

Governor Kirk's Not-So-Secret Police

FRANK MURRAY

AFTER Florida Governor Claude R. Kirk, Jr., announced at his inauguration on January 3 that he had employed a private security and detective agency, the Wackenhut Corporation, to investigate racketeers and official corruption, a controversy of major proportions seemed inevitable. Democratic state officials felt that they had reason to be apprehensive of these new and extraordinary powers assumed by the first Republican governor elected in Florida since 1872. Furthermore, neither the governor nor George R. Wackenhut, president of the corporation, would reveal full details of their agreement or the names of the voluntary donors who, according to Kirk, would pay the cost of the crusade—an estimated \$2,000 a day.

Almost without exception, Florida's newspapers opposed the Kirk program. The most authoritative opposition, however, came from State Attorney General Earl Faircloth, a Democrat from Miami. The day after Kirk announced the program, Faircloth said: "The adoption of this policy raises the specter of vigilantes and bounty hunters. The exercise of police power is a very delicate and sensitive responsibility and should be left to the elected officials of the state."

The Enforcement Vacuum

On February 8, when a district court ordered new elections for a reapportioned legislature, it was assumed that a referendum on the issue was in the offing. Nonetheless, in early March, with the primary out of the way and the general election scheduled at the end of the month, Governor Kirk's war on crime proved to be no burning issue at all. Basic

questions about the program's constitutionality and the legality of its financing had been raised but left unanswered, and in the absence of definite information the opposition seemed powerless to mount an effective counterattack. Meanwhile, Kirk's pledge that "no one in Florida has anything to fear from the Governor's office" apparently reassured the voters at large, who had already demonstrated in last fall's election their feeling that some kind of anti-crime campaign was needed.

No one doubts that Florida has a particularly troublesome crime problem, which in the Miami area has become acute. A 1965-1966 series of articles in the Miami *Herald* by reporter Hank Messick linked gambling and prostitution to the crime syndicate and raised questions of official collusion. His exposé prompted grand-jury investigations that resulted in the indictment of the sheriff of Broward County (Fort Lauderdale), who was accused of permitting wide-open gambling, and the sheriff of Dade County (Miami), who was accused of perjury and conspiracy to commit bribery. Both were suspended by Kirk's predecessor, Haydon Burns, but ultimately were cleared by directed jury verdicts of acquittal and dismissal of charges for legal defects.

To combat its growing problem, however, Florida has no effective state-level machinery. The highest law-enforcement agency is the Florida Sheriffs Bureau, which is responsible to a board of which the governor is ex-officio chairman but over which he has little control. The bureau has only seven investigators on its staff of eighty. It functions primarily as an identification office and a co-ordinator of information to service sheriffs. It also operates

a training academy for local police. It cannot send its investigators into a county unless the sheriff requests them. As Kirk pointed out, "A killer cannot be pursued from Pensacola to Key West."

The reason why Florida has done nothing to correct this deficiency is simple enough: the sheriffs, for the most part, like things as they are. They have lobbied successfully against any legislative action that would have curtailed their traditional perquisites and powers.

IN HIS CAMPAIGN for governor last fall, Claude Kirk used the crime issue to good advantage. "I would not allow my mother to walk on the streets of Miami," he told the voters. "The overlords of bookmaking, lottery, and prostitution in Miami take in one million filthy dollars each and every week. One fourth of all that money goes for graft and protection payoffs." Such talk held a strong appeal to many Floridians of both parties, and particularly to those upstate who mistrust Miami's to begin with. The rest of Kirk's platform also appealed to conservative voters—he opposed open-housing legislation and repeal of right-to-work laws—but the overriding issue was crime.

On November 6, the Sunday before election, Kirk gave voters the first hint of his plans. "I intend to employ a task force of untouchables to investigate organized crime. The organized crime element cannot make a deal with me," he said. Two days later, reversing most predictions, Kirk was elected by a plurality of more than 160,000 votes.

