHNSON	Solicitation of Legal Services or Retainers Therefor (Two Counts)	True Bill

Defendant	Charge	Disposition
J. LEONARD DIAMOND	Solicitation of Legal Services or Retainers Therefor	True Bill
MANUEL DE LA FUENTES	Solicitation of Legal Services or Retainers Therefor	True Bill
DAVID MOLIVER	Solicitation of Legal Services or Retainers Therefor	True Bill
JERROLD BROSS	Solicitation of Legal Services or Retainers Therefor	True Bill
DONALD L. FARBER	Solicitation of Legal Services or Retainers Therefor	True Bill
WILLIAM HERMAN HOLTON, also known as "SHORTY" HOLTON	Solicitation of Legal Services or Retainers Therefor	True Bill
BARRY WAYNE BROWN and WARREN BROWN	First Degree Murder	True Bill
RICHARD WYATT FRYE	First Degree Murder	True Bill

Two additional indictments were presented by the Grand Jury. Under the law, these names cannot be revealed prior to their arrest.

CITY OF HIALEAH

On January 26, 1965, the Grand Jury issued an Interim Report critical of the purchasing system of the City of Hialeah Water and Sewer Department. The report concluded that city officials pointedly ignored the requirements of advertising for bids in purchases of more than Five Hundred ($500.00) Dollars as required by the Hialeah Charter and Code. The penalty clause for the municipal offense called for removal from office although no State violation was involved. Subsequent to the Grand Jury Report, Earl C. Crooks, Director of the Water and Sewer Department, 'resigned'.

The Grand Jury determined that further investigation was needed and, for that purpose, retained a special investigator. He worked full time for 12 weeks at a salary of $200.00 weekly. A total of $2,594.20 was expended for this investigation. It was limited primarily to the uses put to City of Hialeah equipment and personnel at the Vista Memorial Cemetery and the purchasing methods used by other departments of the city.

Vista Memorial Cemetery, a public corporation, located outside the city limits of Hialeah, has among its Directors many prominent Hialeahans. Serving as its President is Henry Milander and as Chairman of the Board David H. Ziperson. Mr. Milander also serves as Mayor of Hialeah and Mr. Ziperson is Chairman of Hialeah's Water and Sewer Board.

In 1959, Earl C. Crooks, then Director of the Water and Sewer Department, contracted with Vista Memorial Cemetery to install a sprinkler system. This was private employment which Crooks was to perform on his own time. The contract was for $9,140.00 and the job was completed in the evenings and week-ends over a period of

months. Crooks hired an employee of the Water and Sewer Department and borrowed city ditch-digging equipment as well as trucks to haul the pipe. According to Crooks, the material installed at Vista was purchased by him from private vendors and he made payment directly to them. However, he requested delivery be made to the Hialeah Water Department and from there it was shipped to the Vista Memorial Cemetery. Other than Mr. Fenton Ewing, Executive Vice President of Vista Memorial Cemetery, who negotiated the contract, officials of the cemetery stated they had no recollection of the use of City of Hialeah personnel and equipment on the project. The Mayor and the Chairman of the Water Board claimed they did not recall the incident. The failure of Mayor Milander, who is the chief administrative officer of the city, to be aware of the extra curricular activities of city employees and their improper use of city equipment reflects a lack of checks and balances that is necessary for government to properly function. Similarly, Chairman of the Water Board Ziperson's failure to take notice of merchandise being shipped through the Water Department to a private job on city trucks shows again administrative laxity.

Mr. Crooks produced some evidence of his direct payment to the vendors. We investigated to determine if the balance of the payments were made from the City of Hialeah funds. It was discovered that the Water Department records for the year 1961 and prior thereto had been destroyed after our inquiry began. According to Mr. Arthur Shaw, the new Water and Sewer Department Director, this was done to make work space available for Mr. Crooks in his continued capacity as Engineer for the Water and Sewer Department. It might be noted that Crooks in addition to retaining his job as Engineer was given the added post

of Acting Director of Public Works and his new salary was the exact amount he previously received before his 'resignation'.

Mr. Shaw obtained a legal opinion from City Attorney Ralph F. Miles authorizing the action. The opinion in its entirety reads as follows:

"February 9, 1965

Gentlemen:

It is my opinion that book records and accounts over three years of age can be destroyed.

