

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

SPRING TERM A. D. 1966

FINAL REPORT OF THE GRAND JURY

Filed

November 8, 1966

Circuit Judge Presiding

HENRY L. BALABAN

Officers and Members of the Grand Jury

CHARLES LANE CLEMENTS, JR., Foreman

STEPHEN A. LYNCH, III, Vice Foreman

PHIL C. GALLAGHER, Clerk

ROGER E. KOPFLOW, Assistant Clerk

JOHN A. WILSHEAR, Treasurer

MARION B. ARNOLD

C. L. BLAKE

PEARL S. BRAWER

ALEXANDER W. BROOKS

ROBERT J. CARTER

JULES P. CHANNING

JOHN O. CROUSE

GERTRUDE A. HARDEMAN

IRVING KAPLAN

JULIAN KURLANDER

FRANCIS POOLE

W. F. SNYDER

ALBERT SMITH

E. W. FRANKLIN STIRRUP, JR

GEORGE H. SWEET

FRANK TALLARICO

V. W. THOMPSON

HARRY D. WOOTEN

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Assistant State Attorneys

SEYMOUR GELBER

GERALD KOGAN

H. PAUL BAKER

L. J. CUSHMAN

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Clerk of the Circuit Court

E. B. LEATHERMAN

\*\*\*\*\*

Administrative Assistant

ELEANOR M. ROBINSON

\*\*\*\*\*

Official Court Reporter

JACK W. MALLICOAT

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Bailiff

W. RUFUS HOLZBAUR

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ALEXANDER JENKINS	First Degree Murder	True Bill
WILLINE JONES TAYLOR	First Degree Murder	True Bill
WATSON BROWN, JR. and OTIS CHARLES SHEDRICK	Rape	True Bill
CHARLES OWEN BOYLE	First Degree Murder	True Bill
GASPAR MOLINA ROSADO	First Degree Murder	True Bill
GASPAR CRUZ COLON	First Degree Murder	No True Bill
JUAN VALASQUEZ	First Degree Murder	No True Bill
PHILLIP RICHARD YEATMAN	First Degree Murder	No True Bill
SARAH DORMIRE, also known as SARAH DORMIE	Second Degree Murder	True Bill
LEWELL N. MILLER and C. ARTHUR BENNETT	First Degree Murder	True Bill
ROSENDA F. ESTRELLA, also known as ROSENDA ESTRELLA FUENTES	First Degree Murder	True Bill
JOHN B. HOSKINS, also known as JOHNNY HOSKINS, also known as JOHNNIE HOSKINS	Rape	True Bill
JOHN B. HOSKINS, also known as JOHNNY HOSKINS, also known as JOHNNIE HOSKINS	Rape	True Bill
PHILLIP LITTON, also known as TONNIE PHILLIP FORCE	Rape	True Bill
RAMON LORENZO	First Degree Murder	True Bill
WILLIE LINCOLN	Rape	True Bill
CHARLIE BELL	First Degree Murder	True Bill
WILLIE C. HAWKINS	Rape	True Bill
BOBBIE JEAN BINGHAM	Second Degree Murder	True Bill
LAMAR HEARNS	Rape	True Bill
JIMMIE LEE BARNES CURTIS ADAM BROWN ALBERT MERVIN COLLIE LEON McCLUSTER LARRY JOLLY	Rape	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JIMMIE LEE BARNES CURTIS ADAM BROWN ALBERT MERVIN COLLIE LEON McCLUSTER and LARRY JOLLY	Rape	True Bill
RAYMOND JEAN CHAUFURNIER	Rape	True Bill
MALCOLM EUGENE VAUGHT WILLIAMS, also known as MALCOLM WILLIAMS, also known as RED VAUGHT	Prostitution	True Bill
CHRISTOPHER W. KIRALY	First Degree Murder	True Bill
DAVID SHIFRIN	Perjury	True Bill
PETER N. PANOS and DAVID HELMAN	Prostitution	True Bill
JOSEPH F. CACCIATORE and DAVID HELMAN	Breaking and Entering a Dwelling with Intent to Commit a Felony, to-wit Grand Larceny. Breaking and Entering a Dwelling House with Intent to Commit a Felony, to-wit Grand Larceny. Breaking and Entering a Dwelling House with Intent to Commit a Felony, to-wit Grand Larceny. Breaking and Entering a Dwelling House with Intent to Commit a Misdemeanor, to-wit Petit Larceny.	True Bill
THOMAS HAROLD CUNDIFF	Rape	True Bill
CLINTON B. JOHNSON	Grand Larceny	True Bill
DAVID SHIFRIN	Perjury	True Bill
RAY B. BRADLEY	Perjury	True Bill
MANSON HILL, LESLIE VAN BUSKIRK, and DAVID HELMAN	Breaking and Entering a Store or Store Building with Intent to Commit a Felony, to-wit: Grand Larceny	True Bill
TALMADGE A. BUCHANAN and DAVID SHIFRIN	Conspiracy to Commit Bribery	True Bill
MANSON HILL, LESLIE VAN BUSKIRK, DAVID HELMAN GEORGE BUSBY and ERNEST FERGUSON	Grand Larceny	True Bill

