

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

FALL TERM A. D. 1952

FINAL REPORT
OF THE GRAND JURY

Filed

May 12, 1953

Circuit Judge Presiding

GEORGE E. HOLT

Officers and Members of the Grand Jury

W. J. FICHT, Foreman

GEORGE B. ROMFH, Vice-Foreman

MAXINE E. BAKER, Clerk

ADAM G. ADAMS, Treasurer

HELEN E. RAND	MYRON S. GREENTREE
THEODORE G. ROBINSON	C. KEMP HOFF
LETA DAWSON YOUNG	J. S. OLIVER
BEN R. SHIVER	RICHARD B. KILLEN
CHARLOTTE K. DASHIELL	EDISON KIPP
CHARLES J. ZELLNER	GEORGE H. JOHNSON
ORVILLE W. BROWN	C. L. MCGINNIS
ROBERT J. DYKES	GEORGE V. CHAPPELL
O. W. BRADY, SR.	J. GRADY TINGLE

O. H. OVERHOLSER - Excused

State Attorneys

GLENN C. MINCER 11/12/52 to 1/5/53	GEORGE A. BRAUTIGAM 1/6/53 to 5/12/53
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Assistant State Attorneys

JOHN D. MARSH ARTHUR A. CARLSON 11/12/52 to 1/5/53	JOE O. EATON GENE WILLIAMS 1/6/53 to 5/12/53
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Special Counsel for the Grand Jury

WALTER E. DENCE 11/12/52 to 12/31/52	JOHN C. WYNN 3/12/53 to 5/12/53
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Administrative Assistant

ELEANOR ROBINSON

Investigator

JOHN R. WALSH

Official Court Reporter

J. E. KELLY

Official Bailiffs

EARLE G. SCHRYER

ISAAC HAVILAND

TO THE HONORABLE GEORGE E. HOLT, CIRCUIT JUDGE OF THE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA:

We, the Grand Jury in and for Dade County, Florida, for the 1952 Fall Term of the Circuit Court of the Eleventh Judicial Circuit of Florida, present this our final report:

On November 12, 1952, we were impaneled by the Honorable George E. Holt, Senior Circuit Judge. This Grand Jury held fifty-eight official meetings of the full body, while various committees met weekly to facilitate the work.

The present system of a blue ribbon Grand Jury in session continuously makes it highly essential that a very close liaison be maintained from each Grand Jury to the succeeding one in order to effectively and efficiently carry on the important Grand Jury work. To this end, an Administrative Assistant to the Grand Jury was employed on March 16, 1953, sworn in by Judge Holt, and put in charge of an office which was temporarily established in the State Attorney's quarters. Here the permanent records of the Grand Jury were deposited.

During the first six weeks of this term, we employed Mr. Walter E. Dence as Special Counsel. Thereafter, we adopted a policy of placing responsibility for assistance to the Grand Jury on the State Attorney. Mr. George A. Brautigam, who took office on January 6, 1953, shouldered this responsibility most willingly and energetically. However, because of an insufficient number of assistants in the State Attorney's office, and because of the case load undertaken by the Grand Jury, it became necessary to again employ Special Counsel. Mr. John C. Wynn served as Special Counsel and Special Assistant to the State Attorney during the last eight weeks of our term.

CAPITAL CASES

The following criminal cases were considered and disposed of by the action indicated opposite each:

RICARDO RODRIGUEZ - First Degree Murder
Returned November 24, 1952

ROBERT OTTO JOANSEN - First Degree Murder
Returned November 24, 1952

MARION PROMISE - First Degree Murder
Returned November 25, 1952

ERMA DUVALL - No True Bill
Returned December 4, 1952

RICHARD & HELEN HAGEN - First Degree Murder
Returned December 9, 1952

EARLINE MANN MAJOR - Second Degree Murder
Returned December 9, 1952

PAUL VERNON MINNICK - No True Bill
Returned December 30, 1952

WILMA JEAN WILSON - No True Bill
Returned February 5, 1953

PERCY ARMBRISTER)
RICHARD FLOYD)
GEORGE ANDERSON) - First Degree Murder
Returned February 10, 1953

