

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/79

Michael Vernon Townley was interviewed during the afternoon of February 6, 1979 in the Office, Major Crimes Unit, United States Attorney's Office, Washington, D. C. Townley was informed that information had been passed to the interviewing Special Agents by three separate news media representatives, who were observing the Letelier-Moffit murder-conspiracy trial being held at the U.S. District Court House, Washington, D. C., which indicated that Defense Attorneys of the Cuban defendants in this trial, as well as relatives of these Cuban defendants, had stated that Sergio Miranda Carrington, Chilean defense attorney for General (R) Juan Manuel Contreras Sepulveda, brought a cassette tape with him from Chile which contained a telephonic conversation between Townley and an unidentified friend in Chile, during which Townley had threatened to kill U.S. District Judge (USDJ) Barrington Parker.

Townley was asked whether he had ever made such a threat against USDJ Parker or whether he had informed anyone that he had threatened USDJ Parker. Townley appeared concerned and disturbed with the foregoing information. He vehemently denied ever threatening USDJ Parker or informing any person that he had threatened the Judge.

Investigation on 2/6/79 ^{at} Washington, D. C. File # WF 185-425
 by Robert W. Scherrer
L. Carter Cornick, Jr./smg Date dictated 2/6/79

2

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/13/79

Michael Vernon Townley was interviewed in the Office of the United States Attorney, Major Crimes Unit, U.S. District Court House, Washington, D. C. Townley was informed that the interviewing Special Agents desired to ask him certain specific questions regarding information which surfaced on 2/5/79, and 2/6/79, from unidentified individuals connected with the Cuban defendants in the Letelier-Moffit murder-conspiracy trial, which indicated that Townley had threatened U. S. District Judge (USDJ) Barrington Parker. Townley was reminded that during interview on 2/6/79, with interviewing Special Agents, he categorically denied threatening USDJ Parker or telling anyone that he had threatened the Judge. Townley agreed to answer questions and provided the following information:

Townley was asked whether he had ever requested or suggested that any friend, associate, acquaintance or relative in the United States or any part of the world threaten USDJ Parker, in order to cause USDJ Parker to withdraw from the Letelier-Moffit murder-conspiracy case. Townley denied ever having made such a request or suggestion to anyone.

Townley was asked whether any FBI Agent or other federal official had ever suggested or requested that Townley contact any person, in order to threaten USDJ Parker. Townley denied ever having a conversation with any FBI Agent or federal official during which such a suggestion or request had been made or implied.

Townley was asked whether he had any direct personal knowledge of any threat being made against USDJ Parker. Townley categorically denied such knowledge.

Investigation on 2/8/79 at Washington, D. C. File # WF 185-425
 by Robert W. Scherrer ^{Rut}
L. Carter Cornick, Jr./smg Date dictated 2/8/79

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/16/79

Michael Vernon Townley was interviewed in the Office of the United States Attorney, Major Crimes Unit, U. S. District Court House, Washington, D. C. A copy of a Spanish language transcript of a January 30, 1979 conversation, allegedly between Townley and Gustavo Etchepare in Chile, was provided to Townley for review. Townley was informed that the Spanish language transcript furnished for his review was allegedly made from a tape of his January 30, 1979 conversation with Etchepare, which had been distributed on 2/6/79 and 2/7/79 to various news reporters at the U.S. District Court House, Washington, D. C., by unidentified individuals connected with the Cuban defendants Ignacio Novo Sampol, Guillermo Novo Sampol and Alvin Ross Diaz. Townley was informed that, according to information provided to several news reporters at the U.S. District Court House, Washington, D.C., by Sergio Miranda Carrington, the Chilean defense attorney for General (R) Manuel Contreras Sepulveda, the cassette tape of his conversation with Etchepare, which originated from the Office of the U.S. Attorney, Washington, D. C. on 1/30/79, was consensually recorded by the latter in Chile and furnished to Miranda Carrington, who, in turn provided this tape to defense attorneys for the above named Cuban defendants. Townley was requested to review the Spanish language transcript of his alleged 1/30/79 conversation with Etchepare and provide any comments or observations that he might desire. After reviewing the Spanish language transcript, Townley provided the following information:

He recalls making the 1/30/79 call to Etchepare from the Office of Assistant U.S. Attorney (AUSA) Eugene M. Propper, located in the Major Crimes Unit of the United States Attorney's Office, fourth floor, U. S. District Court House, Washington, D. C. The call was made at approximately 4:15 P.M. and was accomplished by direct distance dialing Etchepare's telephone number 22-68-14 or 22-82-16, in Santiago, Chile. He did not secure specific authorization from any official in the U.S. Attorney's Office to place the 1/30/79 call to Etchepare, inasmuch as AUSAS Propper, E. Lawrence Barcella, Jr., and Diane Kelly were present in Judge Barrington Parker's courtroom on the sixth floor of the U.S. District Court House

Investigation on 2/9/79 at Washington, D. C. File # WF 185-425
 by Robert W. Scherrer
L. Carter Cornick, Jr./smg Date dictated 2/15/79

12

presenting the U.S. Governments' case against the aforementioned Cuban defendants. He was present in AUSA Propper's office during the afternoon of 1/30/79, inasmuch as the suite of offices housing the Major Crimes Unit was a beehive of intense activity with numerous U.S. Marshals and Metropolitan Police Department (MPD) officers being present, in addition to several unidentified protected witnesses, who apparently were to testify in the Letelier-Moffit Murder-Conspiracy trial. The presence of all these individuals in the Major Crimes Unit, especially the other protected witnesses, required that he be segregated from these individuals. Accordingly, he was isolated and locked in the office of AUSA Propper. While in AUSA Propper's office he decided to telephone a friend in Chile named Gustavo Etchepare. He has known Etchepare for approximately six years and considers him to be one of his closest friends. He has previously telephonically contacted Etchepare in Chile in order to secure information on behalf of the United States Government concerning developments in Chile with regard to the pending extradition request by the United States Government for General Manuel Contreras, Colonel Pedro Espinoza and Armando Fernandez. Etchepare was a former member of "Patria y Libertad" and also had connections with DINA.