Very truly yours,

Ralph F. Miles
City Attorney"

The oral request for the legal ruling was made February 8, and on February 9, Miles came to the Water Department and dictated his response. That afternoon, Crooks selected the records and then, with the aid of a city employee and a waiting truck, took them to the Coral Gables incinerator where he personally burned them. This was done at his own expense. On the following day, additional records were selected by Mr. Crooks for disposal but he did not accompany the truck to the incinerator. The 1959 records were removed in the first day's trip. Shaw, with but a few days' experience in this department, saw fit to review the need for these files only with the man who had 'resigned' for failure to comply with the Code and Charter. Shaw did not consult with any other Hialeah official. Although there were additional records to be disposed of, the destruction ceased, according to Mr. Shaw, when it came to his knowledge on February 15 that an investigator for the Grand Jury was seeking these records.

We make no statements from which to draw inferences of criminal wrongdoing as to the burning of the records, but such lack of procedure

for a process of this significance opens the door for suspicion. Why are not old records microfilmed? At the very least, shouldn't a list be made of destroyed files so that a record of the disposal exists? Why the unseemly haste? Clerks, who normally use these files, were not consulted as to the present need. How would these few record bins create space for Crooks in a job he previously held in an office he rarely used? If a system were established requiring written request for burning of records and criteria established for their removal, such questions would not and could not arise. Slipshod operation of a city, as in private business, leads to deterioration. Records of transactions are the history of a city and failure to maintain their continuity shows, at the least, a lack of basic techniques of administration.

The next transaction with Vista Memorial Cemetery occurred in January, 1962, when Crooks and another city employee installed pipe at the cemetery for a $500.00 fee. This too was allegedly an off time job Crooks ordered the pipe through the Water and Sewer Department and then repaid the city in February, 1962.

Here again a city department is used by an official for his own benefit. The suggestion that it is legitimate for public employees to openly take advantage of city purchasing facilities to reap a profit borders on the ridiculous. Nonetheless the Water and Sewer Board approved these purchases and the Director, without hesitation, completed his private business deal. Somewhere along the line such action should be detected and disapproved. Where the Water and Sewer Board fails, certainly the external auditor, retained for this very purpose, should be alert to these discrepancies.

In June, 1964, the pump installed at Vista Memorial Cemetery in 1959 by Crooks required replacement. A surplus pump was purchased from the city for $75.00. Certain fittings were needed for installation

and Francis L. Beveridge, Water and Sewer Department Superintendent of Construction, surveyed the pump and sprinkler system to select the necessary material. The purchase request for the material was approved by Ziperson in his Water Department capacity and delivered in June. Two months later, payment in the sum of $988.40 was made, after Ziperson, now in his Vista Memorial capacity, responded to an invoice for payment sent him by Crooks. Meanwhile, several city employees, using city trucks and equipment, worked on the installation on city time. Shortly after our investigation began, the Mayor, in his capacity as Chief Administrative Officer of the city, ordered Crooks to see that payment was properly made to the city. Crooks then arranged an exchange of correspondence reflecting the oversight, to compensate the city for the labor of these men and in February, 1965, a sum of $520.00 was paid to the city for labor performed the previous summer. Neither Ziperson nor Crooks admit to authorizing the use of Water Department men on this job, although Francis L. Beveridge, the Water Department Superintendent of Construction, who was in charge of the work recalls obtaining approval from Crooks. The Mayor, as in previous dealings with Vista, admits to no part of the arrangements. Ziperson signed the purchase order but claims he had no knowledge where the material was to be used.

Fenton Ewing, Executive Vice President of Vista Memorial Cemetery, believes he conferred with Ziperson at a Cemetery Board Meeting and out of this discussion may have evolved the arrangement for the installation. Ewing neglected to pay for the manpower because he had not been billed and Crooks did not bill Ewing for reasons best known to him.

Notwithstanding the lack of accurate memory, which may be understandable among the complex intertwining relationships, this transaction appears to be in its best light a prime example of government

inefficiency. How employees can disappear for two weeks is incomprehensible. City property is purchased, material is ordered, trucks are dispatched, discussions are held and no one in authority is properly using his authority. We recognize that the ultimate responsibility of a Grand Jury is to recommend improvement but where there is complete inertia and the attitude is 'look away', we are hard-pressed to offer suggestions in the face of disinterest and perhaps disdain on the part of city officials.

There were several other incidents involving the use of material, men, or city facilities which came to our attention.

In the summer of 1964, a plumber and his helper, both employed by the city, worked on the private swimming pools of Earl C. Crooks and Francis L. Beveridge. They worked two full days on Crooks' pool and a lunch hour on Beveridge's pool and installed filter sand, skimmers and sprinkler heads. The material was purchased through the city and approved by both Crooks and Beveridge. After the Grand Jury investigation started, Crooks reimbursed the city for the cost incurred. The material for Beveridge (less than $10.00) was purchased by the plumber for which he was paid out of Petty Cash and, to Beveridge's best recollection, he then repaid the Petty Cash account.