MIGUEL ORTIZ SOTO - First Degree Murder
Returned February 10, 1953

JIMMY RAY BONDS)
DON GULLIDGE) - Rape
Returned February 10, 1953

JOSE ANTONIO COLON - First Degree Murder
Returned February 10, 1953

L. V. COLLINS - First Degree Murder
Returned February 12, 1953

ALEXANDER NESBITT - First Degree Murder
Returned February 12, 1953

JOSEPH DEAN UNDERWOOD - First Degree Murder
Returned February 12, 1953

WILBUR J. WHAITE - First Degree Murder
Returned February 12, 1953

GORDON GALE CLOUGH - First Degree Murder
Returned March 23, 1953

JAMES N. LEWIS - First Degree Murder
Returned April 7, 1953

CHARLIE MAJOR - First Degree Murder
Returned April 21, 1953

ESTELLE CAMPBELL - First Degree Murder
Returned April 21, 1953

JOSEPH WALTON WHITE - Rape
Returned April 21, 1953

EDMUND CARLIN - Rape
Returned April 21, 1953

WALKER McFARLAND - Rape
Returned April 23, 1953

JAMES DAUGHERTY - First Degree Murder
Returned April 30, 1953

INSPECTION OF PUBLIC PLACES

This Grand Jury inspected the following public buildings
and institutions:

City of Miami Jail
City of Miami Stockade
Coral Gables Jail
Hialeah Jail
Miami Beach Jail
Miami Springs Jail
North Miami Jail
South Miami Jail
Homestead Jail
Dade County Jail
County Stockade - Galloway Road
Youth Hall & Juvenile and
Domestic Relations Court
Criminal Bureau of Investigation
Jackson Memorial Hospital
Miami Sanitorium (Retreat)
County Welfare Department Offices
Dade County Hospital at Kendall
Dade County Children's Home
Dade County Old Folks' Home

RECOMMENDATIONS

The above mentioned institutions were found to be in a
sanitary and satisfactory condition with the following exceptions:

MIAMI SANITORIUM (RETREAT)

This institution was inspected January 22, 1953, and found
to be in an extremely unsanitary condition with inadequate
kitchen facilities and the presence of fire hazards. There is a
definite need for a better qualified personnel and an additional
night attendant.

The matter was reported to the Board of County Commissioners,
and upon a second inspection on April 2, 1953, the Grand Jury

found the general sanitary conditions improved; however, there had been no improvements in the kitchen facilities, nor in the elimination of fire hazards.

CITY OF HIALEAH JAIL

The Hialeah Jail was found to be in a very unsanitary condition with very inadequate facilities for female prisoners, which condition was reported to the Mayor of Hialeah. On a second inspection May 1, 1953, the Hialeah Jail was found to be in much better condition. The unsanitary mattresses have been discarded and replaced by new pads with canvas slip covers. Two cells for female prisoners - one for white and one for colored - have been arranged on the lower floor. Each cell is equipped with plumbing and a cot.

CITY OF HOMESTEAD JAIL

The City of Homestead Jail was found to be in a very unsanitary condition and lacking in security features by the absence of screening over the barred windows, which made it possible for weapons and other articles to be smuggled from the outside of the jail to the prisoners. A second inspection of the Homestead City Jail revealed conditions to be much improved. The cells had been cleaned, and much needed painting was in the process of being completed. Screening has been placed in the windows, but not properly secured so that it is still possible to pass objects into the cells; however, the Homestead Chief of Police promised to have this condition corrected.

DADE COUNTY JAIL

The Grand Jury recommends that a new County Jail building be erected in close proximity to the Courthouse, and that the present jail cell blocks be removed from the Courthouse and placed in this new jail building. This will provide additional office space for use in the Courthouse and a modern County Jail for prisoners.

COUNTY WELFARE DEPARTMENT QUARTERS

The County Welfare Department quarters were found to be entirely inadequate with practically no ventilation and located next door to the East Coast Fisheries from which emanates an obnoxious odor. The use of electric fans is impossible because the electrical wiring is inadequate.

The Grand Jury recommends that these offices be returned to the Courthouse, or that some more suitable outside location be provided.

