

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

SPRING TERM A. D. 1968

FINAL REPORT OF THE GRAND JURY

Filed

November 12, 1968

Circuit Judge Presiding

HAROLD SPAET

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INDEX

<u>SUBJECTS</u>	<u>PAGES</u>
1. GRAND JURY SECRECY	2
2. SOUTH FLORIDA STATE HOSPITAL	3 - 5
3. LIBERTY CITY RIOT	6 - 8
4. FLORIDA CITY	9 - 11
5. NARCOTICS	12
6. ORGANIZED CRIME	13 - 15
7. PUBLIC SCHOOLS	16 - 19
8. JOHNNIE LEE WILLIAMS	20
9. GRAND JURY QUARTERS	21
10. ACKNOWLEDGMENTS	22 - 23

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
SAMMIE EARL WALKER	Rape	True Bill
ANTHONY WESLEY BROWN	Assault with Intent to Commit Rape	True Bill
BLANCHE PATRICIA WARD	First Degree Murder	True Bill
CHARLES MEGILL	First Degree Murder	True Bill
LOUIS CHARLES SHABAREKH	Rape	True Bill
TIMOTHY R. JACKSON	Rape	No True Bill
JOHN HENNINGER	First Degree Murder	True Bill
OSCAR GONZALEZ, JORGE GONZALEZ and ABELINO GONZALEZ	First Degree Murder	True Bill
ROBERT NORRIS THOMPSON	First Degree Murder	No True Bill
JOHN E. MOBLEY	Rape	True Bill
HENRY LEE PAGE and ISAAC CLINTON MILLER	First Degree Murder	True Bill
RAYMOND RHOME	First Degree Murder	True Bill
JOSEPH AUGUSTINO	Soliciting Bribes	True Bill
JOSEPH AUGUSTINO	Soliciting and Accepting Bribes	True Bill
ARTHUR FRAZIER	First Degree Murder	True Bill
LAMBERT W. DAVIS	First Degree Murder	True Bill
JIMMIE LEE JENKINS	Rape	True Bill
GEORGE REESE, also known as WILLIE REESE, also known as JOSEPH REESE, also known as TOMMIE BROWN	Rape	True Bill
HOWARD C. EDWARDS and MAX DIAMOND, also known as MIKE DIAMOND	Conspiracy to Commit Perjury Conspiracy to Commit Libel to Procure Another to be Charged with an Offense, and to Commit an Act Injurious to the Public Morals Communicating False and Libelous Matter to a Newspaper (10 Counts) Perjury	True Bill

TO THE HONORABLE HAROLD SPAET, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

The 1968 Spring Term Grand Jury was impaneled by the Honorable Harold Spaet. After administering the Oath to the Jury, the Court instructed us:

"You are required to observe strictly the oath that you have taken. That oath prescribes that you will diligently undertake the performance of your duties; that you will preserve secrecy; that you will not be motivated either way in any matter by fear or favor. You are not only a sword to the guilty; you are a shield to the innocent."

With this charge in mind, we have worked diligently on the many matters which came before us, with the hope and prayer that this community would be a better place in which to live as a result of our work.

In concluding our services to the Court, we render this our Final Report.

GRAND JURY SECRECY

Regarding this Grand Jury's Interim Report of October 29, 1968, we wish to comment on the Miami Herald article published the same day which stated that the particulars of the indictment charging Howard C. Edwards and Max Diamond were made known to some members of the public through a "reliable source" prior to the return of the indictment in Open Court.

Pursuant to this article, we took testimony and explored what we deemed to be the thrust of the article, that is, the information had reached the public through some member of the Grand Jury, or some person connected with it.

The evidence before us conclusively established that it was impossible for the "original reliable source" to have been in possession of this information. At the time the "original reliable source" speculated as to the "number of counts of perjury against Edwards", the Grand Jury had not yet concluded taking testimony. The Grand Jury had not determined those to be indicted, let alone arrived at the number of counts of perjury and conspiracy against Edwards and Diamond.

