

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

SPRING TERM A. D. 1965

FINAL REPORT OF THE GRAND JURY

Filed

NOVEMBER 9, 1965

Circuit Judge Presiding

GEORGE E. SCHULZ

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JOSEPH H. BROCK, Vice Foreman

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JAMES R. LOWRY, Asst. Clerk

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MARION R. NORMAN

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MEADE B. SHEPHERD

McLENDON TITLE

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ELEANOR M. ROBINSON

Official Court Reporter

JACK W. MALLICOAT

Bailiff

W. RUFUS HOLZBAUR

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CAPITAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
GEORGE COX	First Degree Murder	True Bill
JOSEPH SWAIN, PATRICK STEWART, ROBERT L. ROBINSON and JOHN E. FERGUSON	Rape	True Bill
JAMES THOMAS	First Degree Murder	True Bill
GEORGE CONYERS	First Degree Murder	True Bill
LUIS GONZALEZ	First Degree Murder	True Bill
JIMMY CONEY, also known as JIMMIE LEE CONEY and WILLIE B. LONG	Rape	True Bill
ELDRED CLARENCE BUTLER, JR.	First Degree Murder	True Bill
KING DAVID THOMAS	Second Degree Murder	True Bill
MELVIN LANE POWERS and CANDACE MOSSLER	First Degree Murder	True Bill
ROBERT SCOTT BAGBY	Rape	True Bill
MARTIN LEEDS	First Degree Murder	True Bill
LOUIS H. CHIPPAS and EDWARD C. DORAN	Unlawful Throwing of Bomb	True Bill
PAUL PHILLIP CHARLES	First Degree Murder	True Bill
FRANK MITCHELL	First Degree Murder	True Bill
FELIPE MORIN RODRIGUEZ	First Degree Murder	True Bill
RAYMOND BLOODWORTH	Rape	No True Bill
KENNETH EDWIN DIX	Rape	True Bill
KENNETH EDWIN DIX	Rape	True Bill
ANTONIO RODRIGUEZ, also known as TONY RAMOS, and VICTOR MANUEL RUIZ	Rape	True Bill
BILLY DOYLE SMITH	First Degree Murder	True Bill
JAMES BLACK	First Degree Murder	True Bill

ORGANIZED CRIME AND LAW ENFORCEMENT

On September 30th the Grand Jury issued an Interim Report critical of police inactivity in the area of vice control. In the intervening six weeks we have carefully observed the conduct of our police. Special Investigators were hired by the Grand Jury to determine the extent to which vice conditions continued to prevail in Dade County.

Within the last several days our agents have made twenty-six bolita purchases at eighteen different bolita selling sites located within the City of Miami and the unincorporated areas of Dade County. We have made this information available to the City of Miami Police Department and the Sheriff's Office. The police have stepped up enforcement, but it apparently has not hampered bolita action.

The Sheriff's Office advises us that they utilize but one undercover agent to make bolita purchases. No matter the efficiency or desire of that individual, this type of minimal enforcement can only result in wide open bolita activities.

The public exposure has apparently caused houses of prostitution to lessen their activity. We consider the prostitution problem somewhat diminished, but we are fearful it will resume at full force the moment attention is diverted from it.

The Grand Jury also examined certain other aspects of the operation of the Sheriff's Office. In order to avoid any suggestion of political involvement, this phase of our inquiry was conducted by our regular staff rather than Special Investigators. We find the Sheriff's Office personnel as a group to be competent, diligent employees, performing their duties in a professional manner and intent upon providing efficient police service for our community.

This situation does not prevail among some of the higher echelon officers. Whereas prompt investigation and action is generally taken in the event of apparent wrongdoing by lower rank officers, in several situations little or no investigation was conducted when high ranking officers were involved.

In the matter of the open mike conversation between two top-ranking officers, inadequate investigation was conducted by the Sheriff concerning the statements made therein. This conversation took place Friday, September 24th, and the Sheriff had possession of the tape recording until October 7th. Although not indictable, its questionable content warrants further investigation by the Sheriff. The transcription was prepared by a Sheriff's Office stenographer but much of this tape is unintelligible. However, according to experts, the transcription is as reasonably accurate as is possible. Although the parties to the conversation differ in some regard as to the language, we consider the copy provided the Grand Jury to be accurate.

In another situation two files and the name index card of a prominent official's son disappeared from the Sheriff's Office Identification Bureau. One of the files turned up in the possession of a Sergeant who claimed he obtained it in order to thwart a plot by two of his superior officers aimed at embarrassing both the Sheriff and the prominent official. Again, no further action was taken by the Sheriff to determine which of his senior deputies might have been at fault.

In still a third incident, a prisoner accused a jail shift commander of permitting him a midnight visit from his wife. The prisoner later recanted this story and admitted that two other ranking officers had influenced him to make the original statement in

order to falsely charge the jail shift commander. In accepting the recanted version of the prisoner's story, no investigation was ever made by the Sheriff to determine the causes behind the conflicting stories offered by the prisoner, nor were his additional statements checked out that on several occasions he was taken by the same two officers to the Sheriff's Intelligence Office and there permitted to have sexual intercourse with his wife.