The next day, Kirk summoned George Russell Wackenhut to his Coral Gables campaign office and, according to Wackenhut, told him, "George, you and I are going to run the criminals out of this state." "When we finished talking details, I agreed and our men were on the street ten minutes later," Wackenhut recently told me. But Kirk did not actually announce the crime war until the day of his inauguration.

Opposition came quickly. In addition to Attorney General Faircloth, such important state Democrats as Senator George Smathers, Representatives Dante Fascell, Claude Pepper,

and Robert Sikes, and Secretary of State Tom Adams spoke out against the program. Tobias Simon, an attorney in Miami for the American Civil Liberties Union, said, "This arrangement loses all the government controls we've built into our governmental system in the last two hundred years."

Other critics recalled episodes from Wackenhut's record, including a contempt citation in 1955 by the Circuit Court of Dade County for intimidating a witness—a citation upheld by the Florida Supreme Court. John A. Baker, foreman of a 1957 Dade County grand jury that had hired Wackenhut as an investigator, expressed grave concern: "I would be very fearful of Wackenhut getting a position of power. I would frankly fear that he might try to develop Gestapo methods." He said that Wackenhut had worked for the jury four months but, despite much conspiratorial talk and dramatic pressures that became "a nightmare" to Baker, had produced "only rumors." Wackenhut was fired by the jury several days before the term ended.

The Man and the Job

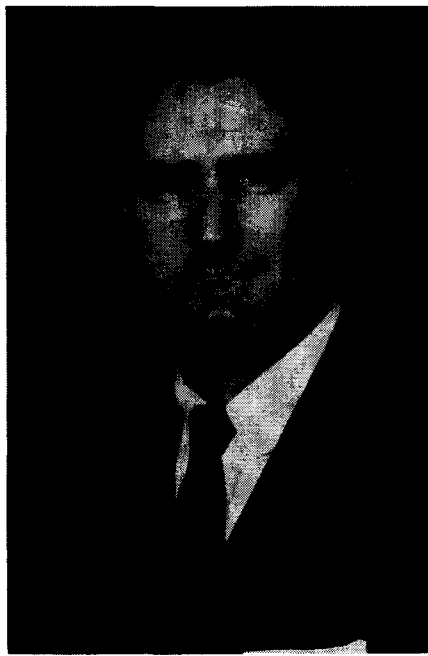
George Wackenhut, a Goldwater Democrat, was an FBI special agent from 1951 to 1954, teaching self-defense. He and three fellow agents resigned to set up a private detective agency in Miami, first called Special Investigators, Inc., which from the start has been largely staffed by recruits from the FBI.

But investigations now represent only a small fraction of Wackenhut's services. Supplying security and guard services to Federal government agencies and to private firms accounts for more than ninety-five per cent of his business, which last year grossed approximately \$22 million. One of the most profitable of the 3,300 clients he claims to have is the Atomic Energy Commission, which pays about \$3 million a year for protection services at the Nevada test site. The National Aeronautics and Space Administration pays \$1 million a year for guard and fire-protection services at the moonport at Cape Kennedy and \$400,000 for guard service at Greenbelt, Maryland.

Among the directors of the cor-

poration are retired Generals Mark Clark, Joseph Dillon, and Kenneth McNaughton; Captain Eddie Rick-enbacker, former head of Eastern Air Lines; Ralph E. Davis, a member of the National Council of the John Birch Society; and Loyd Wright, a Los Angeles lawyer who ran on an ultraconservative platform against Senator Thomas H. Kuchel in the 1962 Republican primary.

When I called on Wackenhut at his headquarters in Coral Gables, he talked quite frankly about himself, the war on crime, and the criticism that had been leveled against both. Throughout the interview a



George R. Wackenhut

tape recorder was kept running at his insistence.

He began by declaring that his agents had no powers of subpoena or arrest: "We are not private police." If any of his investigators should break the law they would be dismissed "and I'll see that they're prosecuted."

