

The Miami Herald

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When forces of good go bad

Here we go again: That's a natural first reaction to the news that three Miami police officers were arrested and charged with conspiring to possess cocaine with intent to distribute.

EVERYONE SUFFERS Officers charged with drug dealing evoke bitter memories in Miami.

After all, Monday's scene — U.S. Attorney Kendall Coffey briefing the media about alleged corruption in local law enforcement — was reminiscent of too many similar scenes from the 1980s. That's when the Miami Police Department was rocked by the notorious River Cops police corruption case.

Yet this is different. This time the department itself played a helpful role in the arrests, working closely with federal authorities to gather evidence against the officers and the 25 others charged.

That's welcome progress; there was a time when corruption in the department was perceived as so rampant that federal and state agents were reluctant to seek Miami's help in sensitive cases.

It's good that this perception is changing, but there's no room for complacency. Even isolated vestiges of past problems are intolerable because one bad officer can endanger many lives.

Nonetheless, the new arrests must be put in perspective: Of the Miami Police Department's 1,060 sworn officers, only 12 are currently relieved of duty — eight with pay and four without pay, including the three arrested on Monday.

Those officers — Jorge Lopez, Rein-aldo Rodriguez, and Luis Sarmiento — must be presumed innocent for now. If they're ultimately convicted, however, then they'll deserve sanctions stern enough to send a strong message.

True, corruption may be inevitable as long as wealthy drug lords can tempt officers (or even judges) with riches and favors. Yet public tolerance of just a little bit of police corruption leads inexorably to a lot of it. Then, no one is safe.

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EDITORIALS

Prosecution warranted for anyone who crosses line in drug cartels

Federal prosecutors in Miami deserve appreciation and support for escalating their war against — and educating the public about — a cocaine smuggling cartel.

Prosecutors have worn mittens against 60 people, including six American attorneys, on charges of joining in criminal conspiracies with drug traffickers. The arrested lawyers include two former federal prosecutors from South Florida and a one-time Justice Department official responsible for extraditing drug kingpins.

It is deeply troubling to confront the immense betrayal of public trust involved: Attorneys sworn to uphold the law and once paid by taxpayers to enforce it are now accused of violating it.

Three other lawyers have confessed their involvement, pleading guilty to money laundering, obstruction of justice or conspiracy to import cocaine.

The prosecutors "Operation Cornerstone" should be an eye-opener for Americans who like to point the finger of blame for narcotics trafficking solely at foreigners like "Columbian drug lords." Americans aren't immune from the siren's song of drug trafficking profits.

The accusations also show the rising sophistication of the Cali cocaine cartel, claiming drug traffickers use some of their own American defense lawyers not only to keep themselves out of jail but to keep their

illegal operations running smoothly and obstruct legal investigations. The cartel, prosecutors say, operates like a huge, multi-national corporation, complete with teams of managers, subsidiary "corporations" and legal advisers.

Accusations include money laundering, racketeering, drug conspiracy, passing on death threats to potential witnesses, drawing up false affidavits and even betraying the identity of an informant who was later killed.

Prosecutors face some tough challenges ahead. First, in relying mainly on the testimony of the accused lawyers' former clients, they risk a repeat of some past juror unwillingness to vote "guilty" in such cases.

Second, they must overcome accusations by defense attorneys that the government is overstepping its bounds by trying to tarnish the reputation of lawyers just because they defend drug kingpins.

Accusing people of a crime is one thing; proving it in court is another.

In America, every accused criminal, including a drug dealer, is entitled to hire and make use of a lawyer, and is entitled to that lawyer's zealous advocacy of innocence and his exercise of legal rights. Lawyers should not be tainted or targeted for prosecution solely because they agree to provide such legal representation.

But a lawyer should expect to be punished severely if he crosses the ethical, professional and legal line separating legal advocacy from partner in crime.

After all, Monday's scene — U.S. Attorney Kendall Coffey briefing the media about alleged corruption in local law enforcement — was reminiscent of too many similar scenes from the 1980s. That's when the Miami Police Department was rocked by the notorious River Cops police corruption case.

Nine companies, now properly under scrutiny by the office of U.S. Attorney Kendall Coffey, billed for 400,000 trips. One company, operating only one taxi, collected \$296,000, claiming to have driven 269,000 miles in less than two months. Investigators calculated that the taxi would have had to roll 24 hours a day, seven days a week, at 177 miles per hour to cover the distance.