All these incidents are much more complex than is sketchily portrayed here. They revolve around a handful of officers who are part of the high command intrigue. They appear to devote a portion of their time to plots and counterplots, with the top administration officials either tacitly ignoring it or being a part of it. The effect this has on the morale of the police officer who desires to do a job without being a party to these shenanigans is obvious. Considering the crime situation in Dade County and the United States, it would be beneficial if the energy and ingenuity necessary for these internal cloak and dagger operations were extended to fighting crime.

It is not our purpose to appear unduly critical of law enforcement officers. We commend Dade County police agencies for their handling of crimes of violence, particularly the Sheriff's Office for their efforts in recently apprehending a group of torture robbers. We do believe, however, that the police officials have much ground to cover to convince the people that they earnestly seek to improve the vice picture in Dade County. Acting as a guardian of the honorable intentions of law enforcement agencies is a task which falls to each Grand Jury. We are making available to the incoming Grand Jury all of the information gathered by our investigators.

We do not believe there should be any slackening of police activity nor of Grand Jury action to insure it. We urge a vigorous approach by our successors and caution them that anything less will be interpreted as surrender by those who profit from vice.

In regard the inter-county aspect of vice and bolita, the Sheriffs of Dade, Broward and Palm Beach each volunteered two officers as part of a combined force, which we deem necessary. Attorney General Earl Faircloth offered the use of his statewide anti-gambling squad. It is of the utmost importance that inter-county controls be established immediately by state officials. These voluntary offers of men must be accepted and made part of the law enforcement structure of southeast Florida. This is only a temporary expedient and ultimately may require Legislative or Cabinet action to form a permanent force to control inter-county vice.

MUNICIPAL PUBLIC WORKS CONSTRUCTION PROCEEDINGS

The Grand Jury has initiated an in depth investigation into bidding practices engaged in by the City of North Miami relative to the expenditure of public funds for the erection of public work projects. Such expenditures aggregate millions of dollars of taxpayer monies and are usually obtained through the floating of bond issues by the municipalities.

The Grand Jury directed the State Attorney to subpoena in excess of thirty thousand documents relative to construction projects in connection with this investigation. Testimony has been taken from approximately twenty-five witnesses.

A consulting sanitation engineer was retained by the Jury to advise concerning certain public works projects involving sewer lines and sanitation. A municipal bond consultant, a certified public accountant and three accountants have participated in the examination of this large number of documents. Eighteen hundred of these records have been separately copied for further utilization. We have also conferred with other State agencies conducting parallel investigations.

Preliminary findings of this investigative staff indicate that on a large number of occasions the public has been deprived of the protection and safeguards afforded by competitive bidding as provided by law. Taxpayer expenditures in the hundreds and thousands of dollars have been removed from the protection afforded by competitive bidding through repeated change orders of contracts which were neither publicly advertised, nor bid upon. Procedures followed by certain municipalities and the companies with which they deal have come under our scrutiny and are cause for concern.

We urge the incoming Grand Jury to closely evaluate the mass of evidence thus far accumulated and take whatever further action is necessary.

MIAMI BEACH AUDITORIUM

Early in its term the Grand Jury began an investigation into reports that a Miami Beach City Councilman unlawfully attempted to extract a \$5,000 campaign contribution from Claude D. Ritter, Manager of the Miami Beach Auditorium and Convention Hall. The Miami Beach Council at that time was considering a salary increase for Ritter, and the contribution allegedly was in exchange for supporting the raise.

No evidence was produced to lend credence to the rumor, and, in fact, Ritter denied under oath that any such attempt was made.

In the course of our investigation other related matters were brought to our attention. It appears that exhibitors renting convention space hire local contractors to install and maintain the exhibits. They generally consult the Convention Hall management staff for recommendations as to local firms for this employment. In some situations a practice has developed where considerable sums of money have been paid by local contractors for the privilege of being favored by these recommendations. This is commonly known as 'payola' and, unfortunately, is not a violation of any State statute. It creates an unhealthy moral atmosphere, leading to a cynical and sometimes dishonest attitude, and in the long run must breed inefficiency.

The City of Miami Beach is presently considering a conflict of interest law. The penalty provided therein is removal from office. The effort of the Miami Beach Council is commendable and would be an example for other municipalities to follow. We further recommend a State statute providing adequate safeguards.

For the past several sessions the State Legislature has refused to enact such a law. The persistent failure of the lawmakers to define these acts as crimes creates a false public impression that no wrongdoing exists.

We hold no brief for the contractors involved in this 'payola.' They have refused to cooperate with the Grand Jury, and any new legislation should provide penalties for their participation. They are well known to the City Council and certainly consideration should be given to preventing them from further access to business opportunities in the Miami Beach Convention Hall.

