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USA v EDUARDO AROCENA

(New York Trial)

S 83 Crim 821 (RJW)

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1 MR. TABAK: No further questions.

2 THE COURT: Thank you, Mrs. Schwartz, you are
3 excused.

4 THE COURT: Who is your next witness?

5 MR. TABAK: The government calls Thomas Menapace.

6 THE COURT: Mrs. Schwartz, would you ask Thomas
7 Menapace to come in, please.

8 (Witness excused)

9 THOMAS C. MENAPACE,

10 called as a witness by the government, having been
11 duly sworn, testified as follows:

12 THE CLERK: Please state and spell your full
13 name.

14 THE WITNESS: Thomas C. Menapace, M E N A P A C E.

15 THE COURT: You may proceed, counsel.

16 DIRECT EXAMINATION

17 BY MR. TABAK:

18 Q. What is your occupation?

19 A. I am a special agent of the FBI.

20 Q. How long have you been an FBI agent?

21 A. Eleven years.

22 Q. To which FBI division are you currently assigned?

23 A. I am assigned to the Newark division of the FBI.

24 Q. How long have you been assigned to the FBI
25 Newark division?

21 Menapace - direct

1 A. Just over six years.

2 Q. What are some of the investigations you have
3 worked on -- strike that.

4 Is there any particular investigation on which
5 you have spent most of your time since 1978?

6 A. Yes.

7 Q. Which one is that?

8 A. The Omega 7 investigation.

9 Q. I direct your attention to the evening of March
10 25, 1979 at about 11:15 p.m. Did anything unusual happen?

11 A. Yes. There were two bombings in the state of
12 New Jersey on that night.

13 Q. How did you learn about those bombings?

14 A. I was at my residence and I received a phone
15 call from my office to the effect that bombs had detonated
16 at a location in Union City known as Alamacen El Espanol
17 and another bomb had detonated at a location at Weehawken,
18 New Jersey, called Programa Cubano which is at 4912 Park
19 Avenue.

20 Q. What if anything did you do after you received
21 this phone call from your office?

22 A. After I was notified that these bombs had gone
23 off, I immediately proceeded to the locations where the
24 bombs had detonated in New Jersey.

25 Q. Where did you go first?

rb t9

22 Menapace - direct

1 A. The first location I went to was Alamacen El
2 Espanol at 36th and New York Avenue in Union City, New
3 Jersey.

4 Q. What did you see at that time at Alamacen El
5 Espanol when you arrived there?

6 A. When I arrived there I had saw that there had
7 been damage to the front of the building, that the front of
8 the, the front door and a picture window in front had been
9 blown out, that there had been some damage to the brick and
10 that the interior of the office had been largely ripped
11 apart, and across the street there was a beauty shop that
12 had a plate glass window knocked out of it.

13 Q. I show you government Exhibits 413 A and 413 B
14 for identification. Do you recognize those?

15 A. Yes, I do.

16 Q. What do those show?

17 A. Exhibit 413 A is from the street looking towards
18 the front of Alamacen El Espanol, and 413 B is a shot of
19 the damage to the interior of the building.

20 Q. Do exhibits 413 A and B for identification
21 fairly and accurately depict the condition of Alamacen El
22 Espanol as you saw it on the late evening or early morning
23 hours of March 25 to 26 1979?

24 A. Yes, they do.

25 MR. TABAK: The government offers Exhibits 413

1 A and B in evidence.

2 MR. AGUILAR: No objections, your Honor.

3 THE COURT: Received.

4 (Government Exhibits 413 A and B for
5 identification were received in evidence)

6 MR. TABAK: With the Court's permission I would
7 like to show these to the jury.

8 THE COURT: Yes.

9 (Pause)

10 Q. In the early morning hours of March 26, 1979
11 what did you do after you left the Alamacen El Espanol
12 location?

13 A. I went to the location of Programa Cubano in
14 Weehawken.

15 Q. What type of business was that, if you know?

16 A. Programa Cubano was a business operated by an
17 individual named JoseEulalioNegrin. I believe its function
18 was to assist Cuban refugees in the United States in
19 different functions.

20 Q. What did you see when you arrived at Programa
21 Cubano?

22 A. The damage to Programa Cubano was considerably
23 more than the damage to Alamacen El Espanol in that the
24 building was located in a block store fronts, and in that
25 instance the entire interior had been pretty much destroyed.

24 Menapace - direct

1 A majority of the plate glass windows and the other store
2 fronts that shared the store front with Programa Cubano had
3 been blown out, and an apartment house of I believe
4 approximately four stories high across the street had had
5 the windows knocked out of the the front of it.

6 Q. I show you Government Exhibits 414 A, B and C
7 for identification and I ask you to look at those.

8 THE COURT: What were those numbers?

9 MR. TABAK: 414 A, B and C.

10 THE COURT: Thank you.

11 Q. Do you recognize those?

12 A. Yes, I do.

13 (Continued on following page)

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1 BY MR. TABAK:

2 Q What do they show?

3 A They show the damage at Programo Cubano on the
4 night of March 25th, 26th.

5 Q Of what year?

6 A Of 1979.

7 Q And I now show you Government's Exhibit 414-D,
8 for identification (handing).

9 Will you tell us what that shows?

10 A Yes. This is a shot taken from the front
11 of Programo Cubano, looking across the street at the
12 apartment house that had the windows knocked out of it.

13 Q And do Exhibits 414-A, -B, -C and -D fairly
14 and accurately depict the condition of the locations that
15 you just testified about as they were on the morning of
16 March 26th, 1979?

17 A Yes, they do.

18 MR. TABAK: The government offers 414-A,
19 -B, -C and -D.

20 MR. FERNANDEZ: No objection, sir.

21 THE COURT: Received.

22 (Government's Exhibits 414-A through 414-D
23 were received in evidence.)

24 MR. TABAK: With the Court's permission, Mr. Green
25 and I will show these to the jury.

1 THE COURT: You may.

2 MR. TABAK: Thank you, your Honor.

3 (Photographs displayed to the jury.)

4 Q Agent Menapace, I'm now going to show you
5 Government's Exhibit 415-A and 415-B, for identification
6 (handing).

xxxxxx

7 (Government's Exhibits 415-A and 415-B
8 were marked for identification.)

9 Q I would ask you to look at the front and back
10 of 415-A as well as 415-B, and I ask you if you reconigze
11 those exhibits.

12 A Yes, I do.

13 Q And what are those?

14 A These items are an Omega 7 communique that
15 was received at the FBI office in Newark, on March 12th,
16 1982.

17 MR. TABAK: The government offers Governments'
18 Exhibits 415-A and -B in evidence.

19 MR. AGUILAR: We have no objection, your Honor.

20 THE COURT: Received.

xxxxxx

21 (Government's Exhibits 415-A and 415-B
22 were received in evidence.)

23 MR. TABAK: Your Honor, may I read this
24 exhibit to the jury?

25 THE COURT: You may.

1 MR. TABAK: This is Government's Exhibit 415-A.

2 (Mr. Tabak reads Government's Exhibit 415-A
3 to the jury.)

4 MR. AGUILAR: Your Honor, if the English is
5 going to be read, I think the Spanish should also be read
6 to the jury.

7 MR. TABAK: I would ask the interpreter to read
8 it and translate it, your Honor.

9 THE COURT: Certainly.

10 (Read by the Interpreter in Spanish, and
11 then in English.)

12 THE COURT: Thank you.

13 The jurors have heard the interpretation.

14 MR. TABAK: With the Court's permission, I would
15 like to show these to the jury, your Honor.

16 THE COURT: You may.

17 (Exhibits 415-A and 415-B displayed to the
18 jury.)

19 Q Agent Menapace, I now direct your attention
20 to the late evening of Friday, September 11, 1981. Did
21 anything unusual happen that evening?

22 A Yes. I was at my residence, and I was contacted
23 by my office and advised that two bombs had detonated in
24 Miami with Omega 7 taking credit. One of these bombs had
25 detonated at the Mexican Consulate in Miami. The other had

1 detonated at I believe in the news magazine, Replica.

2 Q Did anything happen later on the evening of
3 September 11th, 1981 or the early morning hours of
4 Saturday, September 12, 1981?

5 A Yes. On the early morning hours of Saturday,
6 September 12th, I received a second call at my residence
7 to advise me that a bomb had detonated at the Mexican
8 Consulate in New York, and Omega 7 had taken credit for
9 that explosion, as well.

10 Q Did you perform any investigation with regard
11 to the bombing of the Mexican Consulate in New York?

12 A Yes, I did.

13 Q As part of that investigation, did you go
14 anywhere at about nine o'clock in the morning on Saturday,
15 September 12, 1981?

16 A Yes, I did.

17 Q Where did you go?

18 A I went to the car rental facilities at Newark
19 Airport.

20 Q What was your purpose in going to the car rental
21 facilities at the Newark Airport?

22 A I conducted a canvass of the car rental
23 facilities at the airport to determine if any individuals
24 who we had as suspects in Omega 7 bombings had rented
25 vehicles from those locations.

