

GRAND JURY
REPORT

Winter Term
A. D. 1948

FOR

Dade County
FLORIDA

Filed
10 MAY, 1948

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

Winter Term, A. D. 1948

THOMAS B. HAMILTON, *Foreman*
ARTHUR M. COLLOT, *Vice-Foreman*

ODES E. HALL, *Clerk*

T. E. NORMAN

WM, J. B. ELLENBURG

M. D. GALLOWAY, JR.

RAYMOND H. BAUER

KENATH M. FETHER

RUDOLPH C. GEHRKEN

EVERETT G. CARROLL

ARTHUR P. BALL

DAVE EMMER

ALBERT S. BLITCH

JAMES L. BLAIR

LOREN R. GODDARD

ARTHUR L. ADAIR

E. D. GILLIAM

SIDNEY L. BELCHER

GLENN C. MINCER, *State Attorney*
JOHN W. PRUNTY, *Assistant State Attorney*
W. CURRY HARRIS, *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, for the WINTER TERM, A. D. 1948 of the Circuit Court of the Eleventh Judicial Circuit of Florida, respectfully report to the Court that we were convened on the 10th day of February, A. D. 1948. THOMAS B. HAMILTON, was appointed Foreman by the Court; ARTHUR COLLOT, was appointed Vice Foreman. O. E. HALL was designated as Clerk. Forthwith thereafter we recessed and reconvened at the hour of ten o'clock A. M. on the 17th day of February, 1948.

Capital Cases

We have considered a total of eleven capital cases and have returned the following indictments to-wit:

MURDER IN THE FIRST DEGREE.....	1
MURDER IN THE SECOND DEGREE..	1
MANSLAUGHTER	1
RAPE	4
ASSAULT WITH INTENT TO COMMIT	
RAPE	1
NO TRUE BILLS	3

In the course of our deliberations a total of sixty-eight witnesses have been heard. We have filed four preliminary and one supplemental reports.

In relation to the recommendations that this Grand Jury is making, we find that a number of these recommendations have been made from time to time by past Grand Juries with no action ever being taken on these recommendations.

We strongly urge that the report of Grand Juries be given more serious consideration by public officials, than heretofore. It is unfair to expect 18 citizens to spend their time and efforts at great expense to themselves, by serving on grand juries, assembling information and recommending corrective action, and

then discover that such recommendations are completely ignored. Continuity of plan and effort is sorely needed.

This Grand Jury therefore, recommends that immediately after a new grand jury disposes of its capital crime calendar, and before any investigations are made, it analyze and study the report of the previous grand jury and call before it all public officials whose responsibility it would be to follow up on the previous grand jury's recommendations; and there and then get from these public officials an accounting of what action had been taken under recommendations made by the prior grand jury.

It is very difficult for members of the Grand Jury, no matter how sincere that they may be in their efforts, to assemble facts and information that are necessary to determine whether or not the laws are being properly enforced by law enforcement officials. This Grand Jury keenly felt the futility of its efforts because of the deficiency of the machinery for investigations under certain conditions.

Let it be remembered that grand jurors are business or professional men who do not know the rules of legal evidence and do not know enough about criminal laws.

We recommend that our state representatives and state senator seek new legislation looking toward a change or changes in the state laws regarding grand juries. Such changes to be as follows:

1. Authority vested in the Grand Jury to employ competent and specialized legal advice.
2. Authority by the grand jury to employ competent and expert investigators, and stenographic assistance.
3. To empower either the Governor of the State or the Circuit Court Judge who originally impaneled the grand jury, to extend the life of such grand jury beyond its term, and for an indefinite period; such an extension to be granted only upon the request and petition of the grand jury itself.

These provisions, if enacted into law, would do away with the uncertainty, and the

ineffectiveness with which grand juries proceed with investigations during the closing period of their term. They would then be empowered to follow through to a successful conclusion any action they undertook, and would obviate the necessity of following grand juries to delve into the same matter.

As has been recommended time and again by other Grand Juries, proper laws should be passed by the State Legislature outlawing the use of telephone, telegraph and radio services, or other methods of communications, for the dissemination of racing information for illegal operations.