INVESTIGATIONS

MATTERS PERTAINING TO THE BOARD OF PUBLIC INSTRUCTION

The Grand Jury being advised of the costly structural failures at the Nautilus School, George Washington Carver High School and the Coral Gables High School recommends to the Board of Public Instruction that much more careful planning be secured in the future, since failures such as those mentioned can have occurred only through the lack of proper design and supervision. Difficulty being encountered in securing a good foundation for The Douglas Demonstration School is further evidence of the necessity for most careful supervision of school building projects.

The Grand Jury strongly recommends that the necessary machinery be put in motion to have appointed a board of county construction project advisors composed of a membership of approximately four reputable architects and two or three structural engineers. They should be members of the American Institute of Architects and/or American Society of Engineers. This board shall advise the various County boards on all construction projects.

The Grand Jury believes there is an urgent need for a complete and detailed audit of the office of the Board of Public Instruction of Dade County, Florida, including specifically the operation of the Vocational School and an investigation of the missing \$82,000.00 balance of the \$100,000.00 fund which the

Board of Public Instruction of Dade County has reported to have set up for educational television in Dade County, Florida.

The Grand Jury does hereby respectfully request HONORABLE DAN McCARTY, Governor of the State of Florida, to direct the State Auditor to make such an audit; that a copy of this final report be transmitted to the Governor of the State of Florida under the seal of this Court by the Clerk, who is hereby directed, in his letter of transmittal, to point out to the Governor the Grand Jury's request for such audit.

The Grand Jury directed the State Attorney to advise the State Superintendent of Public Instruction that the Grand Jury requested that the State teaching license of Vernon Bronson, an employee of the Dade County Board of Public Instruction, be revoked for the reason that said license was obtained by fraud.

The Grand Jury has heretofore filed an Interim Report on May 5, 1953, in which it recommended that the Governor of the State of Florida suspend from office James M. Noel, member of the Board of Public Instruction of Dade County, Florida, from District Number One, for malfeasance and misfeasance in office.

JURISDICTION OF SCHOOL TRUSTEES

For years, there has been conflict of opinion concerning whether the Lindsey Hopkins Vocational School does or does not come under the jurisdiction of the School Trustees, like any other district school. The Grand Jury, through the State Attorney, insisted on a clarification of this issue. An opinion was rendered by the Attorney General and the School Board attorneys establishing the fact that the Lindsey Hopkins Vocational School does come under the jurisdiction of the School Trustees.

MATTERS PERTAINING TO THE SHERIFF'S DEPARTMENT

The Grand Jury made an extensive and thorough investigation into the charges of the immoral acts which were made against Sheriff Thomas J. Kelly during the democratic primary election campaign in the year 1952, and fully exonerated Sheriff Kelly in an Interim Report filed on April 7, 1953.

We find that the Sheriff's office has been operating on insufficient funds. If the Sheriff's Department is not removed from the fee system in accordance with a bill now before the Legislature, we earnestly request that some additional way be found for providing more funds. The present budget is inadequate for the operation of the Criminal Bureau of Investigation and County Road Patrol.

The number of persons now employed by the Sheriff has increased very little in the last few years; whereas, the population of the unincorporated areas of Dade County has approximately doubled.

This matter was called to the attention of the Budget Commission who allowed the Sheriff additional funds of a much smaller amount than the Grand Jury found to be needed. The Grand Jury recommends that both the Board of County Commissioners and the Budget Commission give careful study to the needs of the Sheriff's office in this County in order that the Sheriff may be provided with sufficient funds for the ensuing fiscal year to properly police the County and efficiently combat crime. Adequate funds should also be provided for a medical legal officer, personnel for the Juvenile Aid Bureau and the Junior Deputy League.

BAIL BONDS

A full inquiry and investigation by the Grand Jury of the operation of bail bondsmen in the City of Miami disclosed gross negligence on the part of officials of the City of Miami who are charged with the duty and responsibility of administering the City ordinances relating to this subject matter. The findings of the Grand Jury were made known to City officials, who were called before the Grand Jury, and we are advised that the then existing lax and unlawful procedure relating to bail bonds in the municipal courts of the City of Miami has now been corrected.

This Jury is unable to reconcile the illogical and spurious philosophy of the law which rules in favor of one miscreant because some other is guilty of greater misconduct. The City of Miami is urged to appeal the decision in the Mandamus Case of Frank Slatko, Harry Slatko and Sam Siegel.