SOUTH FLORIDA STATE HOSPITAL

On August 6, 1968, we issued an Interim Report in which we made certain recommendations to rectify the almost total lack of security at the South Florida State Hospital. We are pleased to report that, in compliance with our report, the following security measures have been instituted:

1. The security staff has been increased from 5 to 12 men, including a chief, assistant chief, and 10 patrol officers. This staff has also been bolstered by the transfer of 9 psychiatric aides who are stationed around the clock in the guardhouses outside the maximum security wards.

2. The grounds are patrolled by officers in radio equipped squad cars, and, with the installation of new lighting equipment, the grounds surrounding the wards are now well lighted.

3. A patrolman stationed at the main gate stops all unauthorized vehicles and records the names of all occupants, whom they are to visit, and the license number of the vehicle. All vehicular traffic must pass through this main gate, and all other gates to the grounds are now locked.

4. All visitors are searched by a security guard before being given access to the security wards. All packages must be left with the guard so that their contents can be determined before delivery to the patient.

5. After receiving visitors, all patients in the security wards are searched.

6. Locks to the wards are being changed and keys must be turned into the security office at the conclusion of an employee's shift.

7. Periodic searches of the wards are now being conducted. All patients are removed from the ward, and security officers then search the ceiling, walls and mattresses for materials that could be dangerous to a patient or that might be used to effect an escape.

8. There are still some "court hold" patients being intermingled with other patients for the purpose of therapy. However, this does not apply to patients whom a court orders confined in a maximum security ward.

9. There have been only 6 escapes by "court hold" patients in the past three months, and no escapes from the maximum security wards. Prior to these improvements in security measures, there were 85 escapes in the past year.

One of the matters that we intended to comment upon in this Final Report was the laxity of evaluation procedures in South Florida State Hospital. Patients were evaluated without being present at evaluation hearings, and doctors signed competency discharges without ever having interviewed the patient. We are pleased to report, however, that these deficiencies have been rectified with the institution of the following procedures:

A. Patients sent to the hospital by a court for "evaluation and observation" must be reported to the court within 30 days from their admission.

B. Evaluation hearings are requested by the ward psychiatrist after he has personally given the patient psychological examinations and other tests.

C. Prior to an evaluation hearing, the patient must be examined by a second psychiatrist whose findings are recorded.

D. The evaluation conference is conducted by the Clinical Director and attended by the Chief of Service, the psychiatrist assigned to the case, a psychologist, a social worker, and other available psychiatrists.

E. The evaluation report must be signed by all the psychiatrist and psychologists attending the conferences. If one does not agree with the report, he should submit a minority report.

F. All "court hold" patients who have been in the hospital for 12 months must be re-evaluated by the Board.

While we are certain that the security and efficiency of operations in the South Florida State Hospital have been vastly

improved, we must still recommend, as we did in our Interim Report, the creation by the State Legislature of a maximum security hospital from one of the four existing mental hospitals to be used exclusively for the housing and treatment of "criminal court holds" and criminally insane persons in this State, and that the responsibility for operating this hospital be assigned to the Division of Corrections of the State of Florida.

We also recommend that when a "court hold" patient is reported to be competent to stand trial, he be afforded a trial as early as possible, consistent with the requirements of due process of law.

Before closing this aspect of our report, we wish to commend the staff of the South Florida State Hospital and the staff of the Secretary of State of the State of Florida for taking prompt action to improve the operation of the hospital upon the filing of our Interim Report. We also commend Dade County Criminal Court Judge Paul Baker for requesting that we initiate this investigation.

LIBERTY CITY RIOT

Our investigation into the racial disturbance in the Liberty City area of Dade County during the early part of August of this year was limited in scope to the following factors: (a) The presence and influence of outside agitators, (b) the effectiveness of the police, and (c) the use of unreasonable or excessive force by the police. To determine these factors, we heard testimony from members of the Miami City Commission, representatives of the Miami Police Department, members of the clergy, and residents and social workers in the Liberty City area. Based on that testimony, we make the following findings:

(a) There is no conclusive evidence that anyone from outside Dade County was instrumental in fomenting the racial disturbance. The handful of outsiders who did participate in the riot are now under investigation by the appropriate law enforcement agencies.