The availability of employees for outside work, generally involving their superiors, combined with delays in compensating the city for the use of material and men is again an example of departmental breakdown. The structural set-up of the Water and Sewer Department is certainly adequate on paper. With a citizen board to oversee the overall operation and professional administrators to supervise the functional performance of its staff, as well as an external auditor to review financial transactions, we might expect high standards of performance. Realistically,

however, we must understand that no matter the laudable purpose and the apparent foolproof guidelines, it is still the caliber of persons performing these duties that determines the degree of efficiency and integrity.

In another matter worthy of note, the Hialeah Water and Sewer Department made a contribution to the Dade County Children's Home at Kendall. This was in the form of supplying pipe fittings for a pool constructed there in June, 1961. According to Earl C. Crooks, he was solicited to join several groups then contributing to the cost of the pool. The purchase order shows material in the sum of $1,611.00, but Crooks claims only half of it went to Kendall, the remaining portion being used on city construction. It was his intention to solicit other persons to reimburse the city's share of the contribution. In December, 1961, Lovell Homes contributed a check in the sum of $821.00 in payment of the portion of the bill attributed to the Kendall pool. Our investigator was unable to determine the use put to the material for which no repayment contribution was made inasmuch as these records had also been destroyed at the Coral Gables incinerator.

Recognizing the laudatory motive to aid in the construction of a swimming pool for needy children, we hardly expect this to be within the authority of a Department Head. Ordering the material in June, on the speculation it might be paid in December is a dangerous form of administrative gambling. It is symptomatic that neither the Water and Sewer Board nor the external auditor were able to discover this novel transaction. It is noteworthy that Florida Sales Taxes were not paid on these purchases made by the city for the benefit of private persons apparently the auditing procedures of Hialeah need a complete overhauling.

The disposal of used water meters was another area of investigation.

On two occasions, thirty-six meters and again four hundred meters were missing and their absence not adequately explained. Again, the invoices for 1961, destroyed at the Coral Gables incinerator, are lacking to substantiate the explanation.

Water and Sewer Board officials also used city equipment to aid a political candidate for the Office of Constable. This occurred in 1962 and a Deputy Constable serving as a member of the Water Board used the postage meter for a political mailing. The city was repaid $92.16 when it was brought to his attention. On several occasions the addressograph was used for political purposes but this ceased when citizens complained of the practice.

Variances from required purchasing procedures were not limited to the Water and Sewer Department. The Grand Jury heard other department heads, the City Purchasing Agent, and the Mayor all testify to systematically failing to comply with at least the spirit of the Hialeah Code and Charter requiring public advertising and bidding for purchases over $500.00. Of the two million dollars expended by Hialeah for material in 1964, it is estimated that only 5% was made available for competitive bidding by public notice. Various subterfuges are used to avoid bidding and while they are cloaked with proper sounding descriptions, nonetheless it is done simply to avoid compliance. Reference is made to what they term 'unit buying', 'proposals', and'telephone bidding' all of which mean, in essence, no advertising and no bidding. Innumerable examples were presented to the Jury, ranging from the refitting of the Mayor's office to fifty and sixty thousand dollar purchases for asphalt and pipe. The bill for the Mayor's office was $1,348.50, broken down into four separate invoices, each less than $500.00. All the furniture was delivered the same day and we expect that the rug, the credenza,

the sofa, end table and other furniture were purchased to fit the total room, rather than as individual unrelated units.

A pipe laying job covering twelve blocks and $60,000 worth of pipe was purchased without advertising or bidding and contained but few required purchase requisitions. The invoices all were under $500.00, generally in the sum of $444.50. The purchase was justified on the basis that 'proposals' were obtained from vendors and the manner of payment approved as 'unit buying'. Each shipment of pipe (cost under $500.00) was considered a 'unit'. This in face of the admission that the total price paid was negotiated on the total $60,000 order, not on each unit under $500.00 shipment. Many other invoices were presented to the Mayor, the Purchasing Agent, and the department heads, and were responded to in similar fashion.

Under the Hialeah Charter and Code, it is required that department heads submit proposals for contracts over $500.00 to the Mayor for his approval and submission to the City Council. This has resulted in virtual one man control of the city purse strings. Subordinates must therefor bend easily to the Mayor's power and as a result all the acts of the department heads and the Purchasing Agent are, in essence, only reflections of his will.