TO THE HONORABLE HENRY L. BALABAN, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

The Spring Term 1966 Grand Jury of Dade County, Florida, submits herewith its Final Report.

Shortly after this Grand Jury was impaneled, reports of wide-spread corruption and systematic bribery of law enforcement officers by so-called "bag-men" were made public, and the Grand Jury began an investigation in an effort to ascertain whether those reports were true or false. To that end the Grand Jury summoned and examined many known gamblers, and many law enforcement officers, including the Sheriff of Dade County, and high-ranking deputies in the Sheriff's Office and deputy sheriffs of all grades, as well as police officers of the City of Miami, and Constables. The Grand Jury also called as witnesses reputed "bag-men."

As the investigation proceeded, it became clear that officers of the law, including the Sheriff's office, the Police Department of the City of Miami and the Constables' offices either had a connection with the operators of organized gambling, prostitution and other forms of vice, or those officers were indifferent to their duties or unwilling to make any effective effort to combat all such forms of organized vice. The Grand Jury heard from high ranking officers in the Sheriff's Office and in the Police Department of the City of Miami that it was a subject of common day to day report, comment and knowledge among officers in those agencies that certain persons were well known to be collectors of graft from gamblers, prostitutes and operators of other forms of vice and that these "bag-men" regularly distributed the graft to lawmen.

The Jury reluctantly reached the conclusion that the public reports of systematic and regular collection of money from such gamblers, prostitution operators and operators of other forms of vice were in fact more wide-spread and upon a far greater scale than had been indicated by the reports which brought about the investigation by the Grand Jury.

In this investigation, the Grand Jury constantly, and at every turn, was compelled on one hand to wring reluctant and grudging admissions from gamblers, prostitutes and underworld figures, and on the other hand to listen to deputy sheriffs, police officers and constables who uniformly and almost without exception denied any knowledge whatever of the wide-spread, well organized gambling, prostitution and other forms of vice which obviously were at all times for the past ten or fifteen years flourishing on every hand, to such an extent that it might be wondered how such law enforcement officers were able to get about without seeing-eye dogs and white canes. When asked about well known "bag-men" and well known gamblers, well known operators of places of prostitution, well known vice-lords, law enforcement officers of almost all grades claimed that their knowledge of such persons was derived solely from reading the newspapers and listening to television. There is no doubt that all of the big time gamblers, as well as the small fry, could have been known, identified and located by the list of gambling stamp holders frequently published in the newspapers and read over television stations during the past several years.

The Jury found that 161 different people in Dade County held gambling Tax Stamps for various periods of time between July 1, 1959 and June 30, 1966. Of these only 7 served jail sentences as a result of raids initiated by local law enforcement agencies during that period and none of them were among the first sixty five Gambling Excise

Taxpayers on the list.

Numerous people were arrested for gambling or lottery and charged in various courts. The gauntlet of nolle prosequi, directed verdicts, faulty search warrants, acquittals, mitigations of sentences, and petty fines left few of them for jail. Offenders are in many instances paying periodic "licensing fees" in the form of fines.

Evidence also indicated that many such arrests were merely to harass the hapless gambler who had not paid his "dues" to the "bag-man."

In the time available, the Grand Jury could not have investigated the police departments of the many cities in this county, but the Grand Jury has no doubt that the conditions described above have existed in many cities other than the City of Miami. In conclusion, the Grand Jury finds that during the past 10 or 15 years, gambling, prostitution and other forms of vice have flourished in Dade County with the obvious knowledge and active cooperation or tacit acquiescence of many local law enforcement agencies.