Inasmuch as the City of Miami had not been plagued by the violence that has hit many of our cities across the nation, and due to the fact that race relations have been relatively good in Miami up until the time of the riots and the fact that there was no prior warning of trouble in that area, it seems more than mere coincidence that these acts of lawlessness took place at a time when they could be publicized most widely by the national news media that was covering the Republican Convention only a few miles away in Miami Beach.

(b) We are pleased to report that the police, and the National Guard as a whole maintained an even temperament and displayed exceptional effectiveness throughout the disturbance. We feel that their effectiveness was somewhat impaired by the conduct of television cameramen whose presence may have fanned the flames of the riot.

(c) Unlike recent disturbances in other parts of the nation, we found little evidence of the use of unreasonable or excessive

force by the police or the National Guard during the Liberty City disturbance. Indeed, the great majority of police officers involved exercised great forbearance throughout the period of tension and disorder. There were some isolated instances where the police may have used excessive force, but we must not forget that the police were being shot at with live ammunition, and under such circumstances, we find it difficult to criticize them for taking drastic action.

Our recommendations are as follows:

1. Our investigation revealed that during the most violent part of the disturbance, for a period of one hour, officials at the command post were unable to contact the City Manager, who is the only municipal officer with authority to request the Governor to send in the National Guard. To rectify this situation, we recommend that the Miami City Commission enact an ordinance giving the Mayor of Miami concurrent authority to request the assistance of the National Guard. It is suggested that more complete planning be made by the City of Miami and Dade County officials to prevent any period of indecision in case of future uprisings in the community.

2. The news media should improve coordination with the police in reporting riot news through advance planning and should cooperate with the police in the development of mutually acceptable guidelines for riot reporting and the conduct of media personnel. Indeed, it may be necessary, in the event we have future riots, to prohibit representatives of the news media - as was done to private citizens in the August riot - from entering the riot area, not only for their own protection, but to prevent further escalation of the riot.

3. We also recommend that, if another riot breaks out in this community, that the police immediately isolate the area and prohibit all persons from entering, other than the occupants of emergency vehicles.

4. That law enforcement officials have immediately available a radio-controlled sound truck for more effective communications in riot areas.

FLORIDA CITY

We have conducted a thorough and intensive investigation into the lack of law enforcement in Florida City and into corruption in the Florida City Police Department. We have found the following shocking conditions have been prevalent in this municipality:

1. Over the past 10 years, numerous Florida City police officers have accepted bribes from operators of bolita and other unlawful gambling games. In this regard, we have returned two indictments. Other indictments would have been forthcoming, but unfortunately we were barred from doing so by the Statute of Limitations which requires criminal prosecutions to commence within two years from the date of the offense.

2. Every Saturday and Sunday, wide-open gambling with dice is permitted in the streets of Florida City with as many as one hundred participants at a given moment.

3. There has been an almost total lack of law enforcement by the Florida City Police Department, with most of the blame being directly attributable to the Chief of Police. For rather obvious reasons, the said Chief of Police refused to sign a waiver of immunity and testify before this Grand Jury.

4. The Florida City Municipal Court has been far too lenient in sentencing the few individuals who have been arrested and convicted of violating the gambling laws. It also seems improper to this Grand Jury for the Court to permit defendants, who have been convicted, to pay their fines on an installment basis.

5. Municipal elections in Florida City have been tainted by permitting migrant laborers, who obviously could not meet the residency requirements, to register and vote.

6. The citizenry of Florida City have shown a lack of concern for the deplorable conditions outlined above. The City Council,

excluding the present Mayor, has also been lax in failing to seek the assistance of other law enforcement agencies in Dade County.

In order to rectify the foregoing facts concerning Florida City, we make the following recommendations:

A. That the qualifications of police officers be raised to the same standards as the Public Safety Department of Dade County.

B. That the police department of Florida City be revamped and placed under the control of the City Council, and that we strongly recommend the office of Chief of Police be made appointive, rather than elective.

C. That the City Council and the residents of Florida City seek the aid of other law enforcement agencies when their own police force is incapable or undesirous of enforcing the law.

D. That the citizens of Florida City report any solicitations of bribes by police officers to the Dade County Grand Jury or the State Attorney's Office.