He stoutly defended his anti-Communist activities while denying that he was a member of the John Birch Society or that the war on crime would become involved with anti-Communism. Just because his agency issues a monthly two-page bulletin, "The Wackenhut Security Review: Communism and You!," which is distributed free to some sixty thousand persons, is no reason, he declared, to say he is a fascist.

"What I am is American, one hundred per cent as apple pie."

Since Governor Kirk had been using the word "crime" to cover government waste, violation of fire-prevention laws, highway accidents, rural bootlegging, and "corrupt officials," I asked Wackenhut what "crime" meant to him. "We're mainly concerned about the breakdown in law enforcement brought about by organized crime—the vice crimes," he said. The crusade would "bring to the attention of the constituted authorities information on organized crime, and ferret out the corruption that permits the organized crime to exist. . . . That is a herculean but not an impossible task."

To this effort Wackenhut brings not only twenty-six special investigators but also his files, which he claims contain 2.5 million names, and from what I could see in a random inspection, many contain little more than that. Kept separately in manila folders are the dossiers of persons who have been investigated by the company for its private clients. These, he explained, are available to the war-on-crime investigators, but the war-on-crime files cannot be used in investigations for his private clients. "The employee who violates that rule faces immediate dismissal," he said. "The governor has sent me a letter in which he makes clear that the files are the property of the state and the information is the property of the state."

Nineteen of the special investigators are former FBI agents, and four held inspectors' ranks. The twenty-seventh member of the team was the ex-*Herald* writer, Hank Messick, who served as head of Wackenhut's criminal intelligence section co-ordinating information on Mafia and syndicate hoodlums. He quit suddenly on February 15, saying that "A hoax is being perpetrated on the people of Florida and I will not be part of that hoax."

To help his agents along, Wackenhut has launched a "Public Awareness Program" that will put up 882 billboards, donated by advertising companies, to publicize the crime war along the state highways. Its aim is to encourage Floridians to notify the police of any suspected crimes or to report such information

by telephoning or writing Wackenhut, anonymously if they wish. Within two weeks the crime-war office had received 390 letters, fifty-seven of them unsigned, and phone calls were coming at the rate of about ten a day.

Over-all direction of the enterprise is vested, of course, in Wackenhut, who personally reports to Governor Kirk each day on a special red telephone that is connected to a coded scrambler. A similar scrambler is in Kirk's Tallahassee office. In addition, Wackenhut meets with the crime war's chief investigator, Al Healy, who once served on ex-Governor Farris Bryant's investigative staff, for about one hour each day to discuss the investigations.

Just Checking

What the crime war was adding up to, no one seemed to know. In late January Mrs. Wilma Sullivan, supervisor of elections and voting records in Leon County (Tallahassee), startled many Floridians by revealing that Wackenhut agents were poring over the voting records of state officials.

"The checks are to show they have no criminal records and are not deadbeats," Wackenhut's public-relations director, G. Ralph Kiel, explained. He pointed out that voter registration shows "whether people are U.S. citizens and whether they are qualified voters and citizens of the state." The records, of course, also show party affiliation, property ownership, and frequency of voting in specific elections. Kirk, who acknowledged that he had ordered these probes, said that all Florida governors ran checks on officials in their administrations. "Not me," said former Governor Doyle Carlton in Tampa. "Nor me," said former Governor Fuller Warren in Miami.

As days passed, more and more Wackenhut men turned up in state and county offices. One of them outraged Republican State Senator James Gregory of Fort Lauderdale by checking his background. In Bradenton, the Manatee County sheriff's office was looked in on after a lieutenant quit and accused the sheriff of operating a department filled with "filth and corruption." After a polygraph operator quit the Broward County sheriff's office and

took a \$155-a-week job with Wackenhut, the company's agents began digging into that office's alleged mishandling of gambling and murder investigations. And in Miami, a Wackenhut agent scrutinized cheap nightclubs and bowling alleys to find out where teen-agers were buying narcotics. Seven weeks after the war on crime was launched, Wackenhut's men had opened 192 cases, closing six of them and referring nine to law-enforcement agencies; had opened sixty-eight "intelligence files" or dossiers; and had initiated eighty-five background investigations on Kirk appointees, completing fifty-five of them.