1 Q What, if anything, did you learn at the various
2 car rental agencies at Newark Airport?

3 A I determined that at National Car Rental, that
4 an individual named Eduardo Arocena had rented a vehicle
5 the previous day, and had returned that vehicle to National
6 Car Rental just several minutes before I got there and
7 exchanged it for a second car, because he claimed he was
8 having difficulty with the first car.

9 Q And with whom did you speak at National Car
10 Rental?

11 A The clerk's name is Charlene Heyer.

12 Q I now show you Government's Exhibits 412-A and
13 -B in evidence (handing).

14 Q Do you recognize those?

15 A Yes, I do.

16 Q And what are they?

17 A They are the National Car Rental agreements that
18 were shown to me by Miss Heyer on the morning of
19 September 12th, 1981.

20 Q Did you learn the whereabouts of the car that
21 Mr. Arocena had just returned?

22 A Yes, I did.

23 Q And what did you learn about where that car was?

24 A I learned that it was parked out at the curb
25 just outside the building that is part of the rental

1 facility.

2 Q What condition was the car in?

3 A It hadn't been touched by anyone from National
4 Car Rental at that point.

5 Q Did you do anything with regard to that car?

6 A I requested that no one touch the car or wash it
7 or otherwise handle it.

8 Q To your knowledge, was that request followed?

9 A Yes, it was.

10 Q Now, did you then do anything else?

11 A Yes. I contacted agents, other agents,
12 from the Newark office and agents from the New York office
13 to come to where I was at National Car Rental at Newark
14 Airport to assist me in surveillance.

15 Q And what, if anything, did you do with regard
16 to the inception or the beginning of the surveillance?

17 A At the beginning of the surveillance, I put on
18 clothing consistent -- put on a National Car Rental uniform
19 so I would appear to be an employee of National Car
20 Rental for the purpose of the surveillance.

21 Q Now, did Mr. Arocena return to National Car
22 Rental at Newark Airport on September 12, 1981?

23 A No, he did not.

24 Q And what, if anything, was done with the
25 surveillance during the evening of September 12, 1981?

1 A The surveillance was continued through the night of
2 September 12th into September 13th, 1981.

3 Q Did you personally stay there all night?

4 A No, I did not stay there the entire time.

5 Q Now, what, if anything, did you do on Sunday,
6 September 13, 1981?

7 A On September 13th, 1981, I had changed into
8 casual clothing, open-neck shirt, sport jacket and had
9 obtained a piece of luggage so that it would appear I was
10 a traveler at the facility.

11 Q And where did you go in that dress?

12 A Pardon me?

13 THE COURT: Where did you go when you were dressed
14 like that?

15 A I was at the car rental facility waiting to see
16 if Mr. Arocena would return with the second car.

17 Q And on the afternoon on Sunday, September 13th,
18 1981, who else, if anyone, was participating in that
19 surveillance?

20 A Yes, there were Special Agents Larry Wack,
21 Special Agent Stu Silver, and Special Agent Dennis Terry were
22 present at the airport with me.

23 Q And was there any other representative of the
24 task force?

25 A Yes. I believe Detective Robert Brandt of the

1 New York City Police Department was also there.

2 Q Now, at about 4:18 that afternoon, Sunday,
3 September 13, 1981, did anything happen?

4 A Yes. Mr. Arocena returned with the second
5 vehicle he had rented.

6 Q And how did you know it was Mr. Arocena?

7 A I recognized him from a photograph that I had in
8 my possession that had been previously supplied to me.
9 And I had seen Mr. Arocena on a previous occasion.

10 Q Now, what did you see Mr. Arocena do?

11 A Mr. Arocena returned with the second vehicle,
12 parked it and entered the building which is part of the
13 National Car Rental facility there, settled the transaction
14 with the second vehicle and then walked out of the
15 building to the area of the shuttle bus that transports
16 people from the rental facility to the airline terminals,
17 and indicated that he wanted to take the shuttle bus to the
18 Eastern Airlines terminal.

19 Q What did you then do?

20 A I was standing very close to him during this
21 time from the time he arrived at the National Car Rental
22 facility. And when he got onto the shuttle bus, I got
23 onto the shuttle bus with him.

24 Q Did anybody else get on the bus?

25 A Yes, Agent Dennis Terry also got on the bus.

1 Q How was he dressed?

2 A He was dressed as a National Car Rental
3 employee.

4 Q Then what happened?

5 A The shuttle bus departed the rental area and went
6 up to the terminal area, ultimately stopping at Terminal B,
7 where Mr. Arocena got off of the shuttle bus and I got
8 off of the shuttle bus, as well.

9 Q Then what happened?

10 A He entered Terminal B and walked through the
11 terminal, till he was at the line for the Eastern Airline
12 ticket counter. I was following him during this time and
13 got behind him in line at the Eastern Airlines ticket
14 counter.

15 Q What type of a line was this?

16 A It's, I believe what is commonly referred to as
17 a speed line, that is where you just work your line through
18 a series of ropes until it's your turn to be waited on, and
19 then you go to the next available clerk.

20 Q And then what happened?

21 A The next clerk that came available when it was
22 Mr. Arocena's turn was the clerk that was immediately
23 opposite the opening at the end of the speed line, so it was
24 just necessary for him to take one or two steps forward to
25 handle his transaction.

1 Q And what happened at that point?

2 A He stepped up in front of the ticket agent and
3 requested to purchase a ticket on Flight 3 to Miami. The
4 ticket clerk asked him what name would go on the ticket.
5 And he said A. Medina. And then he spelled it for the ticket
6 agent.

7 The ticket agent then asked him how he would be
8 paying for the ticket. He said "Cash." He paid for the
9 ticket and handed her his luggage.

10 Q What language was this conversation in?

11 A The entire conversation was in the English
12 language.

13 Q And how do you know that's what the conversation
14 was?

15 A Because I was close enough to overhear it. I
16 was standing behind him.

17 Q Now, what happened when Mr. Arocena left the ticket
18 counter?

19 A Immediately after Mr. Arocena received his
20 ticket and walked away from the ticket counter, I stepped
21 up to the Eastern Airlines ticket clerk, identified myself
22 as an agent of the FBI and asked her for the information
23 on the ticket that she had just sold.

24 Q And what information did you get?

25 A They confirmed the information that I had overheard,

1 that is, that the individual had used the name "A. Medina"
2 on the ticket, paid for it in cash and that it was for
3 Flight 3 to Miami.

4 Q Did you look at anything while you were talking
5 with the ticket agent?

6 A Yes. She showed me the ticket.

7 Q Do you know the ticket agent's name?

8 A Yes. I asked her her name and she identified herself
9 to me as Paulette Schwartz.

10 Q I'm going to show you what has been --

11 THE COURT: Have you seen Miss Schwartz here today?

12 THE WITNESS: Yes, I have.

13 THE COURT: Who is she? I mean, did she testify
14 at some point?

15 THE WITNESS: I believe she was a witness prior
16 to I was.

17 THE COURT: Just before you?

18 THE WITNESS: I believe so.

19 THE COURT: Very well.

20 Q I'm now going to show you what has been marked
21 Government's Exhibits 412-C and 412-D, for identification.

xxxxxx

22 (Government's Exhibits 412-C and 412-D were
23 marked for identification.)

24 Q Do you recognize those?

25 A Yes, I do.

1 Q And what are they?

2 A 412-C is an FBI exhibit envelope that I executed
3 that day.

4 And 412-D is a copy of the Eastern Airlines ticket
5 that Miss Schwartz showed me on September 13th, 1981.

6 Q What relationship, if any, did Exhibit 412-C
7 and 412-D have?

8 A 412-C is the exhibit envelope that I actually
9 placed the copy of this ticket into for preservation as
10 evidence.

11 MR. TABAK: Government offers Government
12 Exhibit 412-C and -D in evidence.

13 MR. AGUILAR: No objection, your Honor.

14 THE COURT: Both 412-C and -D received.

15 (Government's Exhibits 412-C and 412-D
16 were received in evidence.)

17 MR. TABAK: Your Honor, may I show these to the
18 jury?

19 THE COURT: You may.

20 (Government's Exhibits 412-C and 412-D were
21 displayed to the jury.)

22 Q AGent Menapace, what did you do when you left
23 Eastern Airlines that morning?

24 A I returned to the National Car Rental facility
25 at Newark Airport.

XXXXXX

1 Q I'm now going to show you Government's Exhibits 412-E
2 and -F, for identification.

xxxxxx

3 (Government's Exhibits 412-E and 412-F were
4 marked for identification.)

5 Q Do you recognize those?

6 A Yes, I do.

7 Q And what are they?

8 A Exhibit 412-E is a photograph of the first
9 vehicle that Mr. Arocena rented and subsequently returned.
10 Photograph Exhibit 412-F is the second vehicle he was
11 provided by National Car Rental after returning the first
12 vehicle with the complaint.