It has long been a known fact that law making bodies cannot successfully legislate morals. The best example of this statement was the late lamented prohibition act. Impossibility of enforcement led to a general breakdown in all law enforcement. We are faced today with the same situation on the question of gambling. This grand jury has pondered the question thoroughly and deeply; it has gone through every phase of gambling activities, from bookmaking to mobster infiltration. The consensus of opinion of the grand jurors has boiled down to the fact that inasmuch as we find general laxity in the enforcement of the gambling laws, and that inasmuch as pari-mutuel betting has been legalized by the State, and that furthermore, if all who desire to bet, were compelled to attend the various pari-mutuel establishments, they could not be accommodated, we believe that a solution would be to legalize bookmaking where bets may be made and coursed through whatever pari-mutuel establishment was operating at the time, thereby gaining for the State the revenue it now loses through sneak bookmaking.

Such legalized bookmaking stations should be licensed and controlled by the state, county or municipal governments, whichever the legislators, in their judgment, may deem best. Policing of such a setup should be put into the hands of the state racing commission, and the funds of such policing should be derived from the revenue received by the state racing commission.

It has come to our attention that through devious and various means and subterfuges, telephones have been diverted from legal use to bookie operation. At our instigation the Telephone Company investigated fifty-seven (57) bookie locations having Western Union telegraphic sporting wire service. Although it was difficult to prove the illegal use in some cases, in other cases, wide open house booking was being carried on and from the result of this investigation, 48 telephones were removed and released for use by legitimate subscribers, and 22 Western Union wire services were discontinued. Continual following up of these methods of investigation by other Grand Juries or other organized effort, would release many phones for legitimate use. From testimony given before this Grand Jury by the Western Union Telegraph Co. it appears that race results are disseminated over a Western Union loop, throughout Dade County, originating from headquarters in Broward County. We emphasize the seriousness of the present situation, that in spite of our efforts the book makers have continued to operate.

Hotel managements are allowing booking operations and actually becoming a partner by leasing booking concessions under the subterfuge of calling them cigar stands, etc., leased at enormous rentals. This violates the State Hotel Laws and the hotels license should be revoked by the State Hotel Commission. The management should be made a defendant along with any prosecution of the persons actually operating the "Book" in rental locations at these Hotels.

We believe that changes should be made in the method of selecting men for grand juries. We suggest that a separate list be maintained, which list would be composed of citizens of the proper qualifications to serve on Grand Juries. We also recommend that it would be advisable to have some alternates in addition to the 18 men drawn for Grand Jury service, as in a great number of instances the operation of grand juries have been hindered by sickness and other absences. We also believe it would be advisable to convene a Grand Jury at the beginning of each term of the Circuit Court and this Grand Jury should serve until that particular term of court expires.

It has been our experience in this Grand Jury's tenure of service that as long as a Grand Jury remains in session, the commercial gamblers and certain other law violators do not operate as much as when no Grand Jury is in session. A Grand Jury in session is a definite deterrent to Crime.

It would also be very helpful that some manual of information be published and presented to each grand juror after it convenes, so that its members would be familiar with the duties and powers that they have. We have found that most Grand Juries are composed of men who have not had previous grand jury experience and this manual would be very helpful to them.

The Chicago Crime Commission, and the Grand Jury Association of New York published such a helpful booklet. We recommend that either the State Attorney or the Law Enforcement Institute of Dade County or the Dade County Grand Jury Association prepare such a booklet.

We strongly endorse the formation and the objectives of the Law Enforcement Institute of Dade County, and recommend that all citizens of Dade County, Civic Clubs, and business firms, actively support this organization, as we believe that if the public will support this institution financially and otherwise, it will be the means of assembling information which will be most helpful to future grand juries. It will also be one of the means of continuing the efforts of the Grand Jury after it has been discharged.

The Law Enforcement Institute of Dade County is a heartening and wholesome innovation in this community. This Grand Jury being familiar with its formation, aims and objectives, we urge all citizens and groups who want better law enforcement and improved civic conditions in general to join the Institute at once.

We also recommend that subpoenas issued for witnesses to appear before a Grand Jury be kept secret, particularly in cases where laxity in the enforcement of laws is concerned. It has come to our attention that public knowledge has been obtained concerning witnesses who are to appear before a Grand Jury, as it seems very easy to determine when these subpoenas are issued and for whom they are issued.

