

GRAND JURY
REPORT

Spring Term
A. D. 1947

FOR

Dade County
Florida

Filed

10 NOVEMBER, 1947

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

Spring Term, A. D. 1947

EDWARD E. COLLINS, *Foreman*
FRANK A. HOOVER, *Vice-Foreman*
B. L. BROOKS, SR., *Clerk*

GEORGE H. JUST
ROYAL E. DAVY
EDWIN L. BUNCH
CLYDE C. ELLISON
CALVIN M. ELDRIDGE
R. P. JAMES
HUBERT B. ADKINS
EDWARD D. DAVIS
PATRICK ELLIS
W. S. GILLIS
D. K. KISER
C. C. DANFORD
GORDON L. DAVIS
CHARLES J. EASTMAN
WESLEY W. LASSETER

GLENN C. MINGER, *State Attorney*
SAMUEL O. CARSON, *Assistant State Attorney*

Final Report of the Grand Jury

TO THE HONORABLE JUDGES OF THE
ABOVE STYLED COURT:

We, the Grand Jury, duly impaneled and sworn to inquire in and for the body of the County of Dade, impaneled at the SPRING TERM, A. D. 1947, of the Circuit Court of the Eleventh Judicial Circuit of Florida, respectfully report to the Court that we were convened on the 23rd day of May, A. D. 1947. EDWARD E. COLLINS was appointed Foreman by the Court; FRANK A. HOOVER was appointed Vice-Foreman. B. L. BROOKS, SR., was designated Clerk. Forthwith thereafter we recessed and re-convened at the hour of ten o'clock A. M. on the 3rd day of June, 1947.

We have heretofore considered capital cases against seven persons and have by preliminary reports filed June 10th, 1947, and September 24th, 1947, returned the following indictments, to-wit::

MURDER IN THE FIRST DEGREE.....	4
MURDER IN THE SECOND DEGREE..	1
RAPE	2

Additional indictments returned are as follows:

MURDER IN THE SECOND DEGREE..	1
RAPE (STATUTORY)	1

RECOMMENDATIONS

We concur in the recommendation of the Grand Jury Report, WINTER TERM, A. D. 1947, which was as follows:

"At present the members of the Grand Jury are selected by lot from the list of petit jurors drawn for a particular term of Circuit Court. They do not know they are liable to be Grand Jurors until the Judge calls their name and informs them to that effect.

"Only eighteen names are drawn, fifteen of which constitute a quorum. That only leaves a margin of three

men to work with. In the present instance we were faced with the immediate request of one member to be excused from any consideration of bookie gambling because of his business connections. Shortly after we began our investigations one of our members had to go to the hospital for a serious operation. That left us with only sixteen men, which made it very difficult at times to secure a quorum. A term of court (which is the life of a Grand Jury) runs approximately four months. It is a long time to keep a group of men away from their businesses and occupations. Emergencies arise which require absence from the city and non-attendance at meetings.

"There is no screening of names for the Grand Jury, and it could be possible to have a majority on a Grand Jury who were friendly to the racketeers by reason of business dealings, participation or sympathy, in which case no investigation would be possible into law enforcement conditions.

"There were several members on the present Grand Jury who asked to be excused from jury duty because of press of business. Because their request was refused, they served against their will, and in one instance it was necessary to take legal steps to compel attendance on the part of a member.

"The Grand Jury system is the only avenue left open to the people giving them the means and the right to inquire into the official acts of their elected and appointed officials. Every facility should be provided for its continued and successful functioning. Steps should be taken to insure the highest type of individual members, who are willing to serve and whose background and connections are above reproach. An enthusiastic State Attorney and a willing Grand Jury can clean up any community. An unwilling Grand Jury and a passive State Attorney will not accomplish anything.

Selection of Grand Juries

"We recommend that a separate list of 500 names of qualified freeholders be set up, to be known as the Grand Jury list. That membership on the Grand Jury list be by application and that in the application the applicant agrees to serve when called. That the Clerk of the Circuit Court shall have the applicants investigated and only those who are found qualified shall be eligible to serve. That the Grand Jurors shall be drawn by lot from the qualified Grand Jury list by the Circuit Judge at the convening of a term of Circuit Court. No Grand Juror to be required to serve oftener than once every two years.

Alternate Grand Jurors

"We recommend that in addition to drawing eighteen names from the Grand Jury list the Circuit Judge draw three additional names as alternates, to be called when and if needed during the term to insure a quorum being present at all times.

Mandatory Convening of Grand Juries

"We recommend the mandatory convening of a Grand Jury by the Circuit Judge at the beginning of each term of Circuit Court, and that they not be discharged from their service until the term of court expires.

Legal Counsel for Grand Juries

"The committee of the Dade County Bar Association on law enforcement made the following recommendation in their report:

"To give our Grand Juries greater independence in the performance of their duties, we recommend that whenever they deem it advisable they be authorized to employ, at the expense of the County but for a fee not exceeding \$100.00 per month, any lawyer in the community who meets with the approval of the senior Circuit Judge,

to advise with and assist them in the performance of their duties.'

"We concur in this recommendation."

We further concur in the recommendations of said Grand Jury concerning the matter of electing a City Judge, which was as follows:

"We recommend that the office of Municipal Judge be filled by election instead of by appointment as at present. We believe the position of Municipal Judge in the City of Miami is of sufficient dignity and importance to warrant the election to that office of a full-time Judge, with salary and respect corresponding to Circuit Judges.

"This would remove the City Judge from any suggestion or suspicion of domination by the City Commission and would make him responsible to the people for his decisions. The appointment of City Judge would cease to be a potent factor in the campaign for office on the part of candidates for the City Commission. It would eliminate the buck passing between the City Commission and the City Judge as to who is responsible for setting the Court's policy."

HEALTH AND SANITATION

We recommend and request that the State Attorney confer with the City Commission of the City of Miami and such other cities as may be applicable, and with the County Commissioners of Dade County and the County Health Department relating to the complaints of various citizens in the communities where rockpits are located, with the view in mind to eliminate any unsafe, unsanitary and unhealthy conditions that may exist, with particular reference to the extermination of any rodents, insects, other pests, or fires and smoke that might cause such conditions.

FLOOD CONTROL

We strongly recommend that the various political subdivisions, including drainage boards and commissions, adopt and agree upon an over-all plan, approved by competent engineers, to regulate and control the flood waters in this and adjoining areas, so that the flood conditions that have recently existed here and elsewhere in South Florida may not be repeated.

PUBLIC REST ROOMS

We recommend that the appropriate public officials and commissions keep and maintain open to the public 24 hours a day all the public rest rooms wherever possible, having due regard for the public morals, sanitation and health.

ACKNOWLEDGEMENTS

We wish to acknowledge the assistance and give thanks to various people who gave aid to this Grand Jury during its deliberations, and particularly we wish to acknowledge the interest, assistance and help of the Honorable Ross Williams, senior Judge of the Eleventh Judicial Circuit, in and for Dade County, who so painstakingly, fully and completely, with great knowledge and research, compiled the full and complete charge relative to the work and functions of the Grand Jury. Said charge was found to be most helpful in advising the Grand Jury of their duties and responsibilities under the laws, and in clearly defining their said duties and responsibilities.

CONCLUSION

The term of this Grand Jury expiring by statute as of this date, we respectfully submit this report covering our activities, investigations and recommendations.

Respectfully submitted,

DADE COUNTY GRAND JURY

Spring Term, A. D. 1947

By EDWARD E. COLLINS,
Foreman

B. L. BROOKS, SR.,
Clerk

DATED the 10th day of November,
A. D. 1947.