But few of the probes seemed to have even a remote link to organized crime. Neither was there such a link in the one case that resulted in a grand-jury indictment. Woodrow J. Darden, a Democrat, superintendent of public instruction for Brevard County (the Cape Kennedy area) and a member of the state Board of Regents, was charged with grand larceny after a \$400 washer-dryer, a swimming-pool heater, an intercom system, and light fixtures allegedly taken from the school system were found in his home by a Wackenhut agent. Kirk removed Darden as a regent, and he was suspended from his school job.

OPPONENTS of the Wackenhut operation faced two obstacles in attempting to mobilize public opinion and to present specific judicial or legislative measures to abolish the Wackenhut operation or clarify its legal status. One was the political vacuum that was created soon after Kirk took office when the U.S. Supreme Court invalidated the legislature's apportionment and a district court ordered the election of a new legislature. With a primary, a runoff, and a general election scheduled in the space of a month, candidates were too busy to worry about what was happening in Tallahassee or too intent on winning to take a firm stand on such a cloudy and controversial issue.

The second factor was the absence of information about the precise terms of the Kirk-Wackenhut agreement. To begin with, there was no proof that Wackenhut was, in fact, an employee of the

state, a simple point but one on which all the other constitutional and legal questions turned. Governor Kirk, to be sure, said publicly in early January that he had employed Wackenhut as a dollar-a-year man and reaffirmed it in a speech on February 8: "As Florida's chief magistrate, I have commissioned the crime war 'general' to assemble for the governor's office investigative forces needed to check the underworld groups . . ." But several days later Wackenhut, whose agency was to receive costs plus profits from the voluntary donors in addition to his token salary from Kirk, told me that no money had been paid to him. He did not seem worried about this. He said he had personally advanced working capital through short-term loans. "The interest on them would be a fine salary," the \$57,000-a-year executive said, "but don't tell my stockholders or they'll wonder why we aren't being paid." If any do complain, Wackenhut can point out that since the appointment the price of Wackenhut shares has risen nearly fifty per cent on the over-the-counter market.

In his speech on February 8, Governor Kirk also declared that businessmen had begun chipping in funds to be held in trust and that he would be permanent chairman of the trust fund. Wackenhut said he understood that \$3,000 in small contributions had been accumulated in a bank account. Kirk appointee Fred D. Learey, chairman of the influential Florida Council of 100 and president of General Telephone in Tampa, said he had contributed a thousand dollars to the war and had written to the hundred council members soliciting thousand-dollar contributions from each. He said four had agreed and two had declined because they disapproved of the crusade. Kirk's office said he had asked the Internal Revenue Service to give the contributions a tax-exempt status, which might make the money flow more freely, but the IRS told me the request had not been received.

A Question of Authority

One reason why Wackenhut had not received any money may be that the legality of his agreement with the

governor was open to question. This may also explain why Attorney General Faircloth, as well as Edward Kirkland, an Orlando lawyer seeking to file a suit testing the crime war's legality, was unable to find any record in the secretary of state's office, where under law it should have been filed, showing that a contract existed between the governor and Wackenhut. It was not at all certain, in short, that the governor was legally empowered to give Wackenhut investigatory carte blanche and still less certain that he had the power to establish the trust fund to pay Wackenhut.

Florida law specifically grants to a governor the authority to hire investigative personnel on state business. But Chapter 215.31 of the Florida Statutes says: "Revenue . . . collected or received under the authority of the laws of the state by each and every state official . . . shall be promptly deposited in the state treasury . . . and no money shall be paid from the state treasury except as appropriated and provided in the biennial general appropriations act, or as otherwise provided by law." As of this writing, Kirk has not explained which "laws of the state" cover the Wackenhut arrangement and has said nothing about seeking legislative approval of it.