13 Q Do you know who took those photographs?

14 A Yes, I do.

15 Q Who is that?

16 A It was myself.

17 Q And when did you take those photographs?

18 A I took these photographs on the afternoon of
19 September 13th, 1981.

20 MR. TABAK: The government offers Exhibits 412-E
21 and -F in evidence.

22 MR. FERNANDEZ: No objection, your Honor.

23 THE COURT: Received.

xxxxxx

24 (Government's Exhibits 412-E and 412-F were
25 received in evidence.)

1 Q Agent Menapace, do you see here today the man that
2 you followed on September 13th, 1981 who bought the ticket
3 in the name "A. Medina"?

4 A Yes, I do.

5 Q And would you point him out, please?

6 A Yes. He's the gentleman sitting at the back table
7 with the headset on.

8 MR. TABAK: May the record reflect that
9 Agent Menapace has identified the defendant Eduardo Arocena.

10 THE COURT: Yes.

11 MR. TABAK: No further questions.

12 THE COURT: You may cross-examine.

13 MR. AGUILAR: Thank you, your Honor.

14 CROSS-EXAMINATION

15 BY MR. AGUILAR:

16 Q Good afternoon, Agent Menapace.

17 A Good afternoon.

18 Q Agent Menapace, you were assigned to the
19 Newark FBI office in 1978, is that correct?

20 A That's correct.

21 Q And what was your assignment at that time?

22 A My initial assignment when I arrived there was
23 primarily on the LeTellier case.

24 Q And after the LeTellier case, what was your
25 secondary assignment?

1 A The Omega 7 case, plus other bombing cases.

2 Q Okay. When was the first time that you were
3 informed that Eduardo Arocena was a suspect of an
4 investigation?

5 MR. TABAK: Objection.

6 THE COURT: Overruled.

7 A I believe, to the best of my recollection, that
8 Mr. Arocena was developed as a suspect in December,
9 January, 19-- excuse me, December, 1980, January, 1981.

10 Q Okay. He was developed as a, how would you
11 say that?

12 A As a suspect.

13 Q As a suspect.

14 A Yes.

15 Q Did you have a confidential informant working
16 with you at the time?

17 A No, I did not.

18 Q How did you get that information?

19 A That developed through just normal police
20 investigation.

21 Q Did you do that normal police investigation
22 yourself or did someone else do it for you?

23 A Some of it was done by myself. Other of it was
24 done by agents in other locations.

25 Q When did you begin to follow Mr. Arocena?

1 A I never personally followed Mr. Arocena.

2 Q When did the FBI office begin to follow
3 Mr. Arocena?

4 THE COURT: If you know.

5 Q If you know.

6 A Like I answered previously, he became a suspect,
7 a viable suspect in December, 1980, January, 1981. I hope
8 that answers your question.

9 THE COURT: No, his question was, if you're
10 aware of any surveillance, other than what you've
11 testified about already, that was conducted of Mr. Arocena
12 beginning with the time he became a suspect.

13 THE WITNESS: I did not participate in any
14 surveillances of him, myself.

15 Q You say he became a viable suspect. How did he
16 become a viable suspect?

17 A There was an incident at the Cuban Consulate in
18 Montreal in which a bombing occurred. Following this
19 bombing, there was the identification of a rental car
20 crossing the U. S.-Canadian border and violating the border
21 crossing. The car was stopped by U. S. border patrol
22 agents, and the individuals in the car were questioned.

23 As a result of this questioning, there was a
24 strong suspicion -- excuse me, the individuals in the vehicle
25 were Ramon Sanchez from Florida, and an individual by the

1 name of Pedro Remon.

2 Upon this identification, Ramon Sanchez was known
3 to have been involved in anti-Castro activities, and his
4 crossing of the U.S.-Canadian border shortly following the
5 bombing of the Cuban Consulate in Montreal was of interest
6 to us. And we started conducting investigation to identify
7 the other passenger in the car, that being Pedro Remon.

8 Among this investigation that we did to fully
9 identify Mr. Remon was the pulling of his telephone
10 toll records. Through the pulling of his telephone toll
11 records from a former residence of his in New Jersey,
12 we determined that there was a pattern of frequent
13 phone calls between Mr. Remon, Mr. Arocena and Mr. Andres
14 Garcia, and a Mr. Eduardo Losada-Fernandez of Newark.

15 Upon analyzing these telephone toll records
16 further, we noticed that there was a frequency of calls
17 in proximity to known Omega 7 acts.

18 We then, using this information, started to
19 dig deeper into the activities of these gentlemen and found
20 out that Mr. Remon and Mr. Losado-Fernandez had been
21 arrested by the Belleville, New Jersey, Police Department,
22 I believe, on September 24th -- excuse me, September 24th,
23 1980, while attempting to steal a car in Belleville,
24 New Jersey.

25 Upon looking at his toll records in that time frame

10B

1 and talking with the Belleville Police Department, we
2 determined that following his arrest, there were, in the
3 early morning hours, I believe it was around eleven or
4 twelve o'clock at night, I can't recall exactly, that
5 there were a number of phone calls in the early morning
6 hours after his arrest from his residence to Mr. Arocena's
7 residence. This --

8 Q Well, --

9 MR. TABAK: I don't think the witness finished.

10 THE COURT: He has.

11 MR. AGUILAR: Well, I didn't know if he had
12 finished and I was going to say, continue.

13 THE COURT: Very well.

14 A Using this identification of Mr. Remon and his
15 relationship to Mr. Arocena, we then proceeded to identify
16 charge cards that were held by Mr. Remon and by
17 Mr. Arocena and other individuals who we developed as
18 suspects from this expanding investigation as a result of
19 the border incident.

20 When this occurred, we determined that there
21 was a pattern of travel relative to Omega 7 acts. And in
22 particular, the -- what we determined that led me to
23 Newark Airport on the morning of September 12th, 1980,
24 was that we noticed that there was a pattern of car rentals
25 by these individuals in their true names in proximity to

1 Omega 7 acts.

2 Q Are you finished now?

3 A I believe so.

4 Q Okay. Did you contact all the individuals that
5 you just mentioned during your investigation, Remon,
6 Sanchez?

7 A I interviewed Pedro Remon. I interviewed Ramon
8 Sanchez. I interviewed Eduardo Losado-Fernandez. I
9 interviewed Andres Garcia. I believe I had contacts with
10 an individual named Alberto Perez and a Gracia. But
11 I would not say that I did full-blown interviews with
12 them.

13 Q And did you inform these individuals at the time
14 that you spoke with them, the kind of investigation that
15 you were conducting?

16 A Yes, I did.

17 Q Now, can you tell me which of these individuals
18 began to cooperate with you?

19 A None of them did.

20 Q No individual cooperated with you?

21 THE COURT: At that time.

22 MR. AGUILAR: At that time. Yes.

23 Thank you, your Honor.

24 Q And you proceeded to continue your investigation
25 of these individuals, all of them, correct?

1 A Yes, including Mr. Arocena.

2 Q Including Mr. Arocena.

3 Now, the morning of September 11, 1981, you went
4 to Newark Airport, correct?

5 A No, I went to Newark Airport the morning of
6 September 12th, 1981, yes.

7 THE COURT: He was advised of certain things
8 which had occurred on the 11th, but according to his
9 testimony on direct examination, it wasn't until the 12th
10 that he visited the National Car Rental facility at
11 Newark Airport.

12 Is that correct, sir?

13 THE WITNESS: Yes, your Honor.

14 Q And was there any individual at that time on
15 September 11th that informed you that Mr. Eduardo Arocena
16 would be at the airport?

17 A No, no, no one had advised me that he would be
18 there.

19 Q You went out there just on a hunch?

20 A Yes. Well, based on the information I had
21 learned from my previous investigation about the pattern of
22 car rentals in proximity to Omega 7.

23 Q Let me ask you about that investigation. Did
24 you do all the record searching, yourself?

25 A No, I did not.

1 Q Who did that?

2 A It was done by agents in other locations.

3 Q Okay. Do you have the names of those agents?

4 A There were agents in New York on the task force,
5 Special Agent Jim Lyons, Special Agent Larry Wack,
6 Detective Robert Brandt were assigned the investigation
7 in New York City.

8 Q In other words, you were given a synopsis
9 of their investigation as to a pattern that had been
10 established, is that correct?

11 A Yes, that would be accurate.

12 Q Okay, and when was that? Do you remember?

13 A When was I notified of this?

14 Q Yes.

15 THE COURT: I think his question is, when did you
16 first ascertain that there was a pattern of car rentals?

17 Wasn't that your question?

18 MR. AGUILAR: Yes, your Honor.

19 THE COURT: Which were made in proximity to
20 various Omega 7 acts.

21 A I believe I became aware of this -- I cannot put
22 an exact date on it, because it was a continuing
23 investigation with analysis being done on a daily basis.
24 But I would say by the summer, spring, summer of 1980 I was
25 aware that this pattern existed. I cannot put a precise date

1 on -- I don't believe there was a precise date that I
2 sat down and briefed entirely on the entire pattern.
3 It was just being developed on a daily basis as records
4 were analyzed by other agents.

5 Q Okay, and those other agents contacted you.

6 A Yes.

7 Q Do you know how many of these individuals that
8 you mentioned today, Pedro Remon, Ramon Sanchez,
9 Mr. Losado, Mr. Arocena, do you know how many of these
10 individuals went on out to Newark Airport on how many
11 occasions to rent automobiles?