With regard to his telephonic contacts with Chile and specifically his access to United States Government telephones in the Office of the United States Attorney, Washington, D. C., Townley recalled that he had placed several telephone calls to individuals in Chile, including Etchepare and Dr. Manuel Acuna, Townley's Chilean attorney, with the acquiescence of AUSA Propper or Barcella, in order to secure supplementary information to assist the United States Government in preparing and following the Government's extradition request of the Chilean Government for Contreras ET AL. These telephone calls were made to Chile with the knowledge and consent of AUSA Propper and Barcella. In addition, he was allowed to use the telephones in the United States Attorney's Office to make calls to Chile in order to speak with Dr. Acuna on strictly personal legal matters, such as the disposition of his assets in Chile; the pending civil suit filed in connection with Orlando Letelier's murder by his widow, Isabel Letelier, in which Townley was named as a party, and other private family business. These calls were made from telephones in the United States Attorney's Office, inasmuch as these calls could not be made from the private telephone at the location where he has been detained in the custody of the United States Marshals, since direct distance

dialing to Chile cannot be made from this location. To place telephone calls to Chile through an international operator, which would require that the telephone number in the United States where the call originated be disclosed, was unacceptable from a security standpoint, inasmuch as it would pinpoint the area where he is presently being detained in the custody of the United States Marshals. Telephone calls may be made from the Office of the United States Attorney in Washington, D. C., to Chile by using direct distance dialing, eliminating the necessity of disclosing the telephone number from where the call was placed to the international operator. Charges for strictly personal telephone calls made from the United States Attorney's Office in Washington, D. C., have been reimbursed by him to the United States Government. He has appropriate receipts for these personal telephone calls and he will endeavor to locate these receipts in his personal papers and will make same available at a later date. He emphasized that all telephone calls made from the Office of the United States Attorney in Washington, D. C., had to first be approved by AUSAS Propper or Barcella.

WHAT ABOUT
FROM JAIL

As noted previously, the January 30, 1979 call to Etchepare was made from AUSA Propper's office without any specific authority, inasmuch as AUSAS Propper, Barcella and Diane Kelly, who had been assisting in presenting the Government's case in the Letelier-Moffit Murder-Conspiracy matter, were not present in the United States Attorney's Office when the call was placed, since these individuals were in court on the sixth floor of the United States District Court House. He fully intended to inform AUSAS Propper or Barcella that he had made the call. To the best of his recollection, AUSAS Propper and Barcella returned to AUSA Propper's office during the afternoon of January 30, 1979, while he was speaking with Etchepare, and AUSA Propper ordered him to terminate his conversation with Etchepare.

He recalls that the general theme during his January 30, 1979 telephone conversation with Etchepare concerned the progress of the trial being held in the United States District Court House in Washington, D. C., against the Cuban defendants. He recalled that he attempted to convey to Etchepare that Miranda Carrington, the Chilean defense attorney for Contreras, was obviously collaborating with the Cuban defense team in an effort to discredit him. He recalled that Miranda Carrington had obtained a transcript of the first portion of his March, 1978, declaration to General Hector Orozco, the Ad Hoc Chilean Military Prosecutor, under highly irregular circumstances and made this transcript available to the Cuban's defense attorneys.

He recalled informing Etchepare that this action by Miranda Carrington on behalf of Contreras might easily be misunderstood by the United States Government and interpreted to mean that the Chilean Government was attempting to discredit Townley in order to assist the Cuban defendants for political purposes. Townley also recalled that he definitely made a point of telling Etchepare that Contreras' free-wheeling activities had to be curtailed, since these activities and tactics, as carried out through Miranda Carrington, would severely damage the credibility and image of the Chilean Government with regard to responsibility for the Letelier-Moffit murder. He noted that portions of the aforementioned theme were covered in the Spanish language transcript of his conversation with Etchepare, which was made available to him for review. However, he noted that there appears to be considerable portions of his conversation with Etchepare that are missing from the Spanish language transcript. Specifically, he believes that the missing portions of his conversation with Etchepare pertain to incriminating remarks made by him about Contreras. With regard to the portion of the Spanish language transcript containing his comments of possibly asking friends to threaten Judge Parker, he is absolutely positive that his comments, as represented in the Spanish language transcript, were not accurate. He believes that portions of his alleged remarks in this area of the transcripts were deliberately altered or misstated. He made specific reference to his alleged use of the Spanish word "Pagano", which appears in the Spanish language transcript, to characterize Judge Parker. He noted that the Spanish word "Pagano" means pagan or heathen, and that he could not imagine his using this word to refer to anyone, since it is not a word customarily used by him. He pointed out that he is completely fluent in the Spanish language, but that the Spanish language transcript of his alleged remarks contained numerous basic grammatical errors, which he is certain he would not have made. He asked to listen to the cassette tape containing the recording of his alleged January 30, 1979 conversation with Etchepare, in order for him to arrive at a definite conclusion with regard to its authenticity. He was informed that the cassette tape was not available for his review, inasmuch as it had been placed under seal by Judge Parker. He was informed that he would be given an appropriate opportunity to review this tape with appropriate language specialists from the FBI after the tape had been released by Judge Parker.