There is not sufficient time in the term of Grand Juries to go into more than one or two matters that need investigation. This Grand Jury has concentrated principally on the wire service of bookmaking operations that have made possible organized gangs to control this illegal operation with great financial return to them.

It is the fear of this Grand Jury that on account of this illegal operation, these gangs will have unlimited resources which eventually will make it possible for them to break down law enforcement progressively and more or less control the operation of our government at the expense of a vast majority of the people in this county.

We recommend that the Governor should use his power to remove any Public Official from office, when it is brought to his attention that laws are being indiscriminately violated and not enforced.

In our investigation of illegal bookmaking, we had occasion to call before us officials of various communication services. At this point the Grand Jury publicly expresses its appreciation and gratitude to the Southern Bell Telephone and Telegraph Company through its general manager, Mr. C. J. Tucker, Jr., who gave unstintingly of his time and efforts and whose cooperation we laud. The Southern Bell Telephone and Telegraph Company was furnished a list of suspected bookmaking establishments which had Western Union wire service. It must be explained here that Western Union Wire Service is furnished either by direct wires of their own, or through leased wires of the telephone company. Under Mr. Tucker's direction and instructions, each of these places was visited. It must be borne in mind that under our present state laws, the telephone company is powerless to remove its instruments even though they are fully aware of this illegal use. However, the telephone company did remove 48 instruments, not because of their being used illegally, but because the subscriber had violated some rule or regulation of the telephone company, such as moving the instrument from its original location, or attaching to the instrument unauthorized extensions.

They had to resort to these means because state laws prohibited them from discontinu-

ing service to a known bookmaking establishment.

Unfortunately, our commendation and laudation CANNOT be extended to the Western Union Telegraph Co. The sum and substance of their testimony led to the conclusion that they had no desire whatsoever to assist the decent law-abiding citizenry of Dade County in their efforts to clear up a bad mess. The Western Union Telegraph Co. hid behind the provisions of the state law, which clears them of responsibility of the use to which their installations are put. Mr. Nowell, their general manager, when asked a direct question, if he personally witnessed bookmaking activities at an establishment where his service was supplied, would he discontinue such service. His answer was "NO." The Western Union Telegraph Co. even refused to remove installations after they had been tampered with.

The Southern Bell Telephone and Telegraph Co. has unjustly and unfairly been criticized in our local press. The Western Union Telegraph Co. has barely been mentioned in this connection.

We commend the Southern Bell Telephone and Telegraph Co. and its Manager, Mr. C. J. Tucker, Jr., for the ready cooperation and assistance given this Grand Jury.

We quote from Mr. Tucker before this Grand Jury:

"As we have said before, we are not going to install any telephones at any locations for anyone if there is any evidence that the telephones will be used illegally. We are not able to control the uses made of all telephone installations. We feel this responsibility should be placed on the properly elected or appointed law officials. We are willing to cooperate in any way possible and certainly do not condone the practice of any of our telephones being used for illegal purposes. For us to attempt to police the use of all telephones in Dade County would be a tremendous undertaking and an almost impossible task. As a public utility company with limited manpower, we are not equipped for such work and again feel that it is not our responsibility. There is no reason why bookmaking in Dade County and the various municipalities could not be stopped by proper law enforcement."

We believe that it would be advisable for future grand juries to examine carefully into the operation of bolita in this area. In our limited time it was impossible to go into an investigation of this but from what we have learned it appears that this is a vicious and widespread racket with serious complications, which should be curbed.

This Grand Jury has made an investigation of the City and County Jails. We found the City Jail in very good condition and wish to commend Capt. Mathis for the good work that he has done.

The plumbing in the City Jail was in somewhat bad condition, but we are advised that the City leases these facilities from Dade County, and it is the county's obligation to replace the plumbing needed. We recommend that this be brought to the attention of the County Commissioners for consideration. The Dade County Jail appears to be in good condition and well operated.

ACKNOWLEDGEMENTS

We wish to acknowledge the assistance given this Grand Jury by Glenn C. Mincer, John Prunty and Curry Harris.

We also wish to thank Judge Vernon Hawthorne and Judge Stanley Milledge for their cooperation and assistance.

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
Winter Term, 1948

THOMAS B. HAMILTON
Foreman

O. E. HALL
Clerk

Dated this 10th day of May
A. D. 1948