Charters and codes as well as elected officials are permanent as long as the people choose. It is not our function to recommend political changes. This is a matter solely within the province of the electorate and it is a right that can be exercised only at the time they deem proper. It is also conceivable that the requirements for advertising and bidding are restrictive to the point where they hamper efficiency. We are told many municipal governments and agencies bypass the strict procedures and, as a matter of fact, since our investigation began, there has been

a considerable increase in the advertising of bidding specifications among many municipalities. We find no quarrel with legal and proper amendments to simplify municipal purchasing requirements while retaining safeguards. Our quarrel is with acts of omission which show disdain for laws on the books. Combine the attempts to 'short cut' with a cynicism that government is merely an agency to manipulate and add the 'bad faith' that usually goes with these maneuvers and you have the beginning of evil. No matter the benevolence of rulers, it is fundamental never to permit unbridled power to rule.

We find much to criticize but no evidence of a criminal offense for which an indictment will lie. The failure of the State to enact an adequate conflict of interest law is dramatized by this document. If ever such a need was shown, it is shown here. Obviously, those whom it controls do not encourage its passage and this applies to municipalities as well as the State. We, of course, urge passage of a State Conflict of Interest Law but, until that time, we recommend that each municipality pass legislation that will aid in preventing or controlling dual interests of elected and appointed officials.

Hialeah is a growing industrial and residential section of Dade County. It has kept pace with the development of other areas despite the improprieties outlined herein. We cannot weigh the damage done the city in terms of dollars and cents. It is apparent to us, however, that the immaturity and apathy displayed toward systematized and organized government must in the end be a destructive force in the community. Whatever aspirations Hialeah leaders have for their community, either as a city or as a county, they must recognize that government by 'personality' cannot replace ability, integrity and order.

AMBULANCE CHASING INVESTIGATION

Seventeen indictments issued from this Grand Jury charging violations of Florida Statutes 877.01 and 877.02, commonly referred to as the Ambulance Chasing Statutes. The offense is a misdemeanor with a maximum penalty of one year. Those indicted included attorneys, a doctor, hospital employees and persons soliciting legal business for lawyers. The potential defendant in each case was given the opportunity to testify and produce witnesses in his behalf. In several instances the Jury did not indict. Inasmuch as the cases are now awaiting trial, it is not our intention to prejudice the defendants' rights by commenting on this phase of our investigation. There are several related matters, however, deserving of our attention.

First and foremost is the matter of the legal profession policing its own members. In addition to the statutes under which we indicted, the Canons of Ethics of the Florida Bar make ambulance chasing a violation subject to disciplinary proceedings which may result in disbarment. Complaints made against members of the Bar are referred to a panel of lawyers known as a Grievance Committee. Should they determine the complaint has merit, further hearings are held and the Florida Bar may eventually recommend action by the Florida Supreme Court. The weakness here is in the Bar's failure to provide an investigative staff to seek out errant lawyers. Complaints presently are initiated by other lawyers or by citizens dissatisfied with the services provided them. In situations involving the illegal or unethical solicitation of accident cases, trained investigators are required to search for evidence of wrongdoing. The Bar's passive role in policing its own profession has made for laxness on the part of some few of its members.

The Grievance Committee machinery is slow and laborious. Hearings

depend in the main upon the availability of the Committee members who in essence are volunteers serving when time permits.

The legal profession has within its own power a means to curb excesses of its membership. We are at a loss to understand why greater effort is not expended by them. The 'image' of the lawyer would certainly be enhanced were they cleaning their own house rather than relying on the Grand Jury and law enforcement agencies. We cannot accept the theory that policing the profession involves prohibitive expenses. The Bar has accepted the responsibility and with it goes the obligations to finance the cost. A full time investigative staff should be in existence to control these unprofessional activities. We understand from the President of the Dade County Bar that since this investigation started, offers to finance such an undertaking have been made by leading members of the Bar. We go further by recommending that all lawyers in Florida be assessed the sum necessary so this may be an official project of the Bar rather than a voluntary contribution. We further are of the belief that in similar fashion financial support be assessed to create a proper staff to expedite the disciplinary hearings. The greatest deterrent to improper and unlawful acts is the swiftness of punishment. Delay and inaction serve neither the legal profession nor the general public.