He stated, with regard to the claim allegedly made by Miranda Carrington that his conversation with Etchepare had been consensually recorded by the latter, that he is absolutely positive that Etchepare would never have recorded any conversation with him and turn over such a recording to Miranda Carrington or General Contreras. He based this statement on the fact that such an act by Etchepare would be a betrayal toward him and he also noted that Etchepare despised General Contreras for not accepting responsibility for ordering Letelier's assassination and shielding himself with subordinates in an effort to escape justice. He pointed out that, while he was assigned to DINA as an electronic expert, he learned that General Contreras, who was the then Director of DINA, had resorted to the tactic of doctoring tapes purporting to represent private conversations of Contreras' enemies to convey the impression that his enemies were speaking badly of Pinochet. He advised that tapes of conversations by Contreras' enemies were doctored in the DINA electronic section. He advised that he furnished the following information, inasmuch as he believes that there is a possibility that he may be the victim of similar unethical and illegal tactics of General Contreras. He stated that he would be willing to cooperate with FBI electronic and technical experts regarding the process used by DINA technicians to alter and doctor taped conversations.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/27/79

Michael Vernon Townley was interviewed at FBI Headquarters in the presence of FBI Special Agent Donald V. Ritenour of the FBI Technical Services Division, Engineering Section, Audio Analysis Unit. A copy of a cassette tape of a Spanish language conversation between Townley and Gustavo Etchepare, which took place on January 30, 1979, was made available to Townley for review. Townley had called Etchepare in Santiago, Chile, from the Office of the United States Attorney, Major Crimes Unit, United States District Court House, Washington, D. C. The original tape cassette containing Townley's 1/30/79 conversation with Etchepare was previously furnished to United States Attorney Earl J. Silbert by United States District Court Judge (USDCJ) Barrington B. Parker. Townley was requested to listen to the tape and compare the audio portion of this tape with the Spanish language transcript of the same tape recording, which had previously been provided by attorneys for the Cuban defense in the Letelier-Moffitt Murder-Conspiracy trial, which recently terminated in the United States District Court House, Washington, D. C.

After carefully listening to the tape, Townley advised as follows:

The two persons speaking on the tape are definitely Etchepare and himself. After listening to the spoken words between Etchepare and himself, he has been able to refresh his recollection as to the circumstances of the conversation that prompted him to make remarks to Etchepare, which, when read as part of a sterile transcript, would lead one to the conclusion that Townley was considering suggesting to various friends that Judge Parker be called on the telephone and threatened. Specifically, Townley explained that he had several previous conversations with Etchepare, which were made from the Office of the United States Attorney in Washington, D. C. During these conversations, Townley requested Etchepare to act on his behalf on certain matters for the benefit of the United States Government and also remarked in a highly critical fashion concerning the unwillingness of General Manuel Contreras

Investigation on 3/21/79 at Washington, D. C. File # WFO 185-425
 by Robert W. Scherrer
L. Carter Cornick, Jr. Date dictated 3/26/79

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to accept responsibility for the Letelier-Moffitt murder. During these conversations with Etchepare, the latter bluntly informed Townley on several occasions that he should be more careful in saying things against General Contreras on the telephone, since obviously the United States Government, specifically the FBI, was recording Townley's conversation with Etchepare and might choose to use Townley's comments to discredit General Contreras or the Chilean Government. Townley, in several conversations with Etchepare, sensed that the latter was reluctant to provide Townley with what might be considered sensitive information concerning occurrences that had taken place in Santiago, Chile. Etchepare's reluctance was attributed to his fear that his conversations with Townley were being recorded by the FBI. In conversations with Etchepare, when the matter was raised concerning the possibility that the FBI was recording conversations between Townley and Etchepare, Townley would frequently, in exasperation, try to convince Etchepare that their conversations were not being recorded by the FBI. In the January 30, 1979 conversation with Etchepare, he did make several remarks in bad taste about Judge Parker, which he deeply regrets. Specifically, derogatory remarks which he made about Judge Parker were that the Judge was "mentally retarded", "had no manners" and was "cantankerous". After he made these remarks about Judge Parker, Etchepare immediately tried to get his attention, obviously, to remind and caution him that he made remarks in bad taste about the Judge, which no doubt would be furnished to the Judge by the FBI, since Etchepare always remained adamant in his belief that the FBI was recording all of Townley's conversations with Etchepare. Finally, after trying to get Townley's attention twice, after Townley's remarks concerning Judge Parker, Etchepare managed to tell him, in a mocking and sarcastic manner, that the tape recording of Townley's and Etchepare's conversation was being made through the courtesy of Judge Parker, and that in effect, Judge Parker would learn of Townley's critical remarks concerning him, since the FBI would make a tape recording of their conversation available to the Judge. At this point, in his conversation with Etchepare, he became exasperated with Etchepare's continued fear that the FBI was taping their conversation and he attempted to allay Etchepare's fears once and for all. Thus he, Townley, launched into a diatribe, stating outrageous and provocative things, including suggesting that he might contact friends and request them to threaten the Judge. In this manner, he attempted to allay Etchepare's fears that their conversations were being taped by the FBI by making these outrageous and provocative comments, which would be highly prejudicial to Townley. He hoped to clearly demonstrate to Etchepare that he, Townley, was certain that conversations between he and Etchepare were not being taped by the FBI. During this critical portion of his conversation with Etchepare, the latter obviously sensed

Townley's purpose in making these outrageous and provocative remarks and responded by laughing and giggling throughout Townley's diatribe. When Townley finally finished his diatribe, Etchepare responded by calling Townley "a little fool".