#### The Most Shocking Disclosures

The Grand Jury examined many witnesses about burglaries, robberies, jewel and fur thefts and other forms of crimes of violence, not excluding murder. This aspect of organized crime was totally unlooked for and unexpected by the Grand Jury. In the investigation of these crimes of violence, the Grand Jury found witnesses terrified for their own safety and the safety of their families, who refused to testify at all in some cases or fully or truthfully out of such fear. The Grand Jury learned from high ranking members of the Sheriff's Office of occasions upon which deputies were dispatched to a specified area in an effort to apprehend burglars and thieves, only to find that the

burglars and thieves shifted their operations to an area left unprotected. It appeared even to the deputies that the burglars and thieves had been informed by someone having knowledge of the operations of the Sheriff's Department. There was evidence of burglaries, thefts and similar crimes being planned and carried into effect with the knowledge of deputies. There was testimony that burglars and thieves were required to report the amount of their hauls and to divide with officers of the law. There was evidence tending to show that burglars and thieves were "set up" by officers of the law, and led to believe that they were free to break and enter and to steal, in order to furnish an opportunity to eliminate them by the simple means of either shooting them or capturing them in the act and sending them to prison for long terms. There was evidence of a well organized system of "fences" through whom the proceeds of burglaries, robberies or thefts were disposed of with the knowledge of the officers of the law.

In conclusion, this aspect of the connection between officers of the law and the underworld was and is an area which the Grand Jury was unable to investigate adequately because of the fear and intimidation of witnesses and the fear of retaliation by officers of the law which might be visited upon witnesses who might testify, and while much of the evidence was insufficient to warrant indictment, the Jury was left in no doubt that this area of crime and violence requires and deserves continued investigation by future Grand Juries and by honest dedicated officers of the law anxious to ferret out such alliances which endanger not only the lives and property of the citizens, but the very existence of government as the guardian of the lives and property and safety of the governed.



### The Abortion Racket

The Grand Jury feels that officers of the law should not be permitted to enrich themselves through pay-offs either from doctors or patients in abortion cases. The Grand Jury has not been able to adequately investigate the abortion racket in this County, but finds that there is evidence tending to prove that officers of the law have been forcing physicians to pay bribes in order to escape arrest and protection for having committed abortions and to permit them to continue to do so. It is imperative that this practice be thoroughly investigated by future Grand Juries and the officials charged by law with the responsibility of eliminating such practices.

### The Courts

The Grand Jury finds that certain practices which are followed in the Courts tend to bring the Judges into disrepute and to cast doubt upon the Courts. One of these is the practice of vacating judgments and sentences and placing those convicted upon probation without any good, sound or substantial reason for such action existing or being shown on the Court records. This subject has not been adequately investigated because of the lack of time, and we express the hope that future Grand Juries and the responsible officers of the law and the Bar Association will pursue this investigation vigorously in the hope that any question about the probity of the Courts may be dispelled. This practice lends basis for a fear that such orders may be the product of corrupt bargains or "fixes" in which the Courts may be involved and this brings the Courts into disrepute and engenders distrust of their probity. The Courts, like Caesar's wife, should be "above suspicion" and these practices should be discontinued, and rules adopted to eliminate them.

### Recommendations

"Eternal vigilance is the price of liberty" and unless relentless and unremitting investigation is continued and pursued, followed by prompt, able, vigorous prosecution of criminals and officials who lend aid and comfort to the enemy or who profit from criminal enterprises, no one will be safe even in his home, and law and order will become a mockery. We recommend therefore:

1. That the Sheriff's Department be completely overhauled, and all unworthy officers eliminated. The practice of having an "Internal Security Officer" or "Internal Security Department" manned by Deputy Sheriffs to investigate conduct of members of the Sheriff's Department, and similar agencies in police departments is obviously utterly inadequate; because those in charge of such departments lack the independence or the support from their superiors, some who are potential targets themselves, to make them effective. We would recommend that the Metropolitan Dade County Commission organize a Department to take over the task independent of any other agencies and staff it with highly trained, honest, able, fearless and dedicated men under close supervision.

2. That the legislative delegation of this County be requested to review the laws relating to the detection and apprehension of criminals, so as to furnish tools capable of dealing with modern organized crime and criminals who respect no boundaries of counties or states, including:

- (a) Laws making it possible to compel material witnesses to give bond to insure their appearance at trials, because the present statutes upon that subject deal only with capital crimes and are inadequate.

(b) "Racketeering" laws patterned after such statutes enacted by the Congress to deal with organized crime on a national basis.