Part and parcel with the lawyers are the doctors who pad bills, and wrecker services, police officers and ambulance and hospital employees who for a fee refer victims to doctors and lawyers. In addition, there are professional runners who frequent hospital emergency rooms for the purpose of solicitation. The victims generally are persons with little education or who are unfamiliar with the English language. The tools of the trade are a quickness of foot and tongue as well as a supply of lawyers cards.

There is no Florida Statute making it a violation to solicit business for a doctor and therefore our inquiry was not aimed directly at this phase of medical conduct. In regard to violations of their ethical standards, we found the doctors' conduct at about the same level as the lawyers' in the area of automobile negligence cases. They have similar type internal authority over their membership as do the lawyers and exercise it in about the same fashion.

It is difficult to prescribe rules to govern the behavior of those persons who are officially at the scene of these accidents. We suspect that the current indictments will inhibit many of the more active solicitors

Solicitation at hospitals is a problem and it is particularly flagrant at Jackson Memorial Hospital where the Supervisor and Hospital Administrator appear unaware of the problem. Runners virtually have free access to the facilities. Various techniques have been used One frequented the emergency room, wearing white attire, and contacted the victim by acting as a volunteer stretcher bearer. Runners competed with each other by soliciting the same victim and often times conducted their business by receiving telephone calls on the Jackson Memorial Hospital lines.

Controls at Jackson Memorial Hospital and in some other hospitals are completely lacking. Certain of the emergency room personnel at Jackson Memorial Hospital resigned or were terminated because of suspected participation with the runners. Staff supervisors do not have the time and so we suggest police be provided to check those who are not properly in the hospital. We recommend to Jackson Memorial Hospital officials that an extensive survey of this problem be made. There appears no valid reason why "hanger-ons" cannot be removed from

the premises. The above, of course, applies equally to a few private hospitals.

In 1959 an ambulance chasing investigation took place in Dade County. At that time a committee of lawyers organized by State Attorney Richard E. Gerstein, serving as the legal arm of the Circuit Court, made considerable progress in alerting the community and awakening the Bar. Although they ran out of funds and were forced to cease operating, they were successful in sponsoring the legislation under which this Grand Jury proceeded.

It is obvious from both these investigations that more than a casual interest and a periodic inquiry are needed. This is a primary problem of the Bar and it is a problem that they should want to solve on their own. The next steps are theirs.

It is the feeling of this Grand Jury that ambulance chasing exists to such an extensive degree that time has permitted this body to do no more than scratch the surface of the overall operation. Therefore, we recommend and strongly urge that the incoming Grand Jury continue to pursue this problem.

As representatives of the public, we appeal to all public spirited persons to immediately report to the State Attorney's Office any incident which might appear to them to be an illegal solicitation by a lawyer or his representative.

NOVEMBER 3, 1964 GENERAL ELECTION

The November 3, 1964 General Election in Dade County produced disorder, discomfort and confusion at the polls. A large voter turnout plus a combination of mechanical failures, administrative omissions and partisan political techniques caused this situation.

The breakdown of voting machines, particularly in the write-in apparatus, was a major factor. There are 1,250 automatic voting machines in use in Dade County. Of this number, approximately 100 machines were inoperative at some time during the election day. In one precinct with 2,100 registered voters this resulted in four out of six machines being out of commission between 11:00 A.M. and 5:00 P.M., and in another precinct with 3,100 registered voters, seven out of eight machines were inoperative for a two hour period. Almost all of the machine malfunctions were confined to the jammed paper rolls used for write-ins and all occurred on the machines known as the #109,000 series. Approximately 29,000 write-ins were cast for one person for the Office of Governor. This compares to the several hundred write-ins normally involved in all offices during regular elections. Immediately after election, an inspection of the paper rolls was made by the Chief Engineer for the voting machine manufacturer and in each case the paper rolls demonstrated extreme growth due to excessive humidity. Samples of the paper were submitted to the paper mill and scientifically tested. These tests showed the tensile strength of the paper to be less than adequate to resist tearing and combined with its expansion caused the rolls to be jammed.

If the explanation is accepted, it relieves neither the manufacturer of the responsibility to provide workable machines, nor the Election Supervisor of the duty to keep the machines in order.

Considerable public notice was given to the so-called 'Eagle Eye' operation attributed to supporters of the Republican candidates. It involved a large number of poll watchers who challenged prospective voters, claiming they did not live at the address in the precinct where they registered. These challenges were made on the basis of campaign literature mailed to selected precincts and marked "Do Not Forward Return to Sender." The envelopes returned, due to the addressee not living there, were compiled and these persons were challenged at the polls. It was alleged that the poll watchers harrassed, intimidated and delayed voting in normally high voting Democratic Party precincts.