In Townley's opinion, the person or persons that provided the written Spanish language transcript from the tape of his January 30, 1979 conversation with Etchepare, deliberately misstated a critical sentence as expressed by Etchepare. Townley noted that in the Spanish language transcript, which had been made available by individuals connected with the Cuban defendants, the critical sentence in question reads "Es persona de razon y gentileza el juez Parker?" (Is Judge Parker a reasonable and pleasant person?) This sentence is set forth in the written Spanish language transcript as a question to Townley by Etchepare. Actually, Townley noted that the clearly spoken Spanish language words used by Etchepare on the tape in their conversation were "Esta es una grabacion gentileza del juez Parker!" (This tape recording is being made through the courtesy of Judge Parker!) Townley noted that from Etchepare's voice inflection when making the aforementioned statement to him, it is obvious that Etchepare is making an alarmed exclamation of warning and not asking a question. According to Townley, it is apparent that this misstatement was willfully done in order to place his remarks, which follow Etchepare's alarmed exclamation, completely out of context. Additionally, Townley advised that he is certain that he qualified his outrageous and provocative remarks to Etchepare, in order to indicate their true purpose, i.e. to allay Etchepare's fears that the FBI was taping their conversation. Townley noted that his qualifying remarks do not appear on the tape and he is positive that the tape had been tampered with at this point. As previously noted, Townley indicated that he was also certain that other large portions of his conversation with Etchepare had been deliberately deleted from the tape. Townley again noted that following Etchepare's alarmed exclamation, as noted above, the Spanish language transcript contains the word "Pagaño" (referring to Judge Parker). Again, Townley noted that the Spanish word "Pagaño" means "heathen" or "pagan" and that, in the context of the written Spanish transcript, it might easily be interpreted as a racial slur against Judge Parker. Townley noted that Sergio Miranda Carrington, Contreras' defense attorney, had previously made derogatory remarks to the Chilean news media concerning the mental capacity of the jury in the Letelier-Moffitt Murder-Conspiracy trial by noting that they were all negroes and inferring that negroes were intellectually inferior to caucasians. Townley noted that Miranda Carrington is extremely anti-semitic and is also highly prejudiced against negroes.

In this connection, Townley recalled recently reading a direct quote in a Chilean news magazine called "Cosas" by Cecelia Domeyco, a Chilean Washington correspondent, attributed to Paul Goldberger, one of the Cuban defendant's defense attorneys, in which Goldberger characterized Miranda Carrington as a "fucking Nazi". Townley noted that the tape of his conversation with Etchepare clearly established that he did not use the word "Pagano", but rather the Spanish word "Macanudo", which means "great" or "fine". Townley noted, again, in his opinion, that the word "Pagano" had been deliberately substituted for the Spanish word "Macanudo" by the person or persons who prepared the Spanish language written transcript of his taped conversation with Etchepare. Townley conceded that the word "Macanudo" is a slang expression, used almost exclusively in Chile, Argentina and Paraguay, and that a Spanish speaking individual not familiar with slang expressions from these countries might not recognize the word "Macanudo"; however, Townley noted that the word "Macanudo" was again used by him in his conversation with Etchepare on January 30, 1979, and appears in the tape. Townley noted that the person or persons who prepared the written Spanish transcript of the tape correctly identified the Spanish word "Macanudo" when it was subsequently used by him in his conversation with Etchepare on January 30, 1979. Thus, Townley advised he can only conclude that the Spanish word "Pagano" was deliberately substituted for the word "Macanudo", in order to cause Judge Parker to believe that Townley had uttered a racial slur against the Judge.

Townley agreed to be interviewed separately by SA Ritenour, previously identified, in order to provide the latter with his knowledge of established techniques utilized by the Electronic Section of DINA to doctor recorded conversations of individuals in Chile in order to discredit them. Accordingly, SA Ritenour separately interviewed Townley regarding this technical information.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription March 30, 1979

Mr. MICHAEL VERNON TOWNLEY was interviewed at F.B.I. Headquarters, Washington, D.C., on March 28, 1979, concerning his knowledge and/or participation in the LETELIER assassination. More specifically, he was interviewed regarding the tape recording of a telephone call he made to GUSTAVE ETCHPARE from the U.S. District Court House, Washington, D.C., on January 30, 1979. Immediately after identification procedures and before any questions, Mr. TOWNLEY consented to the interview without the presence of his attorney subject to the terms of his agreement between the United States government and himself which was signed April 17, 1978.

Mr. TOWNLEY was interviewed in the presence of Special Agent DONALD V. RITENOUR, JR. and FBI Translator (Interpreter) RAFFAELE VACCARI.

Mr. TOWNLEY stated that the conversation recorded on Q188 between himself and GUSTAVE ETCHPARE is not complete. He advised that parts of the conversation have been removed and that the usual method used would be to dub or rerecord the original conversation, rather than cut and splice the tape. Studio quality facilities are used in dubbing tapes and two recorders and/or possibly some noise source could be played simultaneously or individually and copied using a third recorder. The third recorder would be stopped and started to record only the desired information. High level noise, such as occurs on Q188, would be used to mask the start of the third recorder to hide the edit.

Telephone calls are recorded directly from the phone line using Uher reel-to-reel, portable, battery operated, four speed recorders that use 5-inch reels or inexpensive cassette tape recorders. The recordings usually have 50 Hertz and harmonics from the power lines. The high level bursts of noise recorded on Q188 are not events which would be expected on a continuous recording of a telephone conversation.

Investigation on 3/28/79 at Washington, D.C. File # 185-789

Q SA DONALD V. RITENOUR, JR.

Date dictated 3/28/79

33

REPORT
of theFEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, WFO (185-425)

March 30, 1979

FBI FILE NO. 185-789

LAB. NO. 90313098 E TV

Re: CHILBOM
PFO-MURDER
EID; OOJ

Specimens received 3/13/79

Q188 One Scotch 60 magnetic tape cassette marked in
part on side 2 "8FZ-4265-189"

Results of examination:

One direct copy of Q188 was made on one 5-inch reel of magnetic tape at a recording speed of 3 3/4 inches per second in a full-track configuration.