12 A I believe, to the best of my recollection, I
13 believe Mr. Remon rented vehicles on two occasions.

14 A Mr. Jose Julio Gracia rented on I believe one occasion.

15 And I believe Mr. Arocena had rented a vehicle on one
16 occasion.

17 Q Let me ask you this now. Do you remember the
18 number of individuals that you were investigating in this
19 expanding investigation you were conducting?

20 A The number?

21 Q Yes, sir.

22 A Let me think. I could count them for you.

23 Q Go ahead.

24 A Eduardo Arocena; Pedro Remon; Ramon Sanchez;
25 Andres Garcia; Eduardo Losado-Fernandez; Alberto Perez;

1 Jose Julio-Gracia, Jr., and Eduardo Ochoa.

2 Q Eight individuals, and if I get my math correct,
3 these eight individuals rented five times, is that
4 correct?

5 A If that is what I just testified, that would be
6 yes, four or five.

7 Q Four or five.

8 And that established a pattern in your mind?

9 A Pardon me?

10 Q That established a pattern in your mind?

11 A Yes.

12 Q That's half an automobile per person at one time
13 or another, correct?

14 A No, there was one specific individual renting the
15 car.

16 Q Now, let me ask you. Did you continue the
17 investigation of Omega 7 up until the beginning of this
18 trial?

19 A No, I did not.

20 Q When did you cease to be part of that
21 investigation?

22 A I ceased being part of the investigation in
23 February of this year.

24 Q And was that because you were transferred
25 somewhere else?

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1 A Yes.

2 Q Okay. Did you submit any reports concerning your
3 investigation of Omega 7 to either the FBI or to the
4 U. S. Attorney's office?

5 A Yes, I did.

6 Q And those reports that you gave, when were they
7 submitted to your office?

8 A I was writing reports and submitting them to the
9 office of origin, which was the New York office, on a
10 regular basis for a six-year period of time.

11 Q During those six years of investigation, did
12 you finally have contacts with what you perceived to be
13 Omega 7?

14 A Yes, I did.

15 Q And who were your contacts?

16 MR. TABAK: Objection.

17 THE COURT: Sustained.

18 Q Now, those contacts that you had within the body
19 of Omega 7, did they give you information leading to
20 further expansion of your investigation concerning Mr. Arocena?

21 MR. TABAK: Objection.

22 THE COURT: Sustained.

23 MR. AGUILAR: Your Honor, may we have a side bar
24 on this question?

25 THE COURT: No. Next question.

1 Q When you left the office early -- I believe you
2 said this year?

3 A This year, February of this year, I was
4 transferred.

5 Q Were you still having contacts with those
6 persons?

7 MR. TABAK: Obejction.

8 THE COURT: Sustained.

9 MR. AGUILAR: Your Honor, may I have a second?

10 THE COURT: Certainly.

11 (Pause)

12 Q Let me ask you. During your investigation which
13 lasted approximately six years, which you've testified
14 to, was the person that you made contact with Pedro
15 Remon?

16 MR. TABAK: Objection.

17 THE COURT: Sustained.

18 MR. AGUILAR: Your Honor, can we have a side bar
19 on this?

20 THE COURT: He already has testified, among
21 other things that he interviewed Pedro Remon.

22 Is that correct, sir?

23 THE WITENSS: Yes, your Honor.

24 MR. AGUILAR: He also testified that he has a
25 confidential informant or somebody in the organization.

1 THE COURT: That is right. Remember the
2 government has told both of us that he will be coming back.
3 It may be the area of inquiry may be appropriate later.
4 But it is not appropriate now on the basis of what I have
5 heard from this witness so far.

6 MR. AGUILAR: Thank you, your Honor.

7 I have nothing further at this time, your
8 Honor.

9 MR. TABAK: Just a few questions, your Honor.

10 REDIRECT EXAMINATION

11 BY MR. TABAK:

12 THE COURT: Just so I can be certain of it in
13 the presence of the jury, Mr. Tabak, it is the government's
14 representation that Mr. Menapace will be returning to give
15 his testimony with regard to another aspect of this case?

16 MR. TABAK: That's correct, your Honor. I expect
17 early next week or sometime next week.

18 THE COURT: Very well.

19 Q Agent Menapace, has Pedro Remon, Ramon Sanchez,
20 Eduardo Losada-Fernandez, Andres Garcia, Alberto Perez,
21 or Eduardo Ochoa or Jose Julio-Gracia, Jr. ever cooperated?

22 MR. AGUILAR: I object to that question on the
23 same grounds that the government laid before.

24 THE COURT: You objected to this.

25 MR. TABAK: Well, your Honor, the reason that --

1 THE COURT: No, no argument, you objected and
2 I kept it out.

3 MR. TABAK: All right, I withdraw the question.

4 THE COURT: It may be at a later point in time
5 it will be appropriate. You closed the door. I let you
6 close it because I perceived that this witness will be
7 giving subsequent testimony.

8 MR. TABAK: Thank you.

9 THE COURT: You can't close it and open it again.
10 If you want to sit down and tell him he can continue
11 his cross-examination, that's one thing. If you wish to
12 get into this, he asked first, and he's going to have that
13 opportunity.

14 MR. TABAK: Very good. Let me ask a
15 different question, if I might.

16 THE COURT: You're withdrawing that question?

17 MR. TABAK: Yes, your Honor.

18 THE COURT: Very well.

19 Q Do you know where Pedro Remon, Ramon Sanchez,
20 Eduardo Losada-Fernandez, Andres Garcia, Alberto Perez, and
21 Eduardo Ochoa are now?

22 MR. AGUILAR: Your Honor, I'm going to object
23 to that question.

24 THE COURT: That's a little different, I'll
25 allow it.

1 Do you know where they are now?

2 THE WITNESS: Yes.

3 Q Where are they?

4 A In jail.

5 Q What are they there for?

6 A For criminal contempt of the grand jury.

7 Q And how did they commit that contempt?

8 MR. AGUILAR: I'm going to object. That was a
9 court determination.

10 THE COURT: That's correct. Sustained.

11 Q Now, you testified that in your investigation,
12 you learned that Pedro Remon had rented cars around the
13 time of the Omega 7 crimes. Do you remember what either
14 of those crimes was?

15 A To the best of my recollection, the one was
16 the murder of Eulalio Negrin, in which he rented a
17 vehicle from Newark Airport. And the second one was the
18 bombing of the Cuban Consulate in Montreal in December,
19 1980.

20 Q And you mentioned that Mr. Arocena, before
21 September of 1981, had rented a car at Newark Airport
22 around the time of an Omega 7 act. Do you recall what act
23 that was?

24 A Yes. I believe it was around the time of the
25 assassination of Cuban attache, Felix Garcia.

1 MR. TABAK: No further questions.

2 MR. AGUILAR: One question.

3 RE CROSS EXAMINATION

4 BY MR. AGUILAR:

5 Q Do you remember the date of the assassination of
6 Fliex Garcia? If you do not, just say so.

7 A I do recall, sir. Might I have a minute?

8 (Pause)

9 A I believe it was --

10 MR. AGUILAR: Your Honor, I'll withdraw the
11 question.

12 THE COURT: All right, the question is withdrawn.

13 MR. AGUILAR: I have nothing further at this
14 time, your Honor.

15 MR. TABAK: No further questions, your Honor.

16 THE COURT: You're excused at this time,
17 Mr. Menapace.

18 (Witness excused)

19 MR. TABAK: That concludes the government's
20 witnesses. There is one document that is a certified
21 document that the government would offer in evidence which
22 has been marked Government's Exhibit 1, for identification,
23 your Honor, which I believe is a self-authenticating
24 document.

25 THE COURT: Show it to counsel.

1 R O B E R T B R A N D T, called as a witness by
2 the government, being first duly sworn, testified
3 as follows:

4 THE CLERK: State and spell your full name,
5 please.

6 THE WITNESS: Detective Robert Brandt,
7 B-r-a-n-d-t, New York City Police Department.

8 THE COURT: You may inquire, counsel.

9 MR. TABAK: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. TABAK:

12 Q Detective Brandt, how long have you worked for
13 the New York City Police Department?

14 A I will have twenty-two years on October 1st
15 of this year.

16 Q What is your current assignment?

17 A I am a detective assigned to the Joint FBI
18 New York City Terrorist Task Force.

19 Q Are you assigned to any particular case?

20 A The Omega 7 case.

21 Q How long have you been assigned to the Omega 7
22 investigation?

23 A Since 1978.

24 Q Did you do any work regarding Omega 7 before
25 1978?

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1 A Yes, I did.

2 Q Was that your full-time assignment before 1978?

3 A No, it wasn't.

4 Q I direct your attention to the early morning
5 hours of Saturday, September 12, 1981. Did you respond to
6 any particular location?