Despite the obvious partisanship, it is our conclusion that the watchers acted properly, in an organized fashion, and generally with restraint. The delay caused by the challenges while resulting in inconvenience did not appear to have, as a basis, malice or an effort to deprive any person of a vote to which they were legally entitled.

We recommend that poll watchers be required to have some conspicuous identifying badge so that their role at the polls is readily recognized.

In an effort to obtain a complete portrait of the problem, testimony was taken from all citizens seeking to voice complaints or offer suggestions. Witnesses before the Grand Jury represented both political parties, manufacturers of voting machines, the County Manager's Office, as well as the Voting Supervisor and the Sheriff. The Secretary of State cooperated by offering his views on the matter as it related to the state-wide election picture.

In addition to the problem areas concerning write-ins and the challenging of voters, a host of other questions were raised relating

to election procedures. The major areas concerned the following:

1. The selection and training of poll workers.

2. The adequacy of present voting machines to properly list candidates without requiring paper ballots.

3. The purging of names of voters no longer eligible to vote in a particular precinct.

4. The repair of malfunctioning machines.

In regard to poll workers who are hired by the County for Election Day as Clerks and Inspectors, we find the present system inadequate. Appointments are made by the Board of County Commissioners and are generally considered political patronage. The only educational requirements are the ability to read and write the English language. The Supervisor of Elections, for whom they work, has little voice in their selection.

Although training sessions are provided for poll workers, in many instances they were not able to properly handle some of the difficult situations that arose on Election Day. Upgrading the caliber of election personnel is an absolute necessity. This cannot be accomplished so long as the County Commissioners insist on maintaining their prerogatives of choosing clerks purely on a patronage basis. Standards of performance and criteria for appointment should be established and followed. Necessary poll workers should be adequately trained and compensated for the training period. These training sessions should be compulsory.

The large number of candidates and freeholder questions caused this to be the longest ballot in our history. On the voting machine ballot there were eleven (11) contested offices, thirty-eight (38) uncontested offices, and thirteen (13) state constitutional amendments. The supplemental paper ballot had eight (8) uncontested offices and a bond question, or a total of seventy-one (71) votes to be cast. The

burden placed on the voter is a heavy one yet if additional special elections on some of these matters were called, the voter turnout might be considerably less and the additional expense would undoubtedly cause public criticism. Innumerable suggestions have been offered to shorten the ballot but each proposal has with it either a legal prohibition or a contrary view of equal validity. Regardless of the difficulty of shortening the ballot, it makes no sense whatsoever to need both a voting machine and a supplemental paper ballot. In this era of mechanical miracles, we can obtain machinery which will permit the names of all candidates on one machine in one place. We understand that computer systems have been developed and used in some communities. We are not necessarily recommending a data processing program but we do urge an inquiry into the most modern methods of casting and recording votes to minimize the problems that exist in the mechanics of voting.

The failure to remove names of ineligible voters in sufficient number from the registration lists contributed greatly to the delay. Had these names been expeditiously removed, then the 'Eagle Eye' operation of challenging persons no longer living at their registered addresses would have been to no avail. Of the 59,000 pieces of campaign literature sent to voters in several precincts, approximately 21% was returned because the addresses were not correct or non-existent. Many of the addresses are vacant lots with one voter apparently residing in an oak tree.

The present system of purging the registration rolls involves the mailing of notices to persons who have not voted in any election in the last two years. If the postal authorities are unable to deliver a notice as addressed, it is returned and that person's name is removed from the active rolls. Should the notice be received, a request for

reinstatement by the voter may be made. Within the last six years a total of 94,835 names have been purged from the registration rolls. The obvious shortcoming in this is that the only attempt at contact is with those who have not voted. There is no way to know of the changed addresses of electors who have voted in the previous elections. If the figure of 21% is accurate, then the present system of maintaining the eligible list of voters is ineffectual. Limiting the number of poll watchers or altering the manner of issuing challenges will not correct the basic fault. This is a matter purely within the administrative control of our County officials and requires a system of current, up-to-date methods to remove names of ineligible voters.

Although voting machine malfunction was attributed in most part to the write-in aspect, there were other related problems which arose directly from this source. Six trained technicians were available in the County for machine repair work but with 140 repair requests received and probably countless others not received, these six men could not properly respond to the requests. The repair staff should be doubled and should have been increased for this election, considering that advance knowledge was had that this was to be the longest ballot in our history. Communicating with the Voter Registration Office was difficult despite the fact that 30 additional telephones were installed. 186 Election Clerks polled by the County Manager's Office indicated they had difficulty contacting the Registration Office by telephone.