An aural examination of the information recorded on Q188 revealed six areas where high level bursts of noise occur. The recorded information in these areas is highly distorted due to magnetic saturation of the tape.

These areas are not consistent with other information recorded on Q188 and are not consistent with what would be expected of a recording of a continuous telephone conversation. Neither party to the conversation appears to notice these areas of high level noise. This could indicate that this noise was not present during the conversation(s) recorded on Q188.

Time-continuous waveform displays and photographs of the magnetic patterns of information recorded on Q188, in the vicinity of the high level bursts of noise, were made.

The magnetic patterns in these six areas are consistent with the starts of the recorder used to record Q188. Two of these six areas show both record stop and record start patterns.

The four areas showing only record start characteristics are consistent with what would be expected if a segment of information had been recorded, the recorder stopped, backed up, and a second segment recorded, partially erasing the preceding segment.

The other two areas are consistent with what would be expected if a recorder was stopped and started in the record mode. If the tape was backed up in these two areas, it was not backed up far enough for the recorder erase head to erase the previous stop mark.

Analysis of the portion of Q188 following the end of the telephone conversation revealed pattern characteristics consistent with those which would be produced had the stop pattern of a previous recording been copied onto Q188.

A short time after the above observed pattern, a stop transient is observed which is consistent with what would be expected if the recorder used to make Q188 was stopped.

No additional recorded information is contained on Q188.

In summary, analysis of the recorded conversation on Q188, reveals characteristics indicating that segments of one or more previously recorded conversations were copied onto Q188.

Q188 and the direct copy will be personally delivered to personnel of the Washington Field Office.

Page Two
90313098 E TV

Ya...ya... y la otra mierda confirmado ciento por ciento seguro que ni Ross ni Ignacio van a testificar.

Ya....

O sea, intentaron inhibir el testimonio o parte del testimonio de uno de los testigos cubanos que se puso hoy día, aduciendo (A) derechos de la Sexta Enmienda a razón de que Ignacio no iba a ser testigo en el caso. O sea, fueron declaraciones hechas a una tercera persona por Ignacio, lo cual se habría usado en contra de Guillermo.

Uh huh.

Ahora, la ley no permite que se admite una evidencia si la fuente de la evidencia no puede ser interrogado en el estrado. O sea, por un co-conspirador. Eso es uno de los problemas entre los co-conspiradores; si no se ponen en el estrado, ninguna cosa dicho entre ellos puede ser utilizado contra ellos. No es admisible.

Ya.

Es muy probable, o sea los que es...ah, tiene una niña ayudante de lo...o sea, Propper y Barcela tienen una mujer ayudante que está en el caso con ellos...la Diane Kelly, y estuvo aquí hace unos minutos atrás y está diciendo, bueno, Ignacio...ellos no van a testificar, y le pregunté, "Los tres no van a testificar? Ninguno de los tres?" Me dijo, "Así lo entendí yo." Que ninguno de los tres...ah, que Goldberger eh, Dubin dijeron que ninguno de los dos se presentaban a declarar. Me dije, "Lo que sé, es que Ignacio no puede testificar porque lo usaron como parte del argumento...del argumento legal que hicieron." Y Ross no lo pondría en el estrado pero, ni a cañonazo. A Ross...Barcela o Propper en cinco minutos le tienen al gallo gritando a medio mundo, "Sí, sí, lo hice yo, y que mierda quieren?", golpeándose en el pecho, y soy orgulloso de ello. Ross es un uh,uh, vaca"

Ya.

↑
ESTOY

Eh, pero lo que ella entendió, es que ninguno de los tres se presentarían a testificar.

Ya.

Ahora, van a intentar...y están todavía tratando de no poner a Guillermo. Ah, aquí estoy diciendo "Guillermo", ah, "Fernando."

Ya.

Y, pero parece que parte de mi idea estaría fracasado, porque; aparentemente la defensa le pidió al juez que el juez hiciera orden de que todos los testigos de..en la lista de la acusación quedasen a disponibilidad de la corte por orden del juez.

Y eso significa Mariana también? ⁽¹⁾

Eh, que la podrían intentar llamar como testigo de la defensa, si. Podrían intentarlo. Les saldría el tiro por la culata... porque es casada conmigo y podría negar a contestar cualquier huevada. Eso no lo harían. Eso sencillamente no lo harían. Podrían intentar llamar a Fernando. ¿Porque? Porque el dichoso Fernando paso como un mes mintiendo, inventando como cuatro o cinco diferentes cuentos...cada vez un cuento nuevo. Ese huevoncio ni siquiera fue capaz de hacer un solo cuento y mantenerse firme dentro de un solo cuento. Entonces existe varios 302 referente a las primeras cosas de Fernando. (Cough. by listener). Es excelente. ¿Que?

Nada, nada, mi tos está inmensa.

Ya. Sería excelente que pusieran a Fernando...eh, ah, por ningún otro motivo fuera de, eh, como te podría decir, uh, revolver el gallinero. El caso este es tan complejo y el jurado tan ignorante que una de las mejores defensas en este momento es tirar más mierda adentro y revolverlo. Porque va a llegar un momento en que la capacidad humana de los juristas... del jurado...no va a ser suficiente. Y como la computadora, van a decir; no hay suficiente espacio para guardar la información...no funcionó...no computó. Esa es una de las cosas obvias que están intentando hacer...es un caso complicado y están intentando, por todos los medios, complicarlo más.

(1) RIGHT WAY IS:
DISPOSICIÓN

(2) ¿ POR QUÉ ?