The chapter of the statutes on trust funds—that is, money "segregated for a purpose authorized by law"—says: "The budget commission [state cabinet] shall have the power and authority to approve the establishment of any trust fund it deems necessary to preserve the integrity of any moneys received or collected by a state agency for a specific use or purpose authorized by law." But approval of a trust fund to cover the crime war had not been sought from the state cabinet. Indeed, the attorney general, in an advisory opinion early this month, made a further point when he said that the law "does not authorize the acceptance or the establishment or the administration of any private trust for the purpose of compensating the investigative personnel of the governor employed in criminal and political investigations."

Faircloth's opinion was a strong indictment of the governor's program. It said that "the use of private

investigators, paid from private sources, with their job rights and security divided between an agency of the government and private enterprise, accountable to no instrumentality of the people or the government, or to any man other than the [governor], is fraught with the possibility of danger to the citizens and their government. . . . It is immoral and unethical in concept, it is the antithesis of democratic government. . . . It creates the atmosphere of and climate for a police state. . . ." He said he hoped that the governor would either "seek an opinion of the justices of



the Supreme Court [state] as to the legality" of the Wackenhut operation, or "clearly outline his plans to the legislature at its regular session in April, and seek such authority and funds as he conceives will be necessary in carrying out his purposes."

IN THE WAKE of the Faircloth opinion came the filing of two suits by Kirkland, the Orlando lawyer, that might settle some of the questions. In one, he sought a State Supreme Court writ to prevent the financing of the Wackenhut operation. The other, filed on behalf of Woodrow Darden, asked for damages from the Wackenhut Corporation and the agent who, the complaint charged, unlawfully searched the school superintendent's home. The counteractions had finally begun.

The new legislature that convenes

on April 4 will undoubtedly be heavily Democratic, and several legislative proposals relating to the war on crime can be expected.

Although Kirk has given no indication that he will accept Faircloth's suggestion about seeking legislative approval and financing, some observers believe that the governor is working on a crime-war package for the legislature and possibly other measures to regularize the program.

At least three alternative proposals are anticipated. One, being prepared by Democrat Dick Fincher of Miami, who is almost certain to be re-elected to the senate, would specifically bar Kirk from carrying out his crime program as it is now constituted. A second would bring the Florida Sheriffs Bureau directly under the governor's control with no requirement that sheriffs invite the investigators into their jurisdiction. Kirk has hinted that he might accept this alternative, but most of the sheriffs are opposed to it.

A third alternative, it is thought, will be presented by Attorney General Faircloth. It will ask the legislature to give his staff the right and the funds to carry firearms, to prosecute criminals when conditions warrant, to convene a grand jury and file charges, to subpoena persons and records in civil and criminal investigations, and to hire an investigative staff. This plan was recommended by a seventeen-member Committee on Law Enforcement and Criminal Justice, which was appointed by Faircloth last September under former Governor Burns and in conjunction with President Johnson's Crime Study Commission. While such a proposal probably would face no opposition from the strong sheriffs' lobby because it leaves the Sheriffs Bureau intact, it holds little attraction for civil libertarians who support the traditional separation of the powers of law enforcement and prosecution.

But compared to Kirk's version of the secret police, almost any alternative grounded firmly in law and open to public scrutiny looks good. A man with a reputation for acting first and reasoning later, Kirk may well prove to be the governor who paved the way for a long-needed reform of his state's crime-fighting machinery.

THE REPORTER Puzzle

Acrostickler® No.165

by HENRY ALLEN

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DIRECTIONS

- 1) Each crossword definition contains two clues. One is a conventional synonym; the other a pun, anagram, or play on words.
- 2) Letters from the acrostic should be transferred to the corresponding squares in the crossword, and vice versa.
- 3) The initial letters of the correct words in the acrostic will, when read down, spell out the name of a prominent person: the Acrostician.