E. That the Public Safety Director of Dade County take immediate action to stop the aforementioned gambling in the streets of Florida City.

F. That the Florida laws governing the registration of voters be strictly adhered to by election officials in Florida City.

G. That the City Council of Florida City issue firm directives and institute definite procedures for their police department to follow in enforcing the laws.

H. That all violators of the laws prohibiting bolita be prosecuted in the Criminal Court of Record rather than the Municipal Court of Florida City.

If the foregoing recommendations are followed, we are certain that conditions in Florida City will improve. However, we believe

that the best offense against corruption is an alert citizenry,
and therefore, we urge the residents of Florida City to take a
more active role in bettering the conditions in their own community.

NARCOTICS

At the request of the last Grand Jury, we have continued to investigate the use of narcotics in Dade County, with particular emphasis on ferreting out the suppliers. Our investigation has led to indictments against seven individuals in Dade County who unlawfully imported marijuana from Mexico and sold it to high school and college students in Dade County. Our investigators have directly purchased marijuana from a major supplier of narcotics from Mexico, and federal indictments will be returned as a result of this action.

We have further determined that much of the narcotics possessed by teen-agers is obtained from so-called "psychedelic shops", and we are pleased to report that, as a result of our investigation, two of these shops have been closed by court order in public nuisance suits filed by the State Attorney's Office.

Our investigation leaves no doubt in our minds that the major evil in our community today is the use of narcotics by teen-agers and college students. This evil knows no boundaries, either social or economic, and morally and physically corrupts rich and poor alike. For this reason, we recommend:

1. That the next Grand Jury continue an investigation of narcotics with the expert assistance of the investigators who have served us so effectively.
2. That all of the law enforcement agencies coordinate their efforts to arrest and prosecute suppliers of narcotics in this area. Duplication of effort must cease.
3. The legislature of the State of Florida should enact legislation to prohibit the filling of prescriptions through telephone calls.
4. As did the last Grand Jury, we recommend that the news media should continue to take an active role in educating the general public to the dangers involved in the use of narcotics.

ORGANIZED CRIME

Organized crime is one of the great internal problems facing our nation today. We have endeavored to conduct an investigation into organized crime in this community and its infiltration into legitimate businesses. We issued numerous subpoenas, but only sixteen witnesses were available to be served and brought before this Grand Jury.

Our investigation was hampered in many respects. First, other investigative bodies and committees undertook to investigate the same matters that we pursued, and engendered a great deal of publicity. This caused many of the notorious Cosa Nostra and organized crime figures involved to leave this jurisdiction. Our investigation was further hampered in that the Florida Law Enforcement Bureau and other law enforcement agencies advised us there were pending active investigations being conducted of many of the individuals we attempted to have brought before the Grand Jury. These agencies recommended that immunity not be granted to many of these witnesses. Without the use of the valuable tool of immunity, our hands were tied, because of the invocation of the Fifth Amendment by the witnesses.

We found that organized crime has infiltrated certain legitimate businesses in Dade County. Under the present state laws, we, as well as any other agency, were powerless to prevent persons with organized crime backgrounds from investing in legitimate businesses.

We therefore make the following recommendations:

1. That the legislature of this state legalize court authorized wire tapping upon a strong showing that human life is endangered or organized crime is involved. Organized crime cannot exist without the use of the telephone. Legalized wire tapping should be permitted when it is demonstrated to the court that there is reasonable grounds to believe that evidence of a crime may be thus obtained.

Criminals make extensive use of the telephone as an instrumentality of crime and as a means of conducting criminal business. Law enforcement should be given the same weapons to combat crime that criminals use to carry out their activity.

2. The Attorney General of the State of Florida must be given the authority to revoke corporate charters where the corporation has unrevealed financial interests. In many instances, organized crime has infiltrated legitimate businesses through undisclosed parties who have financial interests. The State Beverage Department should be authorized to revoke a beverage license upon failure to disclose any hidden interest by the licensee. This provision should be automatic and mandatory rather than discretionary. Full disclosure of hidden interests is imperative in order to prevent the criminal element and more especially organized crime figures from holding liquor licenses or corporate charters, directly or indirectly.