(c) There is no statute in this State making it a crime to intimidate witnesses before a Grand Jury or witnesses in a trial court, or the use of coercion to force witnesses to testify falsely or to influence the testimony of witnesses. The Grand Jury finds that witnesses have been intimidated or coerced and the law as it presently exists contains no adequate penalties for such conduct. This is a very necessary and important reform.

(d) The present Grand Jury Act, which applies only to Dade County, should be amended to permit a Grand Jury to employ an attorney or attorneys to advise it and to examine witnesses and otherwise conduct proceedings before the Grand Jury who would be independent of the State Attorney, with power to issue subpoenas for witnesses to appear before him and with power to swear and examine such witnesses before their appearance before the Grand Jury, together with power to employ an adequate staff of trained investigators and clerical aids to conduct the business of the Grand Jury.

(e) The Florida "immunity" statutes, of which there several, among which are Sections 838.08 and 932.29 Florida Statutes should be reviewed and revised to make them effective for the purpose they were designed to serve.

(f) There is no State law or Statute requiring elected public officers appearing as witnesses before a Grand Jury to waive immunity, or suffer summary suspension or removal from office

for refusal to do so. Personnel rules of most cities and counties contain regulations requiring employees to waive immunity and to testify in any investigations in which they may be called as witnesses or suffer summary suspension or discharge in the event they refuse to do so. The Grand Jury recommends that an act be passed making such a rule applicable to all public officers, elective or appointive, regardless of their rank.

#### Miscellaneous Matters

A brown book mentioned over local television stations and in local newspapers was presented to the Grand Jury, and was examined and considered by the Jurors, but was found to contain no evidence upon which the Grand Jury could base any action. Many other matters, political in nature, were also submitted to the Grand Jury and each such matter was investigated and considered by the Jurors but evidence to warrant action by the Grand Jury was lacking.

#### Abortion

We have listened to testimony from eleven rape victims, as well as the Medical Examiner and other physicians. The evidence indicates that our abortion laws in some respects are out of tune with society and the present state of the art of medicine.

We would hope the next meeting of the State Legislature would consider modification of the law.

## YOUTH HALL

Porter W. Homer, the County Manager, James J. Furdon, the new acting head of the Welfare Department, and Judge Donald E. Stone, senior Judge of the Juvenile Court, are three new faces in the administration of juvenile justice and welfare. We believe these men are competent in their jobs and sincere in the purpose, and that they will supply the leadership and cooperation to end ten years of petty squabbles, jurisdictional disputes, empire building, incompetency, penny pinching, and dereliction which have victimized, mistreated and corrupted thousands of Dade County children.

The present physical facilities at Youth Hall, the Juvenile Court rooms, and the dependent children's home are still a disgrace. There wasn't a dry eye in the entire Jury panel during our visit to Youth Hall. We saw six children in some cubbyholes with four of them sleeping on the floor.

We found a boy in Youth Hall who had been there three months waiting for an opening in the Kendall Home. He was charged with truancy. Yet, the educational facilities at Youth Hall are virtually nonexistent and he was, in effect, still not attending school.

The failure of the State of Florida doesn't remove the responsibility of the County Commission to vote funds for adequate facilities.

We are appalled to see that delinquent children are still mixed with dependent children. Some of the policies, practices, and conditions in the past have hovered dangerously close to the statutory definition of neglect and mistreatment.

For God's sake - put an end to it.

ACKNOWLEDGMENTS

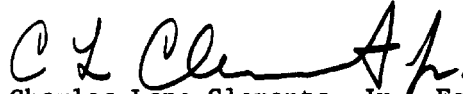
We conclude this report with a deep and sincere expression of thanks to the Honorable Henry L. Balaban, Circuit Judge. We appreciate his advice and counsel which has been of immeasurable assistance.

We appreciate the cooperation and assistance of State Attorney Richard E. Gerstein and his Assistants and their guidance during this term.

This Grand Jury and the community are particularly indebted to Lucius J. Cushman, Assistant State Attorney and Special Counsel to the Grand Jury. Mr. Cushman devoted seventy-five to eighty hours a week for months on end in helping us through a very trying ordeal.

The members of this Grand Jury would also like to thank all other officials and persons whose names are too numerous to mention who assisted this Grand Jury in carrying out its duties and responsibilities to the citizens of this County.

Respectfully submitted,



Charles Lane Clements, Jr., Foreman  
Dade County Grand Jury  
Spring Term 1966

Attest:



Phil C. Gallagher  
Clerk

Dated: November 8, 1966