Even where machines were working properly, delays were caused by lack of sufficient supplies, late opening of polls, insufficient machine space at polling places, uneven alphabetical listings, strings on write-in pencils too short to reach the write-in slot, and vandalism.

The problem that existed in Dade County apparently had its counter-

part in many parts of the State. In Hillsborough County, it was reported that "massive logjams held back voters at many precincts." Other counties in the State had similar experiences.

The Interim Election Study Committee created by the 1963 State Legislature made a complete and comprehensive study of our election procedures and reported its recommendations to the 1965 session of the Florida Legislature. We are hopeful that the long needed election law overhaul will be accomplished by their proposals.

As a result of the prompt investigation initiated by Acting County Manager Welch immediately after the election, our County Commission had adequate knowledge upon which to recommend changes to the Florida Statutes which would aid our immediate problem. Some of the County recommendations have been accepted and included in the program of the Interim Election Study Committee and presumably, if passed into law, will help our situation. Voting Registrar Claude R. Brown is apparently responding to the problem with a positive program. We are aware of his plans to create more voting precincts as well as a new qualification program for precinct workers. While we do not consider him blameless, it would be unfair to assess him with full responsibility. His basic operating budget is unchanged since 1958. Since 1945, the Registrar has received total salary increases of $78.00 per month and presently earns $828.00 monthly. To require Mr. Brown's office to administer 468,183 registered voters without proper staffing and budget and then to charge him with fault is unfair and short-sighted.

Mr. Brown made some errors in failing to anticipate the kind of election that occurred. He appears, however, to be working toward solutions at the local level which will avoid recurrences. We are less

certain of the future of the state legislative proposals initiated by Mr. Brown, endorsed by the Acting County Manager, and approved by the County Commission and submitted to the Dade Legislative delegation. With the chaos of the November election now only a distant memory, we no longer hear voices speaking out for these legislative reforms. Only a few weeks remain for this program to be implemented and unless our County Commissioners are heard in Tallahassee, we may face the next election lacking the legal machinery to effect the changes necessary to insure that voters are able to cast their ballots promptly and properly.

JUVENILE COURT AND CHILDREN'S HOME AT KENDALL

In the Interim Report issued February 23, the Grand Jury explored the many problems besetting the operation of Juvenile Court and the Children's Home at Kendall. At that time, the immediate issue was the dismissal of the Superintendent of the Kendall Home. There appeared then a complete breakdown of communication between the County Manager's staff and the Juvenile Judges, as well as dissatisfaction between the Court's Probation Officers, under the jurisdiction of the Juvenile Judges, and the Youth Hall officers, under the jurisdiction of the County Welfare Department.

Since then the Grand Jury toured the facilities of the Juvenile Court, Youth Hall and the Children's Home at Kendall. We conferred with the Chief Judge, the new Superintendent at Kendall, and had an opportunity to meet with the Superintendent of Youth Hall. In addition, the County Welfare Director appeared as a witness before the Grand Jury.

We were advised by Senior Judge Ben Sheppard that, since the Grand Jury report, the Judges are now consulted with greater frequency concerning county plans and programs for Youth Hall and Kendall. According to Judge Sheppard, the major factor slowing juvenile progress has been the division of authority over the installations. The County Welfare Department supervises Youth Hall and Kendall, whereas Judge Sheppard, proposes the Welfare Department's area of authority be limited to dependent children. He believes the Court should have complete control over delinquents at all institutions.

The Jury was not favorably impressed with the crowded conditions at Youth Hall. So long as the lack of sleeping accommodations prevails to the point where it is necessary to house children on the floor, this so-called temporary housing facility will continue to be

a detriment to combatting juvenile delinquency. We recommend a tour of Youth Hall for all of our citizens so that perhaps they will then encourage our authorities to make decisions concerning the enlargement, removal, or other disposition of this facility.

The Children's Home at Kendall continues to be a plus factor in the County's approach toward the problem. The increased vocational program will undoubtedly aid in the rehabilitation process. The Kendall plant provides a camp-like atmosphere with excellent educational facilities. We are, however, disturbed by the failure of the County to separate the dependent from the delinquent children. For years, plans have been announced to effect this purpose but to this date no concrete effort has ever been made toward implementation.