3. We recommend that the legislature require disclosure to the Beverage Department and to the Secretary of State of all loans aggregating more than \$10,000 annually made to corporations or businesses in the State of Florida which are regulated by the State Beverage Department. This will deter organized crime figures from funneling the profits of their illicit activities into legitimate businesses. Legislation should be passed requiring that photographs and fingerprints of all corporate officers accompany the application for a charter under the laws of the State of Florida.

4. We recommend to the Florida Bureau of Law Enforcement that they agree to the immunization of certain organized crime figures, within a reasonable time, where there is minimal chance of an arrest being made. This would enable Grand Juries to pursue organized crime investigations effectively.

The implementation of the foregoing recommendations will be meaningful in giving law enforcement agencies the authority to cope with the infiltration of legitimate businesses by organized crime.

PUBLIC SCHOOLS

Continuing the effort of previous Grand Juries to analyze the crisis situation which exists in the Dade County Public School System, the 1968 Spring Term Grand Jury has concentrated its review in these fields:

1. Administration
2. Building
3. Policy

We wish to make the following comments and recommendations based on this study.

ADMINISTRATION

A careful study of administration points up the necessity for extensive review and the establishment of a new management philosophy, the Grand Jury feels. We call particular attention to the Program-Budgeting System recommended and adopted by the School Board several years ago. It presents a sound base for improving the entire structure, and we urge the School Board to push it to completion. In so doing, the Board should fully enlighten all concerned as to what Program-Budgeting is, what it is to accomplish, and how it accomplishes its goals.

Further, we find that the prevailing policy of filling top administrative positions from within the ranks of educators, their friends and relatives is unsound. Assistant Superintendents should be chosen for their unique qualifications, especially related backgrounds, and knowledge of the jobs they will fill. There is much greater benefit to be gained from utilizing professionally trained specialists to head non-educational departments. The system needs people who can apply techniques and methods used so successfully in private industry. We, therefore, recommend that such top personnel be sought quickly; that they be screened by the Superintendent himself and the School Board, with assistance,

if necessary, from an outside consultant rather than by the educationally-oriented department of school personnel.

We point to the great need for upgrading the position of Assistant Superintendent for Finance. The Dade County School System, seventh largest in the nation, has an annual budget of \$200,000,000.00. This office should be administered by a truly qualified specialist with an in-depth knowledge of modern financial concepts and methods. The salary should be significant enough to attract top-quality personnel, and consideration should be given to having him attend all Board meetings.

BUILDING

The Grand Jury points also to the present building and planning program. We approve the wisdom of outside counsel in drafting architectural plans but feel that a strong Assistant Superintendent for Finance should sit with final authority on how the money is being spent.

We find especially regrettable the prevailing philosophy which demands that all new construction meet the most modern standards of design; for we feel that there is little correlation between the knowledge of the graduating student and the modernity of the building from which he graduates. Most significant in this regard, is the fact that financial needs are at an all-time high; tax dollars are having to be stretched over our mushrooming population; neither the system nor the taxpayers can afford the luxury, at this time, of continuing architectural experimentation.

We, therefore, recommend a policy being used so successfully today in motel and restaurant chains - that of standardizing designs - thereby cutting costs and frills. Such a policy would have a second benefit which is equally noteworthy; that of enabling the school system to obtain more competitive bids than it is presently receiving due to the high cost of estimating every new design.

We would hasten to express our feeling that the maintenance and custodial departments of the Dade County Public School System need top to bottom revision. Here certainly are two administrative posts which absolutely require knowledgeable managers with especial talent and qualifications. We ask that this situation be given immediate attention.

POLICY

Much thought has been given, by this Grand Jury, to the policies and the policy-makers. The need for great strength in this phase of the Public School structure is of the essence. Policies are made to be kept. Disgruntled students, teachers and parents can take their "charge" to the School Board, but cannot demand a revision of policy with every "charge" - nor expect it! A prime example was the recent situation at a local high school. There is evidence that this problem was, in part, initiated by outsiders. Local leaders then took over and used this situation as an arm against the entire system. That this was used by the Board as the basis for development of a new policy indicates that the Board was negotiating out of fear rather than acting as a strong spokesman for the whole system. We regret this action.