7 A Yes, I did.

8 Q What did you go to?

9 A I went to the Mexican Consulate in New York City.

10 Q What, if anything, did you see there?

11 A I saw what appeared to be an explosion at that
12 location. I saw windows blown out at the consulate itself,
13 I saw the outer doors of the consulate blown in, I saw
14 the inner doors of the consulate blown in, I saw debris inside
15 the consulate, I saw damage to furniture inside the
16 consulate.

17 Next to the consulate at -- next door to the
18 consulate, there was a map store that had its windows blown
19 out.

20 I saw a business across the street that had its
21 windows blown out. I saw glass outside on the street, and
22 numerous other broken windows.

23 Q Did you arrive before, while or after the bomb
24 went off?

25 A I responded after the bomb went off.

1 Q I am now going to show you what has been marked
2 Government's Exhibits 421-A, -B, -C and -D for
3 identification. Do you recognize those?

4 A Yes, I do.

5 Q What are they?

6 A They are what the scene looked like after I
7 responded.

8 Q Do those photographs fairly and accurately depict
9 the scene as you saw it on the early morning hours of
10 September 12, 1981?

11 A Yes, they do.

12 MR. TABAK: The government offers Government's
13 Exhibits 421-A, -B, -C and -D in evidence.

14 MR. AGUILAR: No objection, your Honor.

15 THE COURT: Received.

xxxxxx

16 (Government's Exhibits 421-A through 421-D
17 for identification were received in evidence.)

18 BY MR. TABAK:

19 Q Detective Brandt, would you tell the jury what
20 photograph Exhibit 421-A shows?

21 A It shows the, as if -- I was inside -- if you are
22 inside looking outside of the Cuban Mission.

23 THE COURT: No, try it again.

24 Q What building was that?

25 THE COURT: You said the Cuban Mission.

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1 A The Mexican Consulate in New York City.

2 Q What does the second photograph show?

3 A Looking, standing in the vestibule of the
4 Mexican Consulate looking inside.

5 Q What does the third photograph show? That is
6 421-C.

7 A The map store directly next door.

8 Q What does Exhibit 421-D show?

9 A A business across the street.

10 MR. TABAK: With the Court's permission,
11 Mr. Green and I will show Exhibits 421-A through -D to the
12 jury.

13 THE COURT: You may.

14 (Pause)

15 Q Detective Brandt, did you go to any other location
16 later on September 12, 1981?

17 A Yes, I did, I went to Newark Airport, to
18 National Car Rental.

19 Q What did you do at National Car Rental at Newark
20 Airport?

21 A I examined and dusted an Oldsmobile Cutlass for
22 latent fingerprints.

23 Q Did you take all of the fingerprints from that
24 particular car?

25 A No, I did not.

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1 Q Who, if you know, took any other prints from that
2 car?

3 A Originally FBI Supervisor Barry Mawn, M-a-h-n,
4 was lifting the fingerprints from that --

5 Q Is that M-a-w-n, if you know?

6 A Yes, it is, correct.

7 Q And what, if anything, did you do while
8 Special Agent Mawn was taking some of the prints?

9 A I was marking the location where the print was
10 lifted from the automobile.

11 Q How did you know what locations they were
12 coming from?

13 A I was assisting him, I was standing right there.

14 Q Do you know, was there any particular reason
15 why you were taking prints from that particular car?

16 A Yes. The defendant, Eduardo Arocena, had
17 rented that automobile.

18 THE COURT: That was your information?

19 THE WITNESS: Yes, sir.

20 THE COURT: Very well.

21 Q I will now show you Government's Exhibits 101 and
22 101-A through 101-P, and I will ask you to look over those.

23 (Pause)

24 Q Do you recognize those items?

25 A Yes, I do.

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1 Q What are they?

2 A They are latent fingerprints lifted from that
3 automobile.

4 THE COURT: From the Oldsmobile Cutlass?

5 THE WITNESS: Yes, your Honor.

6 Q How do you recognize those fingerprint cards?

7 A Well, I note on Exhibit 101-A to 101-E that
8 Barry Mawn's initials appear on them and they are dated.

9 Q Is there any other handwriting on there that
10 you recognize?

11 A Yes, my handwriting indicating the location
12 where the latent fingerprint was lifted.

13 Q When did you write that information on the cards?

14 A As dated, September 12, 1981.

15 Q How long after Special Agent Mawn took those
16 particular prints did you write that information?

17 A Immediately.

18 Q Where were you in proximity to him when he was
19 taking the prints?

20 A Standing next to him.

21 Q How do you recognize Exhibits 101-F through -P
22 for identification?

23 A They all bear my initials. They are dated
24 August 12, 1981 by me --

25 Q What month is that?

1 THE COURT: August 12 is what he said, but he
2 didn't mean it.

3 A They are dated September 12, 1981 by me, and
4 the location where the latent fingerprint was lifted is noted.

5 THE COURT: You are certain of the date, are you
6 not?

7 THE WITNESS: September 12th.

8 THE COURT: Very well.

9 Q Who took the prints that are Exhibits 101-F
10 through -P for identification?

11 A I did.

12 MR. TABAK: The government offers Exhibit 101
13 and Exhibits 101-A through -P in evidence.

14 MR. AGUILAR: Your Honor, if I could just see
15 them, I have --

16 THE COURT: Certainly.

17 (Pause)

18 MR. FERNANDEZ: No objections, your Honor.

19 THE COURT: Received.

20 (Government's Exhibits 101 and 101-A through 101-P
21 for identification were received in evidence.)

22 BY MR. TABAK:

23 Q I direct your attention to the following day,
24 Sunday, September 13, 1981. Did you perform any
25 investigation that day?

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1 A Yes, I did.

2 Q Where?

3 A At National Car Rental at Newark Airport in
4 New Jersey.

5 Q What did you do that day?

6 A I dusted for latent fingerprints on another vehicle,
7 an Oldsmobile Cutlass.

8 Q Did you happen to see how that vehicle came to be
9 at National Car Rental that day?

10 A Yes, I did.

11 Q How did you see that?

12 A I saw Mr. Arocena drive it in.

13 Q How did you happen to be at National Car Rental
14 that day?

15 A I was there on a surveillance waiting for
16 Mr. Arocena to return the car.

17 Q Where were you at the National Car Rental during
18 the surveillance?

19 A I was in a back room looking out a window.

20 Q Is there any particular reason why you stayed in
21 that location?

22 A Yes, I didn't want to be in the open in case
23 Mr. Arocena knew me because I had interviewed many Cuban
24 exiles regarding the Omega 7 case in the past.

25 Q What then happened when you saw him arrive?

1 A I saw him park the car, exit the car, and start
2 to enter National Car Rental.

3 Q What did you then do?

4 A I got out of sight, I hid further.

5 Q Did you do something thereafter at National Car
6 Rental?

7 A Yes, sir.

8 Q What was that?

9 A I dusted another car for latent fingerprints.

10 Q Which car was that?

11 A That was a blue Oldsmobile Cutlass.

12 Q Why were you dusting that car?

13 A Because I had seen Mr. Arocena drive into
14 National Auto Rental with that car.

15 THE COURT: Let me go back one step.

16 According to your testimony, on the 12th you were
17 at Newark Airport and you dusted an Oldsmobile Cutlass for
18 prints; is that correct?

19 THE WITNESS: Yes, sir.

20 THE COURT: On the 13th, you dusted an Oldsmobile
21 Cutlass for prints, were they different vehicles?

22 THE WITNESS: Yes, your Honor, they were.

23 BY MR. TABAK:

24 Q I now show you what has been marked Government's
25 Exhibits 102 and 102-A through -K for identification.

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(Pause)

Q Do you recognize those?

A Yes, I do.

Q What are they?

A They are the latent fingerprints that I lifted off that Oldsmobile Cutlass on September 13, 1981. They are initialed by me and the location where I lifted them is noted.

MR. TABAK: The government offers Exhibits 102 and 102-A through -K in evidence.

MR. FERNANDEZ: No objection, sir.

THE COURT: Received.

xxxxxx

(Government's Exhibits 102 and 102-A through 102-K for identification were received in evidence.)

BY MR. TABAK:

Q Detective Brandt, had you ever seen Mr. Arocena in person before September 13, 1981?

A Yes. No, I am sorry, I never did.

Q How did you recognize Mr. Arocena when he arrived at the National Car Rental?

A I had his Miami driver's license photo.

Q Did you ever see him again after September 13, 1981?

A Yes, I did.

Q Do you see Mr. Arocena here today?

1 A Yes, I do.

2 Q Would you point him out, please?

3 A He is seated to the left of Mr. Fernandez,
4 has a gray suit on and has earphones on.

5 MR. TABAK: May the record reflect Detective Brandt
6 has identified the defendant, Eduardo Arocena.

7 THE COURT: Yes.

8 Q When was the first time, if ever, after
9 September 13, 1981 that you saw the defendant Eduardo Arocena-

10 A Could you repeat that question, please?

11 THE COURT: After September 13, 1981, did there
12 come a time when you saw Mr. Arocena again?

13 THE WITNESS: Yes, there did.

14 THE COURT: When was that?

15 THE WITNESS: That was September 2, 1982 at the
16 grand jury for the Southern District of New York.

17 Q What building was that grand jury being held in?

18 A This building.

19 Q What time of day did you first see Mr. Arocena?

20 A It was in the morning.

21 Q Do you recall seeing anybody else outside the
22 grand jury room that morning?

23 A Yes, I do.

24 Q Who else do you recall seeing that morning?

25 A Pedro Remon, Ramon Sanchez, Eduardo Losada-Fernandez,

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1 Jose Gracia, Alberto Perez, Eduardo Ochoa, Ernesto
2 Rodriguez, and Ricardo Pastana.