Certain plans as contemplated by the Welfare Director R. Ray Goode are constructive and we hope imminent. The suggestions by the Welfare Director that personnel standards be upgraded is one with which we agree. We recommend that standards for supervisory personnel be particularly high and we hope that this will include a review of those presently employed in a supervisory capacity. It is his view that judicial control be limited to the court room and professional social welfare workers direct the rehabilitation machinery. It has been but a comparatively short time, less than two years, that Youth Hall has been under the Welfare Department control and perhaps a longer period is necessary for proper evaluation.

Our incoming County Manager should consider the problems surrounding these functions as of primary importance. Certainly the separating of delinquents from dependents, the maintaining of open communication and the determining of lines of jurisdiction, as well as the housing of offenders at Youth Hall, all require thoughtful and concerted attention.

MIAMI BEACH CHARTER ELECTION

Shortly after the Grand Jury was convened, Miami Beach Mayor Melvin J. Richard requested an investigation of certain alleged improprieties arising out of a then pending December 1, 1964, Special Charter Election. The Miami Beach City Council by a vote of six to one, Mayor Richard dissenting, placed amendments on the ballot to change the election procedure.

According to Mayor Richard, the City printed and distributed an information sheet which featured a cartoon depicting the various proposals in a partisan manner. The cartoon was reprinted from a daily newspaper strongly favoring the changes. He objected to the use of public funds for such purposes.

The Grand Jury heard the Mayor, the City Manager, the City Public Relations Consultant and the news bureau employee who prepared the information sheet. We found no intent to misuse funds or any effort to abuse authority on the part of public officials. From an objective appraisal of the cartoon, it showed no meaningful bias. We consider that better judgment could have been used in selecting the material for mailing.

In matters where government officials are influencing voters by use of the City's name and money, a high degree of care is necessary. When a City begins to 'inform' the electorate on the issues in an election it must tread lightly. Too often the tendency to guide rather than inform prevails. This may not have been the situation here, but we caution other municipalities to resist the temptation.

AN ACKNOWLEDGMENT TO THOSE TO WHOM THIS GRAND JURY IS DEEPLY GRATEFUL AND APPRECIATIVE

JUDGE HAL P. DEKLE

From the beginning of the Fall Term when this Jury was impaneled, Judge Dekle instructed us thoroughly as to our duties and responsibilities. He has been available at our request, and has been most helpful in sharing his wisdom when needed. Judge Dekle is an able and distinguished Jurist and has the rare combination of wisdom, wit, and humility all enrolled in his personality.

E. B. LEATHERMAN, CLERK OF THE CIRCUIT COURT

A dedicated and faithful servant of the Court.

RICHARD E. GERSTEIN, STATE ATTORNEY

His knowledge of the law, the application of this knowledge, and his fairness both to the accused and the State have been recognized throughout the six months this group has been impaneled. He attended every session and his intellect and court room talents were never found lacking. A really fine legal mind and prosecutor.

SEYMOUR GELBER, ASSISTANT STATE ATTORNEY

His intellect, his common touch, humor, and modesty were reflected in his relentless pursuit to find the truth and the causes of the many problems that concerned us. Mr. Gerstein is indeed fortunate to have such an Assistant.

MORTON L. PERRY, ASSISTANT STATE ATTORNEY

A newcomer to the staff, but a very thorough and able lawyer, especially in the field of questioning witnesses. The thoroughness in which he conducted his duties was recognized by the entire Jury.

GEORGE EADIE ORR, ASSISTANT STATE ATTORNEY

Mr. Orr handled all of the capital cases up until the middle of April and did an outstanding job.

All of the above men have demonstrated to this Grand Jury a degree of professional competence, efficiency, and sincerity such as is seldom seen among public servants. The whole staff is dedicated. This Grand Jury is greatly impressed with their desire to see that justice is always accomplished even when the circumstances might not prove to be politically expedient.

ELEANOR M. ROBINSON, ADMINISTRATIVE ASSISTANT

Every member of this Jury was most impressed by her ability to cope with very trying situations, both from an administrative standpoint and in dealing with the many personalities with whom she comes in contact. She displayed a high degree of efficiency and her attitude toward her job and each member of the Grand Jury indicates a sense of dedication very seldom observed. This Grand Jury was indeed fortunate to have Mrs. Robinson.

W. RUFUS HOLZBAUR, BAILIFF

He has performed his duties with courtesy and thoroughness at all times.

Respectfully submitted,

Albert M. Palmer

Albert M. Palmer, Foreman
Dade County Grand Jury
Fall Term 1964

Attest: Dwight G. Ozon
Dwight G. Ozon
Clerk

Dated: May 11, 1965