The Public School System is organized on rules and regulations which may seem a hardship at times. There is little doubt that life itself bears its hardships. To endure some minor problems early in life is to fortify oneself for the many later. The School Board - and its rules - must retain stability. Order must prevail at all levels and respect for order can be taught as well in the public schools as elsewhere. The Board must sit tall in the saddle, act as a pillar - and voice of strength. We would wish for unified expressions of opinion from the Board backed by compassion, understanding and knowledge.

CONCLUSION

Finally we wish to commend our Superintendent, Dr. Whigham, who is an impressive education executive. His problems have been many but his expertise in handling them is visible more every day. We feel that his unique ability, background, knowledge, experience and understanding can only make this system rise to excellence. And we ask him to view our comments and recommendations as part of his program for the future; and hope that it will act as the strongest arm of assistance he has yet been given.

JOHNNIE LEE WILLIAMS INVESTIGATION

We have heard the testimony of some 17 witnesses in our investigation of the fatal shooting of Johnnie Lee Williams by Deputy Sheriffs James P. Lourie and James A. Cribbs. The facts conclusively show that when these officers attempted to arrest Williams for the commission of a felony, a loaded sawed-off shot gun was pointed at them. At that point, the officers shot and fatally wounded Williams. Based on these facts, we find the shooting of Johnnie Lee Williams to be justifiable homicide because (a) the officers were acting in lawful defense of their persons, and (b) the homicide was committed in a lawful attempt to arrest Johnnie Lee Williams for the commission of a felony.

The facts in this case graphically show the perils of being a police officer, and we commend Officers Lourie and Cribbs for the courage they exhibited in the performance of their duties.

GRAND JURY QUARTERS

The present Grand Jury quarters are totally inadequate. The facilities should be improved in order to protect the secrecy and effectiveness of the Grand Jury.

We recommend that the presiding Circuit Judge for future Grand Juries issue an order to the news media prohibiting them from the floor where the Grand Jury is located in order to carry out the secrecy of Grand Jury proceedings.

ACKNOWLEDGMENTS

The Honorable Harold Spaet, our presiding Judge, was extremely kind and patient and ever willing to counsel and advise with us. We were indeed fortunate that it was our privilege to serve under the direction of such an outstanding Jurist.

STATE ATTORNEY RICHARD E. GERSTEIN
AND STAFF

Richard E. Gerstein, the State Attorney for Dade County, has rendered us his services in a most conscientious, efficient and praiseworthy manner. We have confidence in the integrity and ability of Mr. Gerstein and his staff, and they deserve our appreciation.

We appreciate the cooperation and assistance of the very able Mr. Joseph Durant. His knowledge of the law was of inestimable assistance to this Grand Jury, and we are very grateful for it.

Mr. Dave Goodhart presented his Capital Cases to this Grand Jury with professional competency, and otherwise greatly assisted us in our duties.

We are especially indebted to Mr. Dan Pearson, our Special Counsel, for his service to our Grand Jury. In an investigation of great concern to the community, Mr. Pearson served with professional expertise and thoroughness.

ELEANOR M. ROBINSON - ADMINISTRATIVE ASSISTANT

Our sincere thanks to Eleanor M. Robinson, our Administrative Assistant, without whose efficiency and knowledge, our work would have been twice as difficult. She is a prime factor in each Jury and each succeeding Jury benefits by her experience and ability. This Jury feels that she is devoted and dedicated to her duties.

We wish to acknowledge with thanks our Bailiff. He performed all his duties thoroughly and courteously.

To Martin F. Dardis and his assistants, this Grand Jury wishes to express special appreciation. The outstanding manner in which they conducted our many investigations must be noted. We praise them most highly.

During the term of this Grand Jury, many individuals, groups, police chiefs, public officials, and departments have served us and served us well. In particular, without intentionally overlooking the majority of those involved, but for the purposes of brevity and brevity alone, we wish to express our sincerest appreciation.

Respectfully submitted

Bertha Abess

Bertha Abess, Forewoman
Dade County Grand Jury
Spring Term 1968

Attest:

Max H. Reich
Max H. Reich
Clerk

Dated: November 12, 1968