¿Cuál crees tú que puede ser la decisión del jurado? (laughs)

Mira, yo veo a Propper muyeh, es que tú vas a interpretar mal. En primer lugar, lo vez muy cansado. Extremadamente muy cansado. Lleva, digamos, llevan casi cuatro semanas en el puro caso, digamos, de la acusación. La defensa ha podido descansar. Han tenido, digamos, un mes y medio o dos meses para irse preparando la mayoría de sus preguntas. Están descansados. Propper está sumamente muy cansado y hasta la tusa con todo el hueveo. Ha sido una cantidad de batallas de legalidades, porque es una conspiración y las conspiraciones se prestán para mucho y mucho interpretación de la ley. Los derechos de los individuos dentro de la conspiración... Por lo tanto, han estado ~~requete~~ ~~contra~~ ~~el~~ ~~pro~~ ~~cedido~~ en las decisiones de tipo jurisprudencia ~~del~~ ~~ante~~ ~~al~~ ~~juez~~... en investigación de la ley, casos precedentes, aplicación de la ley y todo lo demás. Además tienen un juez tarado, y más encima tienen un juez mal genio, y más encima de eso, tienen un juez mal educado. Así que....

(3)
REQUETE CONTRA

Oye, escucha....

Está Propper y está Barcelá y están la Diane, los tres están cansados. Lo único que quisieran hacer en este instante, entregar el caso a otra persona y irse a pegar unas vacaciones.

(4)
JURIDICO

Escucha...

Si...

Esta es una grabación gentileza del juez Parker! (laughs)

Macanudo, yo le mando la misma mierda.

Sigue la misma gentileza! (ha, ha) (laughs)

Ya.. No, yo lo digo abiertamente, abiertamente, inclusive si el señor juez... si el señor juez Parker quiere escuchar, yo me pongo, ofrezco en este momento a pedir a amigos en todas partes del mundo, le llamen para amenazarlo y que se retire del caso.

Perhaps
"Propper"

Ya....tontito! (há, ha) (laughs)

Hmm. Uh, que fué una de las cosas que se conversó así entre amigos, con gente del FBI, cuantos amigos teníamos todos para llamar... hacer llamadas amenazantes al juez para que se retirara del caso. En fin.... Eh, yo vez a Gene cansado y desanimado. Le veo en que, uh, él no... si tú... Si yo le pregunto, y le pregunté delante de la hora del almuerzo.... tuve tres o cuatro minutos para hablar con él. Le pregunte:

¿"Vas a ganar el caso?" y me dice, "Según todo las de la ley no podemos perderlo. Pero esta huevada es tan complicado y es tan enredado que con el jurado..no tengo idea."

(Other person speaks. Voice obliterated by static and other interference.)

(Obliterated) Pero y si resulta que naufraga y no lo cortan a tiempo, se, van a ir al pique junto con el bote-remo.

(chuckle)

Es una posición horrenda, absolutamente horrenda. Son unas decisiones que, digamos, que tomar que a mi no me gustaría estar en la posición de tener que tomarlas ni por nada del mundo.

Y allá tampoco se atreven poner el cascabel al gato.

¿Cómo? Pero lo están poniendo. Digamos, en este momento están preocupados de enjuiciar estos tres gallos. Después de eso se van a preocupar de la gente allá. (Interrupted)...

Pero, ¿en qué forma...?

Como no pueden esta gente aquí ponerle el cascabel a Contreras, digamos, como pueden acallarlo. Si Contreras quiere gritar a medio mundo cualquier cantidad de mierdecas...no hay forma de pararlo. Y allí el problema. Y lo que yo me preocupa, lo que a mi me preocupa, es que los cubanos aquí pueden estar muy felices, contentos y dichosos con el apoyo que han recibido y con la amistad que se han sentido. En primer lugar los cagaron, pero ahora están haciendo lo que debe hacer de allá, el caballero, pucha y macanudo, todo lo que tú quieres, pero cuando se ven (✓) perdidos ¿hasta donde va a estirar el chicle?..¿ Hasta donde va a llegar la estirada del chicle? Y lo único otro, como te dije, es él, él...yo creo que muy luego tienen que estar pisando callos, él..buscando a esos paquetes por el lado del caballero.

(Unintelligible question; obliterated by background noise)....
...testificado.

Que en presencia de Virgilio y Alvin le dijeron de su complicidad en el asesinato y que le explicaron como se había armado el artefacto, que lo amenazaron de muerte si hablaba frente de los miembros del jurado...en fin, exquisiteces! (6)

¿Y cuál fué la contra, la acusación, o sea, que hizo la defensa allí?

La defensa trataron por todos los medios posibles de inhibir, de inhabilitarlo como testigo..están frenéticos, pasaron como toda la mañana en movimientos..en jugadas legales. No pudieron deshabilitar el testigo. Pudieron inhibir un 20 o 30 por ciento del testimonio. Hubo parte del testimonio,

(J)

VEAN

(6)

EXQUISITECES

por ejemplo, que incluyó conversaciones exclusivamente entre Virgilio y el testigo. Y esas partes son inadmisibles, porque son contra uno de los co-conspiradores que no está presente; por lo tanto no se puede entrar en testimonio.

Ya.

En fin, las reglas de evidencia aquí son rresquisitas. Eh, creo que mañana viene otro, uh, cuviche bomba. No tengo idea. Los únicos dos que yo he podido llegar a saber, son los que se presentó ayer y el que se presentó hoy día. Tienen tres otros, y yo recién ayer no más supe que había un tercero (cough). Y según lo que he escuchado, hay varios otros más infiltrados que están dejando, que no los van a usar. Los van a dejar metidos adentro.

Ummm. ¡ Ay, señor!

Si.