3 Q Did you observe any of those individuals in
4 proximity to any of the other individuals you mentioned?

5 A Yes, I did, I observed that Eduardo Arocena and
6 Ernesto Rodriguez were on one side of the courtroom hallway
7 and that the other group were at the other side, and there
8 was no conversation between them.

9 Q Did you stay outside the grand jury room all that
10 morning, September 2, 1982?

11 A Yes, I did.

12 Q Did you remain there the entire morning?

13 A No, I did not.

14 Q What did you do?

15 A I went back to my office at 26 Federal Plaza,
16 and I checked out a camera.

17 Q What did you then do, if anything?

18 A I took photographs of individuals coming towards
19 the building, 26 Federal Plaza.

20 Q Where did you take the photographs from?

21 A I was on the ground floor, shooting through a
22 window.

23 Q What was the reason for taking these photographs?

24 A Identification purposes.

25 Q I am going to show you what has been marked

1 Government's Exhibits 26-A, -B and -C for identification.

2 Do you recognize those?

3 A Yes, I do.

4 Q What are they?

5 A They are photographs that I had taken on that
6 day.

7 Q Who is depicted in those photographs?

8 THE COURT: Start with 26-A.

9 A 26-A, Special Agent James Lyons of the FBI,
10 Andres Garcia, Pedro Remon, Ernesto Rodriguez, Jose Gracia,
11 Larry Wack, Special Agent, FBI, Pedro Remon and Eduardo
12 Ochoa.

13 Q Did you mention Remon twice?

14 THE COURT: Let the court reporter read back the
15 answer.

16 (Record read)

17 A I apparently left out Ramon Sanchez, who is
18 also in here.

19 THE COURT: You mentioned Pedro Remon twice,
20 I was listening the second time, the jurors are nodding their
21 heads.

22 I gather that one of the people you first identified
23 as "Pedro Remon" is Ramon Sanchez?

24 THE WITNESS: Yes, I left out Ramon Sanchez, your
25 Honor.

1 THE COURT: He is the man in the back on the
2 right in what appears to be a blue jacket?

3 THE WITNESS: He is behind Special Agent Larry
4 Wack.

5 THE COURT: Very well.

6 (Pause)

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10 (Continued on next page)

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THE COURT: And the first individual you mentioned to be Pedro Remon, is that to your understanding Pedro Remon?

THE WITNESS: I can just see part of his head, your Honor.

THE COURT: He's in the back of that first photograph.

THE WITNESS: Yes.

THE COURT: Very well.

Q I direct your attention to the individual just to the left as you look at it in the photograph of Larry Wack?

A That's Pedro Gracia. Jose Gracia. I'm sorry.

Q Now, I would ask you to look at Government's Exhibit 26-B, for identification. Can you identify who is in there?

THE COURT: Go from left to right, if you would.

A All right, Special Agent Larry Wack of the FBI.

THE COURT: You have identified the second person from the left. Very well.

A Pedro Remon, Jose Gracia.

THE COURT: Is behind Mr. Remon.

A Eduardo Losada-Fernandez, Ramon Sanchez and Ernesto Rodriguez.

Q And I now direct your attention to Government

1 Exhibit 26-C, for identification. And can you identify
2 who is in that photograph?

3 A Special Agent Larry Wack.

4 THE COURT: All right, you are starting with the
5 individual who is the second from the left, and that is
6 Mr. Wack. All right.

7 A Ramon Sanchez, Eduardo Ochoa, Special Agent
8 Thomas Menapace.

9 THE COURT: He's the gentleman carrying a brief-
10 case or attache case?

11 THE WITNESS: Yes.

12 THE COURT: Very well. He's the one on the
13 right.

14 MR. TABAK: Government offers Exhibit 26-A, B
15 and C.

16 MR. AGUILAR: No objection, your Honor.

17 THE COURT: Received.

18 (Government's Exhibits 26-A, B and C were
19 received into evidence.)

xx 20 Q Now, Detective Brandt, what, if anything, did
21 you do on the afternoon of September 2nd, 1982?

22 A I went back to the grand jury.

23 Q And what, if anything, happened?

24 A I went back to the floor outside the grand jury,
25 that is.

1 And eventually, I walked across the street
2 with the defendant, Mr. Arocena, Special Agent Larry Wack,
3 Ernesto Rodriguez. And that's all.

4 Q And what was the reason for accompanying Mr.
5 Arocena across the street?

6 A We were taking him to our office at 26 Federal
7 Plaza for voice exemplars.

8 Q Anything else?

9 A I'm sorry. It wasn't voice exemplars. It
10 was handwriting exemplars and fingerprings.

11 Q Now, did you personally participate in taking
12 any fingerprints of Mr. Arocena on September 2, 1982?

13 A No, I did not.

14 Q Do you know who did?

15 A Yes. Detective John Haughie.

16 Q Were any voice exemplars taken from Mr. Arocena?

17 A No, there were not.

18 Q Were any handwriting exemplars taken?

19 A Yes, there were.

20 Q And who took those?

21 A Larry Wack.

22 Q And where were you when they were being taken?

23 A In the room, same room.

24 Q Now, after the handwriting exemplars were taken,
25 did you and Agent Wack have any discussion with the

1 defendant Eduardo Arocena?

2 A Yes, we did.

3 Q And in what language was this conversation?

4 A In English.

5 Q And why were you talking to him in English?

6 A We considered him a suspect and a member of

7 Omega 7.

8 Q Why were you speaking in English, rather than

9 Spanish?

10 A I don't speak Spanish.

11 Q Do you know if Mr. Wack speaks Spanish?

12 A He does not.

13 Q And what language did Mr. Arocena speak during

14 this meeting?

15 A English.

16 Q Where did it take place?

17 A At the 28th floor, in the reception area.

18 Q Will you tell us what discussion you and

19 Agent Wack had with Mr. Arocena in the reception room by

20 the FBI office on September 2, 1982?

21 A We told him that we had considered him to be a
22 member of Omega 7. We told him that he had not reported

23 to work on the day of the Garcia homicide. We told him

24 we had other circumstantial evidence that would show that

25 he was a member of Omega 7. We told him that we were

1 not anti-Communist, but we thought that bombings and
2 murders did not accomplish any political goal.

3 We told him to think about it. He said he
4 would like to see a lawyer first. We told him -- we gave
5 him both our business cards. He said he would think about
6 it and he would definitely call us back.

7 Q Did you tell him you were or were not anti-
8 Communist?

9 A We told him that we were anti-Communists.

10 Q Now, what then happened at the end of this
11 discussion?

12 A Mr. Arocena left the office.

13 Q Did you ever see Mr. Arocena again after that?

14 A Yes, I did.

15 Q And when did you next see him?

16 A I saw him on September 24th at the Jet Port Inn
17 in New Jersey, Newark, New Jersey.

18 Q Who was present at that meeting, if anyone,
19 besides you and Mr. Arocena?

20 A Special Agent Larry Wack.

21 Q How did you and Agent Wack come to be at the
22 Jet Port Inn by Newark Airport on Friday, September 24th,
23 1982?

24 A He phoned Larry Wack and said he wanted to talk
25 to us.

1 Q Who phoned him?

2 A The defendant, Mr. Arocena.

3 Q Now, was there any discussion that you and
4 Agent Wack and the defendant had at the Jet Port Holiday
5 Inn on Friday, September 24th, 1982?

6 A Yes.

7 Q And would you tell the jury the substance of
8 what that discussion was?

9 A Basically, it was the same discussion in more
10 detail. We expounded that we were not picking on the
11 anti-Castro groups, that we had worked on other groups, both
12 Communist in nature and anti-Communist in nature. Again we
13 said that we didn't believe bombing in New York or any place
14 else would accomplish any political goals.

15 Q Was there any discussion with Mr. Arocena about
16 any grand jury testimony he had given?

17 A Yes. We told him that he had a problem with
18 the grand jury where we believe he committed perjury when
19 he said he didn't use the name A. Medina.

20 Q What, if anything, did Mr. Arocena say?

21 THE COURT: You just said, "Wherein he believed
22 he committed perjury when he used the name A. Medina."
23 At least, that's the way I heard your testimony. Is that
24 your testimony?

25 THE WITNESS: No, it's not, your Honor. We

1 believed that he committed perjury when he moved -- when
2 he used -- when he denied using the name A. Medina in the
3 grand jury.

4 THE COURT: In other words, you and Agent Wack
5 told him that.

6 THE WITNESS: Yes, sir.

7 THE COURT: All right.

8 Q What, if anything, did Mr. Arocena say?

9 A He said that he was a representative of Omar,
10 the commander of Omega 7, and that he wanted to know what
11 we wanted.