The bail bond business in Dade County as this Jury believes it is conducted today is a disgraceful blotch upon the good name of this county. We hold no brief for Captain Ray H. Brock for accepting gifts from the Slatkos and Siegel, but the Jury believes that the Slatkos and Siegel initiated this iniquitous practice in order to place police officers under such obligations to them that they could demand of the police, privileges which were contrary to law.

It has been reported to the Grand Jury that a vicious, illegal and unethical combine exists between certain bail bondsmen, lawyers, and police officers whereby the great majority of persons charged with crime in this county are directed by police officers to certain bail bondsmen, who in turn, employ attorneys for such persons, and bail bondsmen and lawyers split fees, and police officers are given presents or referral fees by the bail bondsmen or the lawyer.

This disgraceful practice is a reflection upon the courts, the Dade County Bar and the various police departments in the county. The incoming Grand Jury is requested to pursue this matter to a full and complete investigation, and the Dade County Bar Association, the Miami Beach Bar Association and the Coral Gables Bar Association are called upon to take an active part in such investigation and to that end, to appoint committees of outstanding lawyers to work and cooperate with the Grand Jury and State Attorney in clearing up this disgraceful condition.

CITY OF MIAMI PUBLICITY DEPARTMENT

An investigation by the Grand Jury into expenditures of the Publicity Department of the City of Miami discloses that a sum of money totalling approximately \$200,000.00 was illegally spent by the City Commission of Miami during the year 1952 by making outright gifts of money to various organizations for conventions and similar purposes directly in conflict with Section 10, Article 9, of the Constitution of the State of Florida, which prohibits a municipality from appropriating money for any corporation, association, institution, or individual. The Grand Jury recommends that such illegal expenditures of the taxpayers' money by the City Commissioners of the City of Miami be discontinued.

The Grand Jury further recommends that any such illegal expenditures in the future be enjoined by the State Attorney, or at the suit of any taxpayer, and that likewise a suit to recover such illegal expenditures be instituted.

The Grand Jury finds that the Department of Publicity of the City of Miami has been operated in a highly inefficient, wasteful, and grossly extravagant manner, and that many expenditures of the taxpayers' money are made without obtaining vouchers disclosing the purpose of such expenditures. The Grand Jury recommends that the entire department be reorganized and placed on an efficient and sound basis.

LIQUOR LAW ENFORCEMENT

The Grand Jury believes that the wide variation in regulations among the many municipalities in Dade County contributes greatly to infractions of the liquor laws and the difficulty of enforcing such laws, and that this condition can best be corrected by the several municipalities in Dade County enacting uniform liquor regulatory and enforcement ordinances.

GIFTS TO POLICE OFFICERS

It has come to the attention of the Grand Jury that the practice of police officers accepting gifts from persons who have business dealings with such police officers in matters coming before the courts is prevalent in Dade County, and the Grand Jury believes that the line of demarcation between such gifts and graft is so narrow that it is hard to tell where one begins and the other ends, and, therefore, this practice should be discontinued.

The Grand Jury was shocked to learn that some of the Police Chiefs in Dade County condoned and approved this nefarious practice. It is recommended that a survey be made to determine whether or not law enforcement officers are receiving adequate salaries to maintain a proper standard of living on a pay scale comparable to other communities of this size.

ILLEGAL GAMBLING

The Grand Jury has had presented to it evidence of widespread operation of many persons in various types of illegal gambling activities, and has spent considerable time investigating violations of the gambling laws. It is hoped that the efforts of this Grand Jury have been conducive to decreasing these illegal gambling operations. Constant vigilance is required to achieve any success in eliminating these pernicious activities, as it is exceedingly difficult to obtain evidence which will lead to convictions. If investigations of illegal gambling are continually pressed, a break may eventually occur which would lead to important disclosures and subsequent convictions. Pressure on this subject should never be discontinued.

The Grand Jury has endeavored to work with the police and the Sheriff in Dade County and wishes to commend the personnel of the Sheriff's Department and the officers and personnel of the negro precinct station of the Miami Police Department for their excellent and willing cooperation. The Grand Jury has furnished the police and Sheriff with considerable information about gambling which has resulted in many raids, arrests and convictions.