Federal prosecutors in Miami deserve appreciation and support for escalating their war against — and educating the public about — a cocaine smuggling cartel.

Last week the apartment owners and managers got lawsuits. More could follow. "Disparate treatment in rental housing is a much riskier practice today because of the testing," explains U.S. Attorney Kendall Coffey.

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Money by the mile

First there was Medicare fraud. Now it's Medicaid fraud. Set out any pot of government money, and it will draw the greedy. The latest are some Palm Beach County cabbies. In the first 10 months of 1994, Palm Beach County cabs collected an astonishing \$15 million from Medicaid to ferry poor people to and from hospitals, doctors' offices, and other health providers. That's as much as cabbies in the rest of the state combined. Yet Palm Beach County has just 5 percent of Florida's Medicaid recipients.

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That's outrageous. Taxpayers have every right to ask: How and why was this allowed to go on so long? The answers to that are also outrageous. In Dade and Broward counties, drivers are paid a set fee for each trip, and every trip requires authorization. In Palm Beach, patients and passengers give drivers a voucher good

MEDICAID'S BAD RIDE Taxi operators in Palm Beach County got \$15 million from Medicaid in 1994's first 10 months. Prosecute, of course. But put in audit controls to prevent such outrages.

for \$1.10 a mile. Not surprisingly, drivers pad mileage; some, it is alleged, simply buy vouchers. Infinitely more costly, however, is the absence of audit controls in the state's computerized system of Medicaid billings and payments. Only one full-time auditor is assigned to monitor

taxi billings, which are typically submitted with only a date, Medicaid number, and miles traveled. That's not enough information to make any quick determination as to whether a claim is valid or reasonable, much less medically necessary. Once a company gets a Medicaid number, there seem to be scant controls to prevent it from billing phantom trips. State officials froze payments to the Palm Beach cabbies in October. By then the total payouts were large enough to be unreasonable. If the cabbies had been just a little less greedy, they might still be collecting. That's frustrating, too.

Florida officials have complained that Medicaid costs are "out of control." One reason why is a lack of state control. Clearly Medicaid auditors need a few tripwires to alert Medicaid check writers of fraud. Prosecution has some deterrent value, but there are more savings to be had with proper audit controls before the check is written.

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Housing bias put to the test

There is only one way to prove racial discrimination conclusively, and that is to watch it happen. You sometimes can build a persuasive case based on statistics and inference, but it always leaves room for doubt, and it's often tough to prove in court.

But when you send in two applicants for an apartment, say, or for a restaurant table or a hotel room — who are alike in all ways except race, then you can tell for certain whether something illegal is going on. That is what the U.S. Justice Department has done in recent months at a string of apartment buildings in South Florida. And what they've found is contemptible.

At buildings from Dade to Palm Beach counties, teams of government-sponsored "testers" are making nearly identical applications for apartments. Only difference: In each case, one applicant is white and one black, or one has kids and the other doesn't, or both.

The Justice Department alleges that in 13 cases so far — two in Kendall, the rest in Boca Raton — the African-American applicant or the applicant with children got the "No Vacancy" treatment. White or childless applicants seeking the same apartments got the welcome mat.

Last week the apartment owners and managers got lawsuits. More could follow. "Disparate treatment in rental housing is a much riskier practice today because of the use of testing," explains

POLICING FAIRNESS U.S. agents used real-life testers to expose housing discrimination. It would work in other areas, too.

U.S. Attorney Kendall Coffey. In many of these tests, the Miami-based fair-housing group HOPE provided the testing teams. HOPE has a record of this kind of service, and a record of success in routinely alleged discrimination. In its experience confirms, as many African Americans, Hispanics, and others have known all along, that systematic, raw racial bias in America did not end in the 1960s. But it did become more clever.

Finding it and punishing it now requires finesse. HOPE, like other groups with experience in testing, has proven itself up to the job. So wouldn't it be helpful to apply this same tactic to other areas where discrimination is routinely alleged?

The most obvious is banking. Federal statistics year after year plainly hint at some pattern of racial bias in lending. Yet banks show — often convincingly — that they train their officers in fairness, prevent race from influencing their lending decisions, and aggressively root out bigots. So what gives?

There are ways to find out, as the Justice Department proved again last week. For ferreting out the real culprits and building a cast-iron case for the courts, there's nothing like direct, human testing. Loading on more paperwork, crunching statistics, and beefing up the regulatory agencies may help, but to find and prove bias and stop it, there's nothing so effective as an eyewitness.