Yo en este momento - Tú me hiciste una pregunta antes y trataré de responderlo. Yo creo que Gene está, eh, totalmente confianzado de que va a ganar. Pero se está viendo el asunto tan enredado y como todavía no tiene idea por donde va a ir la defensa, no sabe que decir. Y está supercansado. Está psiquicamente cansado. Te digo, los seis días que yo estuvo (10) testificando, no creo que hubo más, entre directa y contra, no creo que hubo más de ocho horas de testimonio. Y el resto de esos días fueron puras peleas jurídicas... conferencias jurídicas. Y correr y buscar precedente. Ah, Seymour estaba trabajando en el asunto, Barry trabajando en el asunto, todos....

(Unintelligible question; obliterated by noise)

Con las hijas de él, que quieren conocerme.

Oye. (Cough) ¿ Qué pasó?

Llegó un pajarco raro que se llama Barcelá, fumando un cigarillo y buscando donde sentar, y echar un grito de auxilio. ... Sí, sabe que le acabo de decir que se siente cansado y se siente físicamente enfermo. (In English, in the background: I was just asking what the opinion was about how you felt about the case. I said I don't think they seem to feel bad about the case. I think this is all...) Me está echando, me está echando puteadas Propper ya. Chiao.

Ya, chiao.

(7)
CUBICHE

(8)
PRESENTARON

(9)

(10)
ESTUVE

TRANSLATION FROM SPANISH

Yeah...yeah...and the other shit, confirmed 100 percent; it is for sure that neither Ross nor Ignacio is going to testify.

Yeah....

O SEA → That is, they tried to inhibit the testimony or part of the testimony of one of the Cuban witnesses who was put on the stand today, alleging Sixth Amendment rights, on the grounds that Ignacio was not going to be a witness in the case. In other words,⁽¹⁾ those were statements made to a third person by Ignacio, which would have been used against Guillermo.

Uh huh.

Now then, the law does not permit evidence to be admitted if the source of the evidence cannot be questioned on the witness stand. That is, by a co-conspirator. That is one of the problems among co-conspirators; if they are not put on the witness stand, nothing said among them can be used against them. It is not admissible.

Yeah.

It is very probable, that is, those who, it is...uh, he has a girl helping him...that is, Propper and Barcela have a woman assistant, who is in the case with them...Diane Kelly, and she was here a few minutes ago and she is saying, well, Ignacio...they are not going to testify, and I asked her, "The three of them are not going to testify? None of the three?" She said, "That is how I understood it." That none of the three...uh, that Goldberger, uh, Dubin said that neither of the two was going to appear in order to testify. He said to me: "What I know is that Ignacio cannot testify because they used him as a part of the argument...of the legal argument they made." And as far as Ross is concerned, they would not put him on the witness stand, not even if threatened with a cannon. As far as Ross is concerned..., Barcela or Propper, in five minutes, would have that rooster shouting to half the world, "Yes, Yes, I did it, and what shit do they want?", thumping his chest, and I am proud of it. Ross is a, uh, uh cow."

Yeah.

^{BUT (2)}
Eh, however, what she understood is that none of the three would appear in order to testify.

Yeah.

Now, they are going to try...and they are still trying not to put Guillermo on the stand. Uh, I am saying "Guillermo," ah, "Fernando."

(1) THEREFORE
(2) BUT

Yeah.

And, it seems, however, that a part of my idea would be a failure, because apparently the defense asked the Judge to issue an order that all the witnesses of.. on the list of the prosecution remain at the disposal of the court by order of the Judge.

And that means Mariana also?

Eh, that, they might try to call her as a witness for the defense, yes. They might try. It would backfire...because she is married to me and she could refuse to answer any nonsense. They would not do that. They simply would not do that. They could try to call Fernando. Why? Because good ol' Fernando spent about a month lying, inventing something like four or five different stories...each time a new story. This seedy character was not even able to come up with a single story and remain firm within a single story. So then, there are various 302's concerning the first things of Fernando. (cough by listener). It is excellent. What?

Nothing, nothing, my cough is out of this world.

Yeah.

It would be excellent if they were to put Fernando on the stand... eh, uh, for no other reason except that, eh, how could I put it, uh stir up the chicken coop. This case here is so complex and the jury so ignorant that one of the best defenses at this time is to throw more shit inside and stir it up. Because the moment is going to arrive when the human capacity of the jurymen...of the jury...is not going to be sufficient. And like a computer, they are going to say, there is no more space to store the information...I do not function...I do not compute. This is one of the obvious things that they are trying to do...it is a complicated case and they are trying by all means possible to complicate it even more.

What do you think the decision of the jury may be? (laughs)

Look, I see Proper very...eh, it is that you are going to interpret this the wrong way. In the first place, I see him very tired. Extremely tired. He has spent, let us say, they have spent almost four weeks on the sheer case, let us say, of the prosecution. The defense has been able to rest. They have had, let us say, a month and a half or two months to go about preparing the majority of their questions. They are rested. Proper is tired to the bone and up to here with the whole mess. There has been a tremendous amount of legal battles, because it is a

conspiracy and conspiracies lend themselves to a very great deal of interpretation of the law. The rights of the individuals within the conspiracy...for this reason, they have been screwed and screwed again in the decisions of a legal nature right in front of the judge...in research of the law, previous cases, application of the law and all the rest. In addition, they have a judge who is mentally handicapped and, on top of that, they have a judge who is cantankerous and, on top of that again, they have a judge who has no manners. Under the circumstances....

Hear me, listen....

There is Propper, and there is Barcela, and there is Diano, the three of them are tired. The only thing that they would like to do in this instant is to turn over the case to another person and go take a few days of vacation.

Listen...

Yes...

Mustaro →

This is a recording, courtesy of Judge Parker! (laughs)

Fine, I send him the same shit.