DADE COUNTY BAR ASSOCIATION

The Grand Jury believes that the Dade County Bar Association can render invaluable service in this community to aid in law enforcement. The Grand Jury strongly urges that the Dade County Bar Association re-examine its position on law enforcement in Dade County and take an active and militant part in supporting the officials charged with enforcing the criminal laws in this county, and administering the governmental affairs of the various municipalities, and of the county itself.

INTERIM REPORT CONCERNING LEGISLATIVE RECOMMENDATIONS

The Grand Jury filed an Interim Report on the nineteenth day of March, 1953, recommending that the Dade County legislative delegation seek the enactment of certain legislation in the 1953 Session of the Florida Legislature as follows:

(a) A law to provide that the Grand Jury may by a vote of 18 of its members exclude from its sessions any member of the Grand Jury whom it is determined to be disqualified from acting as a grand juror by reason of the subject matter under consideration, for violation of his oath as a grand juror, or attempting to obstruct the proceedings and actions of the Grand Jury.

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(b) A law to provide a permanent administrative assistant for the Grand Jury, such permanent administrative assistant to keep the records of the Grand Jury and to act as court reporter and secretary to the Grand Jury.

(c) A law to provide that the Grand Jury shall be the official custodian of all of its own records.

(d) A law to provide for county-wide registration of felons in Dade County.

(e) An amendment to the Constitution of the State of Florida to provide for forfeiture of office of any State, County or municipal officer or employee who refuses to answer questions about his office or employment, or refuses to sign a waiver of immunity when called before the Grand Jury.

(f) A law to broaden the provisions of Section 932.29 of Florida Statutes, which now applies only to the crimes of bribery, burglary, larceny, gaming or gambling, to make this law apply to all crimes. Under this proposed law, the Grand Jury, in its discretion, could force any witness called before the Grand Jury to testify even though his testimony might incriminate him by giving the witness immunity from prosecution for the crime about which he testified.

The Grand Jury is advised that the first five of the above enumerated laws have been introduced in the Legislature by the Dade County Delegation, and strongly recommends and urges that the local delegation take such steps as are necessary to obtain the passage of all of these proposed laws.

GRAND JURY QUARTERS

The efficient operation of the Grand Jury has been considerably hampered by the lack of suitable quarters in which to hold regular meetings and carry on its work. This matter has been repeatedly brought to the attention of the Board of County Commissioners, who have made a definite promise that within approximately thirty days from this date, they will provide more suitable, temporary quarters for the Grand Jury office, which will be in charge of the Administrative Assistant. The Board of County Commissioners have also promised the Grand Jury that suitable, permanent quarters would be provided in the Courthouse within the next few months. We recommend to the incoming Grand Jury that they vigilantly follow up this promise of the Board of County Commissioners in order that adequate quarters may be obtained for the Grand Jury at the earliest possible date.

ACKNOWLEDGMENTS

The members of this Grand Jury desire to express their gratitude and sincere thanks to the Honorable George E. Holt, Senior Circuit Judge, for his wise counsel and the invaluable assistance he so willingly rendered on many occasions. His

impressive and comprehensive charge to the Jury made us more fully realize our obligation and responsibility to the citizens of Dade County and inspired us to make a diligent effort to properly exercise our duties as Grand Jurors.


The Grand Jury commends State Attorney George A. Brautigam for his diligent efforts in the interests of suppressing crime as well as prosecuting it, and expresses its sincere thanks for his splendid cooperation and that of his associates in working closely with the Grand Jury.

County Solicitor John Marsh and his associates were very cooperative with the Grand Jury and we express to them our appreciation for their assistance.

Messrs. Walter E. Dence and John C. Wynn, who served as Special Counsel to this Grand Jury, both rendered valuable services and assistance, and to them we express our thanks and appreciation.

The Clerk of the Circuit Court, Mr. E. B. Leatherman, rendered his usual efficient and invaluable service to the Grand Jury, and to him and his associates, we extend our sincere thanks.

Respectfully submitted,



W. J. Ficht
Foreman

ATTEST: Maxine E. Baker
Maxine E. Baker
Clerk