12 We told him that we wanted information on
13 bombings and murders in the New York area.

14 He said he would think about it and invited
15 us back the next day.

16 Q Do you recall any other comment that he made
17 during the meeting with regard to the Medina matter?

18 A He said he knew he had a problem with it.

19 Q Now, --

20 A I do recall one other thing. He said he did,
21 in fact, use that name when he flew out of Newark on
22 September 13th, 1982.

23 Q What year was that?

24 A September 13th, 1981.

25 Q At the conclusion of the discussion on Friday,

1 September 24th, 1982, at the Jet Port Holiday Inn, what
2 happened, if anything?

3 A We made an agreement to come back the next day.

4 Q And did you come back with Agent Wack on
5 Saturday, September 25th, 1982?

6 A Yes, I did.

7 Q And what happened when you got back to the
8 Jet Port Holiday Inn?

9 A We got into the lobby and phoned his room.
10 We went upstairs. We met him and we decided to go to
11 breakfast. So we come back downstairs, got in Larry
12 Wack's car and drove to the Queen Elizabeth Diner in
13 Elizabeth.

14 Q Was he in the same room that he was in the day
15 before?

16 A No, he was in a different room.

17 Q Do you know why?

18 A He said there was a flood in his room and that
19 they moved him next door.

20 Q Did he make any comment to you about that?

21 A Yeah. He wanted to know if we had arranged
22 the flood so we could wire the room that he was put into.

23 Q Had you?

24 A No.

25 Q Now, when you went to breakfast, do you recall

1 what anybody had for breakfast that morning?

2 A Larry Wack and I had eggs, and Mr. Arocena had
3 a cheeseburger.

4 Q Now, did you have any discussion during break-
5 fast?

6 A Yes, we did.

7 Q And what was that about?

8 A We spoke about the Huber Matos group.

9 Q Is that spelled H-u-b-e-r, M-a-t-o-s?

10 A Yes.

11 Q All right. And what, if anything, did Mr.
12 Arocena say about Huber Matos?

13 A He said he thought he was a socialist and a
14 communist.

15 Q And do you know who Mr. Matos is?

16 A Yes, I do. He spent twenty years in Fidel
17 Castro's jail, and he's also the head of a group which
18 translates in English to Cuban independence and democracy.

19 Q Now, what then happened after breakfast at
20 the Queen Elizabeth Diner?

21 A Back into Larry Wack's car, and we went to the
22 hotel and up to Mr. Arocena's room.

23 Q Did you have any discussions with Mr. Arocena
24 when you got to the room?

25 A Yes.

1 Q And what was the discussion that you and
2 Agent Wack and Mr. Arocena had?

3 A Well, he still said he was a representative
4 of Omar.

5 Q Who said that?

6 A The defendant, Mr. Arocena.

7 And we asked him about the Felix Garcia homicide.
8 And he said, "Well, it could have been that Pedro Remon,
9 Eduardo Losada-Fernandez and Andres Garcia did it."

10 Q And was there any further discussion at that
11 point?

12 A Just about that point, I said, "Eddie, are you
13 Omar?"

14 And he said, "Why do you want to know?"

15 And I said, "I want to know who I'm talking to."

16 And he hesitated a second, put his hand up on
17 his head, thought for a while and said, "Okay, I'm Omar."

18 Q Now, did you have any further discussion at
19 that point?

20 A Yes. We asked him if he would cooperate with
21 our investigations. He said he would, to the extent that
22 he would tell us about Petro Remon and his group of
23 Omega 7 -- Pedro Remon's Omega 7 cell group.

24 We asked him who they were. He said Pedro
25 Remon was the leader of the cell, that the cell operated

1 in New York and New Jersey, that Andres Garcia, Eduardo
2 Losada-Fernandez, Alberto Perez and Jose Gracia were
3 members of that cell.

4 Q Now, were there any ground rules that Mr.
5 Arocena wanted for this meeting, for this discussion that
6 he was having with you?

7 A Yes. He said he wouldn't be taped, he wouldn't
8 sign a confession, and he didn't want us to take any notes.

9 Q And at that point when he was saying those
10 things, what, if anything, did you and Agent Wack do?

11 A At that point, we took out an advice of rights
12 form in English. Larry Wack read it to him, the top
13 portion of it. He read it and he signed it.

14 He then took out a Spanish version, same form,
15 which he read and he signed it.

16 Q I'm going to show you what has been marked
17 as Government's Exhibits 2 and 3, for identification
18 (handing).

19 (Government's Exhibits 2 and 3 were marked
20 for identification.)

21 Q Do you recognize those?

22 A Yes, I do.

23 Q What is Exhibit 2 for identification?

24 A It's an interrogation advice of rights form in
25 English.

xx

1 Q And do you recognize any of the signatures on
2 there?

3 A Yes, I do. I recognize Larry Wack's signature,
4 my signature, and the defendant, Mr. Arocena.

5 Q And when did these signatures get put on this
6 document?

7 A They were signed on September 25th, 1982.

8 Q Can you identify Exhibit 3, for identifica-
9 tion?

10 A It's the advice of rights form in Spanish,
11 same thing in Spanish.

12 Q And are there any signatures on there?

13 A Yes, the same signatures appear.

14 Q And when were those signatures affixed to that
15 form?

16 A On September 25th, 1982, at 11:02 hours -- a.m.

17 MR. TABAK: Government offers Exhibits 2 and 3
18 in evidence.

19 MR. FERNANDEZ: No objection, your Honor.

20 THE COURT: Received.

21 (Government's Exhibits 2 and 3 were received
22 into evidence.)

23 MR. TABAK: With your Honor's permission, I
24 would like to read Exhibit 2 to the jury.

25 THE COURT: You may.

xx

1 (Government's Exhibit 2 was read to the jury
2 by Mr. Tabak.)

3 Q Now, can you tell, Detective Brandt, from Exhibit
4 2, the English language rights form, at what time Mr. Arocena
5 started reading it and at what time he finished reading it
6 and signed it?

7 A Yes. He started reading it at 11:02 a.m.,
8 and he stopped reading it at 11:04.

9 Q And at what time did he start reading and at
10 what time did he sign Exhibit 3, which is the Spanish
11 language version of the rights form?

12 A Again at 11:02, he started.

13 Q What time did he start?

14 THE COURT: The Spanish version.

15 Q Exhibit 3.

16 A Exhibit 3, yes. Oh, I'm sorry. He started at
17 11:04 a.m., and he finished at 11:07 a.m.

18 Q After Mr. Arocena read and signed both the
19 Spanish and English rights form, was there any discussion
20 between Agent Wack, yourself and the defendant?

21 A Yes, there was.

22

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(Continued on the next page.)

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ET6A

1 Q And at any point during that discussion, did ² 607
2 anybody start taking any notes?

3 A Yes, Larry Wack started taking notes.

4 Q Did Mr. Arocena say anything about that?

5 A He said, "Hey, Larry, I thought you weren't
6 going to take any notes."

7 Q And what, if anything, did Agent Wack say?

8 A He said, "How am I going to remember all this
9 stuff without taking notes?" And he laughed.

10 THE COURT: Who laughed?

11 THE WITNESS: He smiled.

12 THE COURT: Who?

13 THE WITNESS: Agent Wack.

14 Q All right. And did Agent Wack continue taking
15 notes after that?

16 A Yes.

17 Q And do you know whether the defendant saw
18 Agent Wack continue to take notes?

19 A Yes, he did.

20 Q Did you bring anything with you to this meeting?

21 A Yeah, we had a tape recorder there and cassette
22 tape.

23 Q And what, if anything, did Mr. Arocena say
24 about the tape recorder?

25 A He said, "I told you I wasn't going to be taped."

1 And I said, "I am not going" -- "I would like to play you
2 a tape, I'm not going to take what we say, I would like
3 to play you a tape." And he agreed to listen to that
4 tape.

5 Q I'm going to show you what has been marked as
6 Government's Exhibit 35, for identification, and ask if
7 you can identify this (handing).

xxxxxx

8 (Government's Exhibit 35 was marked for
9 identification.)

10 A Yes, I can. It's a tape which contains a message
11 from Omega 7, which was left at Broad Street in Newark,
12 New Jersey in a phone booth on April 7th, 1980.

13 Q And did you do anything with this tape on
14 Saturday morning, September 25, 1982?

15 A Yes, I played this tape to Mr. Arocena.

16 Q And how can you identify this as one that you
17 played that day?

18 A I initialed it and dated it.

19 Q And when did you put your initials and date
20 on it?

21 A On September 25, 1982.

22 Q And did Mr. Arocena say anything about that tape?

23 A Yes, he did. He said it was the voice of
24 Eduardo Losada-Fernandez.

25 MR. TABAK: Government offers Exhibit 35 in

1 evidence.

2 A After I --

3 THE COURT: Wait, wait.

4 Any objection?

5 MR. FERNANDEZ: No objection, your Honor.

6 THE COURT: Received.

7 (Government's Exhibit 35 was received
8 in evidence.)