Continuation of the same courtesy! (ha, ha) (laughs)

Yes.. No, I say it openly, openly, including if His Honor... if His Honor Mr. Parker wants to listen; I set myself, I offer at this time to ask friends in all parts of the world, let them call him to threaten him and let him withdraw from the case.

Mustaro →

Yeah....you little fool! (ha, ha) (laughs)

Hmm. Ah, the fact is that this was one of the things which were discussed like so, among friends, with people from the FBI, that is, have as many friends as we all have call...make threatening calls to the Judge for him to withdraw from the case. In short....eh, I see Gene tired and discouraged. I see he is, uh, he does not...if you...if I ask him, and I asked him before lunchtime....I had three or four minutes to talk with him. I asked him: "Are you going to win the case?" And he said to me, "According to all of the ... of the law, we cannot lose it. However, this mess is so complicated and it is so entangled that, with the jury,...I have no idea."

(Other person speaks. Voice obliterated by static and other interference.)

∴ ∴ ∴

Jan 30/79

(Obliterated) but if it turns out that he is shipwrecked and they do not let him loose in time, they will sink to the bottom with the rowboat and all.

← Contreras
↑ Chilean Government

(Chuckle)

It is a horrendous position, absolutely horrendous. These are decisions which, let us say, decisions to be made, which I would not like to be in a position to have to make, not for anything in the world.

And there, they do not dare, either, to "bell the cat." (The idiom implies that it is a risky undertaking)

What? They are to do just that. Let us say, at this moment they are concerned with the trial of these three roosters. After that, they are going to worry about the people there. (interrupted) ...

But, in what form...?

Government (Towhee)
5/17/81 11:20 AM

Since these people here are unable to tie a bell around the neck of Contreras, let us say, how can they shut him up? If Contreras wishes to shout to half the world any amount of shitty stuff...there is no way to stop him. And there the problem lies. And what concerns me, what is of major concern to me is that the Cubans here can be very happy, content, and blissful with the support that they have received and with the friendship which they have experienced. In the first place, they dropped them like shit, but now they are doing what is to be done from over there, the gentleman, fine and dandy, all that you wish, but when they see that they are lost, how far is the chewing gum going to stretch?...How far is the stretch of the chewing gum going to go? And the only other thing as I told you is the, the... I believe that very soon they will have to be stepping on some toes, ..looking for those packages in the gentleman's corner.

Good will
5/17/81 11:25 AM

(Unintelligible question; obliterated by background noise)..... testified.

The fact is that, in the presence of Virgilio and Alvin, they told him of his complicity in the murder and the fact that they explained to him how the device had been armed, and the fact that they had threatened to kill him if he talked in front of the members of the jury...in short, exquisite little things!

And what was the opposition, the prosecution, that is, what did the defense do there?

Concrete

* DROPPED IS WRONG!!!
THE SPANISH TRASLATION
DOES NOT MENTION "DROPPED"
AT ALL. IT MEANS WRAPPED 44

Defense

Referring to Conete

The defense tried by all means possible to inhibit, to disqualify him as a witness..they are frantic, they spent the whole morning in moves..in legal moves. They were not able to disqualify the witness. They were able to inhibit 20 or 30% of the testimony. There was a portion of the testimony, for example, which included conversations which occurred exclusively between Virgilio and the witness. And these portions are inadmissible, because they are against one of the co-conspirators who may not be present; accordingly it cannot be entered into the testimony,

Yeah.

In short, the rules of evidence here are superexquisite. Eh, I believe that tomorrow there comes another, uh, big-bang Cuban. I have no idea. The only ones that I have been able to find out about are those who showed up - one yesterday and one today. They have three more, and I, as recently as yesterday, only knew that there was a third one (cough) and according to what I overheard, there are various others more who are infiltrated, whom they are leaving aside, whom they are not going to use. They are going to leave them inside as jacks-in- the-box. (*)

(CUBICHE DAME) ← another Cuban witness coming tomorrow

Humm. Oh, lord!

Yes. I, at this moment - you asked me a question before and I will try to reply to it. I believe that Gene is, ah, totally confident that he is going to win. But he is seeing that the matter is so entangled and since he still does not have any idea where the defense is going, he does not know what to say. And he is supertired. He is psychologically tired. I tell you, the six days that I spent testifying, I believe that there was no more, between direct and cross, I believe that there was no more than eight hours of testimony. And the rest of these days were sheer legal battles...legal conferences. And running around and looking for precedents. Seymour was working on the matter, Barry working on the matter, everybody....

(Unintelligible question; obliterated by noise)

(**) With his daughters, who wish to meet me.

(Cough) What happened?

(*) SPANISH TRANSLATION DOES NOT SAY: "AS JACKS-IN- THE BOX"

(**) WITH DAUGHTERS OF HIM

There came a rare bird whose name is Barcelá, smoking a cigarette and looking for place to sit and letting out a shout for help.... Yes, he knows, the fact is that I have just told him that you ~~HE~~ feel tired and you feel physically ill. (In English: "I was just asking what the opinion was about how you felt about the case. I said I don't think they seem to feel bad about the case. I think this is all..."). He is giving me, Proper is giving me a lot of crap. Goodbye.

Yeah, goodbye.

Main points of statement:

1. I never have recorded telephone conversations with Mr. Michael Townley Welch; I have never copied them nor reproduced them by any method.
2. Therefore, I have not given a recorded tape to General Contreras or his representatives, to the professionals defending him and neither have I, directly or indirectly, given it to ^{any} another person accused of conspiring in the homicide of Armando **ORLANDO** Letelier.
3. Therefore, any such recording has been illicitly or illegally obtained.

Gustavo Etchepare O.

Mike,

I can't find the official translation of the Etchepare statement, thus along with this unofficial translation, I have included a copy of the original. At least the clients can read it.

L.B.