1	2	A	3	4	D	5	6	B	7	8	J	9	10	C	11	12	E	13	14	I	15	
16	E		18	A		20	A		22	H		24	H		26	A		28	B		30	B
31	32	G	33	34	C	35	36	B	37		39	40	E	41	42	G	43	44	D	45		
46	I		48	I		50	I		52	53	54		56	G		58	C		60	D		
61	62	C	63	64	E	65	66		68	J		70	71	72	F	73	74	H	75			
76	J					80	81	82	C	83	84	F	85	86						90	I	
91	92	93	94	B	95	96		98	I		100	101	102	J	103	104	105					
106	107	108				111	112	B	113	114	C	115				118	119	120				
121	122	123	124	F	125	126		128	E		130	131	132	D	133	134	135					
136	G					140	141	142	E	143	144	J	145	146						150	E	
151	152	A	153	154	F	155	156		158	D		160	161	162	J	163	164	E	165			
166	C		168	D		170	G		172	173	174		176	D		178	J		180	H		
181	182	I	183	184	E	185	186	H	187		189	190	F	191	192	I	193	194	B	195		
196	H		198	F		200	I		202	H		204	I		206	J		208	F		210	C
211	212	E	213	214	J	215	216	A	217	218	H	219	220	D	221	222	I	223	224	G	225	

- A 152 2 20 216 18 26 "And take the present _____ from the time." Shakespeare, "Macbeth."
- B 6 94 194 30 28 36 112 "Is to run on little _____ for the Ministers of State." Gilbert, "The Gondoliers."
- C 58 82 34 10 62 114 210 166 Renaissance artist, some of whose notebooks were recently discovered.
- D 44 132 4 220 176 60 158 168 Inter-calculation of time.
- E 184 16 128 150 64 12 164 142 40 212 A restricted inlet (6,4).
- F 198 208 154 190 72 124 84 A vehicle for the Acrostician.
- G 170 42 32 56 224 136 In any case.
- H 24 202 180 196 74 22 218 186 Resident of a country in southwest Arabia.
- I 48 14 200 90 222 182 50 192 204 46 98 Pertaining to a spiritualistic emanation.
- J 8 178 76 206 68 214 162 144 102 Looking strabismically.

ACROSS

1. Businessman's lunch may be a bond with chefs (3,4,8).
31. Sayings may be objects of scorn or reproach.

DOWN

39. The revivalist uses any of the Gospels.
52. Possesses an auxiliary.
61. Claws the cards left over after the deal.
70. The dependent may also be a customer.
80. The Acrostician's milieu (alt. sp.).
91. Opposed to a line of poetry, apparently.
100. Parts of the body which make music.
106. A gem of a girl any way you view her.
111. The stars or a star.
118. Remove us, sir, from Missouri, but I remain in France!
121. The one most in need of crutches puts me in last.
130. Entices the House of Commons man in a new test.
140. The 80 across identified with the Acrostician in Arizona.
151. Portions traded on the Stock Exchange.
160. Apparently a portion goes to each.
172. Beast of burden in the pampas scrub areas.
181. A banker about fifty grows emptier.
189. Rubbing out? Use rear, then.
211. The type of vehicle in which the Acrostician has appeared is required to ration players (11,4).
1. His belly or a tuba describes the teetotaler (10,5).
3. Drying apparatus lot we use.
5. Wanderers by days and knights.
7. Seafood is his strong point.
9. Affirmative votes or a yes answer.
11. Not necessarily a Southerner but the doctor who upset the law with some hesitation.
13. Get your leg in a corner by the fire.
15. Mouthwash, for example, but I do rely on its shame (9,6).
53. Describes the Acrostician professionally (2,7).
66. She overlooked hats for scabbards.
70. Part of Yugoslavia or a riot in Central America.
92. By way of a four in reverse.
93. Lament no worker that gets the wood.
103. The unit that's found on the map.
104. The reverse unit that's affirmative in reverse.
125. Ask poet to address anyone (5,2).
131. Explicate formerly flat land.
153. Nurses for the Sahib's kids or those Ma has.
163. No more or less it would appear this is a peer too!
172. Space in the polar earth regions.
174. Miserable but not abler is only about half.