While not as dramatic as reports concerning vice, gambling and crimes of violence, these activities which our citizens encourage by their indifference, result in demoralizing the people of our community. We do not wish to moralize, but unless the 'payola' type act is recognized for its antisocial influence, we will fail in providing a standard of conduct that serves as an example.

SENTENCING, BONDING AND PROBATION PRACTICES

WORKMEN'S COMPENSATION AWARDS

The area of Workmen's Compensation awards was looked into by the Grand Jury. We heard representatives of the claimants, carriers and the Commissioners and learned that almost 40 million dollars was paid out last year for injured employees. On the job injury claims are heard before Commissioners appointed by the Governor, and appeals are made to the three-member State Industrial Commission. From there, an appeal must go to the State Supreme Court.

From the investigation we conducted, it is obvious their work is of considerably greater impact on the community than the little attention it receives. Our witnesses offered the view that certain reforms would stabilize this growing field of litigation.

It was suggested that a new approach be considered in regard to appeals. The three-man Industrial Commission are non-lawyers who hear appeals and, as such, must evaluate the technical legal points involved. The establishment of a special Appeals Court for these matters would result in a full judicial review and, in all but constitutional cases, eliminate the need for submitting to a Supreme Court review.

Industry representatives disapprove of some of the settlements and are of the opinion that claimants are sometimes encouraged to file for questionable accidents and excessive disability. As a result, the potential labor force in the community is deprived of a number of workmen who are sustained by compensation payments rather than gainful employment. The overall impact is higher yearly compensation rates which must eventually be absorbed by all citizens.

The authority of the Commissioners to exercise contempt power is lacking by law. This weakens their authority and may encourage questionable testimony. The power to properly control judicial

proceedings should be available to Commissioners as it is to Judges.

There exists no check and balance method of investigating the operation of the compensation machinery. The conduct of the Commissioners is subject to direct examination only by the State Industrial Commission. There should exist an independent State agency with authority to investigate the manner in which these duties are performed.

The entire Workmen's Compensation field needs study and possible overhaul. This is a statewide problem, and we commend such a project to the Legislature.

Although we do not have the evidence necessary to condemn some of the settlements handed down by the Commissioners, we feel that there is an ever increasing tendency for a certain small percentage to be encouraged by certain members of the legal profession to file for excessive disability claims for injuries questionable and of undeterminable severity. This creates within the working force of the area an increasing number of compensation-sustained irresponsible men that should and could be gainfully employed.

The overall effect on the community is higher compensation rates every year which, in the end is absorbed by the self-respecting tax-paying citizenry in the nature of higher costs not commensurate with value received or the rising cost of living.

ACKNOWLEDGMENTS

JUDGE GEORGE E. SCHULZ

When we were sworn in by Judge George E. Schulz, he instructed us in our duties and responsibilities. During our term, he has constantly reminded us of our obligations and has been available to us at all times. We have found Judge Schulz to be a Jurist whom the people of Dade County can be proud to have serve on the Bench.

RICHARD E. GERSTEIN - STATE ATTORNEY

When we took office many of the Jurors were told that the State Attorney dominated the Grand Jury and that they only ratified his wishes. After six months of service, we are pleased to report that this is untrue. On many occasions we were in disagreement, but at no time did Mr. Gerstein attempt to pressure this Jury in any particular direction. By the same token, had it not been for the legal guidance and cooperation of State Attorney Richard E. Gerstein and Assistant State Attorney Seymour Gelber, this Jury would have been an ineffective body. Without their counsel we would have spent much time floundering and lacking purpose.

We wish to thank Mr. Gerstein for his aid and assistance and also express our gratitude to Mr. Gelber, his Assistant, who spoke out when we appeared to overstep our authority.

We wish to thank Assistant State Attorney Gerald Kogan for his excellent manner in presenting cases and the thoroughness and completeness of his presentations.

Our thanks also to Assistant State Attorney Arthur E. Huttoe, Assistant State Attorney Carling H. Stedman, and Assistant State Attorney Morton L. Perry.

It has been a privilege and an honor to have worked with the State Attorney and the members of his staff.

E. B. LEATHERMAN - CLERK OF THE CIRCUIT COURT

The Honorable E. B. Leatherman, Clerk of the Circuit Court, and his staff have been most cooperative in assisting this Grand Jury. We are particularly appreciative of the services of Deputies Kirk Wilson and Erwin Lanway.

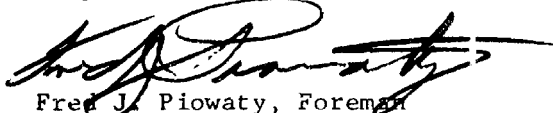
ELEANOR M. ROBINSON - ADMINISTRATIVE ASSISTANT

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.

W. RUFUS HOLZBAUR - BAILIFF

Our Bailiff has performed his duties with courtesy and thoroughness at all times. We wish to acknowledge with thanks his services.

Respectfully submitted,



Fred J. Piowaty, Foreman
Dade County Grand Jury
Spring Term 1965

Attest: Frederick M. Kepler
Frederick M. Kepler
Clerk

Dated: November 9, 1965