9 Q Now, what, if anything, did you do with the tape
10 recorder during the rest of the meeting?

11 A Mr. Arocena said, "Are you taping me?" And I
12 said, "To prove it, I'll take the batteries out," which I
13 did.

14 Q Now, after the rights forms were signed, did you
15 and Agent Wack have any discussion with Mr. Arocena?

16 A Yes, we did.

17 Q And what was that discussion about?

18 A First discussion we had with him that was --
19 we asked him who killed Felix Garcia. He said that he
20 participated in the surveillance that eventually led
21 to Pedro Remon machinegunning Mr. Garcia to death, and
22 Losada-Fernandez was involved and Andres Garcia was
23 involved. He said that he was in a rented car at the time
24 of the shooting. He was not on the scene. He said that
25 Pedro Remon was in the back seat of a stolen car and that

1 Andres Garcia and Losada-Fernandez was in the front seat
2 of a car when they started to surveil Felix Garcia
3 from the Cuban Mission.

4 I have to get back to prior to that. They had
5 saw the chauffeur, Felix Garcia, enter his -- that same
6 vehicle with four other Cubans. They conducted a
7 surveillance in those two cars and they eventually lost
8 the Garcia car. They then returned to the Cuban Mission,
9 later saw Mr. Garcia enter the stationwagon he was driving
10 and proceeded to Queens, New York, with Pedro Remon,
11 Andrew Garcia and Losada-Fernandez in the stolen vehicle,
12 Eddie Arocena in his rented vehicle. Eddie Arocena
13 became -- he lost the Pedro Remon car and proceeded back
14 to Newark Airport.

15 Q Before he lost the car, before he lost sight of
16 the car, did he have any interchange with the other car,
17 with the Remon car?

18 A Yes, he did. Somewhere in Queens, he said he
19 decided that Garcia was leading him nowhere. He then
20 decided to stop the mission.

21 He slightly backed into, nudged the car in front
22 of him which Pedro Remon was in and Losada-Fernandez and
23 Garcia. He waited until Pedro Remon looked at him from
24 the back window and he put his hand up in the air,
25 clenched his fist and put his thumb down as such, and then

1 waved his hand, which he told us indicated a signal to
2 abort the mission.

3 He said Pedro Remon clenched his fist and pointed
4 his thumb up in the air, which meant to him that Pedro was
5 going to go ahead with the mission.

6 Q And did Mr. Arocena tell you why he wanted to
7 not to have the mission go forward at that point?

8 A Yes. He said he didn't want to kill one Cuban,
9 he wanted to kill five Cubans.

10 Q Did he tell you that he did anything else after
11 that, to try to stop Remon from going forward?

12 A No, he later became lost in traffic. He lost
13 the Remon car and went back.

14 Q Did Mr. Arocena then tell you about anything
15 further he learned about that Garcia incident?

16 A Yeah, he said that sometime later, he went to
17 Losada-Fernandez' business, which is a fruit Meat King
18 grocery store, butcher store in Newark, New Jersey, where
19 he met with the other individuals and that they told him
20 that Pedro Remon machinegunned Garcia with the Mack 10
21 that he had, that Pedro Remon had, and that Garcia and
22 Losada-Fernandez was there in the parking lot during the
23 conversation.

24 Q And when did Mr. Arocena tell you that this
25 conversation in the parking lot about the murder took place

1 in relation to the time of the murder?

2 A He said it was -- I believe he said a couple of
3 hours later.

4 Q Now, were there any other murders that
5 Mr. Arocena told you about on Saturday morning, September 25,
6 1982?

7 A Yeah. He told us about the murder of Jose Negrin.
8 He said that him being commander of Omega 7 had ordered the
9 death of Negrin.

10 Q Who was the commander of Omega 7?

11 A The defendant, Eduardo Arocena.

12 Q Did he tell you why he had ordered Mr. Negrin's
13 death?

14 A He said Mr. Negrin was Communist and that they
15 had surveilled him to the Cuban Mission in New York City.

16 Q What did he tell you about how Mr. Negrin came
17 to die?

18 A He said that Pedro Remon again was the shooter
19 with the same Mack 10 machinegun that was used on Felix
20 Garcia, and that Andres Garcia was the chauffeur who drove
21 the car from which Pedro Remon machinegunned Mr. Negrin.
22 He said it was a stolen car in the area that they had put
23 there for that purpose. But he wasn't sure what car
24 they actually used.

25 Q And did Mr. Arocena tell you how he had learned who

1 had done the murder?

2 A He said they told him.

3 Q And did he ^{mention} venture anything else that Andres
4 Garcia had said after the murder?

5 A Yes. He said Andres Garcia was concerned that
6 a woman looking out a window had seen them, and he also said
7 that Pedro Remon always wore a mask after these actions --
8 during these actions.

9 Q Now, were there any other murders or attempted
10 murders that Mr. Arocena told you about on Saturday,
11 September 25, 1982?

12 A I had two conversations with the defendant
13 Mr. Arocena on these subjects. One was on the 25th at
14 the Jetport Holiday Inn, and another conversation about
15 the same subjects were held at the Ramada Inn in Miami,
16 Florida. I may not be getting them as to which day it
17 was said. I'm telling you what he told me about these
18 particular cases.

19 Q All right, well, between those two interviews
20 that you had with Mr. Arocena, did he tell you about any
21 other murders or attempted murders by Omega 7?

22 A Yes, he did. He told me that the group had
23 ordered -- had planned and he had ordered that Ramon Sanchez-
24 Parodi, who is the Ambassador to the Cuban Intersession ^{+ Section} in
25 Washington, D.C., be murdered. So he drove -- prior to

1 that -- well, at one time haddrove Pedro Remon and Losada-
2 Fernandez to Belleville, New Jersey. They were going to
3 steal a car, which was to be used in that plot to kill
4 Mr. Parodi.

5 He told me that Pedro Remon and Losada-Fernandez
6 had been drinking prior and that when he arrived at a
7 location to steal the automobile in Belleville, they got
8 out and started to attempt to steal an automobile. He saw
9 a woman looking out a window and said -- told them not to
10 do it. He then said he drove way to make a phone call and
11 when he come back, he saw that Pedro Remon and Losada-
12 Fernandez were under arrest by uniformed police officers --
13 by police officers, I don't know if they were uniformed.
14 And he felt there was nothing he could do, so he drove away.

15 Q Now, did you also have any discussion with
16 Mr. Arocena about any remote-control bombs?

17 A Yes, I did. We discussed the Raul Roa
18 attempted murder on 81st Street in New York City. He said
19 that plot involved a long surveillance prior to the
20 attempt happening. Surveillances were being made at the
21 Cuban Mission in New York City.

22 And on the day of the attempt, he, Pedro Remon,
23 Andres Garcia, Losada-Fernandez were in the vicinity of the
24 Cuban Mission. They saw the Ambassador Roa's car double-
25 parked outside the Cuban Mission. Utilizing a van and a

1 truck which belonged to Losada-Fernandez to block the area
2 around the car, Pedro Remon went to the rear of the car,
3 placed a remote-control bomb fixed with magnets to the
4 gas tank of the Ambassador's car. The chauffeur was
5 still in the car.

6 They followed the chauffeur shortly thereafter to
7 Ambassador Roa's residence on 81st Street. They saw the
8 chauffeur pull up to the front of the residence, attempt
9 to pull into a parking spot and the chauffeur's car
10 banged into another car, bumpers touching, and they saw
11 the device, the bomb, fall off the car, land on the
12 ground.

13 He said at one point the Ambassador and the
14 chauffer were standing next to the car and that the
15 chauffeur and the Ambassador were pointing to the bomb.

16 Mr. Arocena had the transmitter to detonate the
17 bomb in his hands. Pedro Remon was standing next to him,
18 telling him to blow the bomb.

19 At that time, some children were passing by and
20 Mr. Arocena decided not to blow up the bomb. He told us
21 that two other individuals were involved in surveillance,
22 that was Jose Gracia and Alberto Perez.

23 Q Did Mr. Arocena tell you anything about what
24 happened with the remote-control transmitter that he had
25 been holding that day?

1 A He said he still had it and it was down in Miami.

2 Q Did he say anything further about it?

3 A Yeah, he said he could get it for us.

4 Q Now, did you discuss any particular bombings
5 with Mr. Arocena?

6 A Yeah, I discussed the Mexican Consulate bombing
7 with him, which occurred in New York City on September 12th,
8 1981. He said that he and others did that bomb.
9 He said he had made that bomb and all bombs with the exception
10 of the Roa bomb, the remote-control bomb.

11 He said he was, getting back to the Mexican
12 Consulate bomb, he was standing making observations, him
13 and others were making observations from the library steps
14 across Fifth Avenue from which you can see the Mexican
15 Consulate. He had to wait a long time to the wee hours of
16 the morning, because he saw a woman and a man jumping a
17 car, jumping two cars. He was stalled, apparently, and
18 the other he was jumping it. He had to wait and finally
19 they were able to accomplish the bombing.

20 Q Now, did you have any discussion with Mr. Arocena
21 about the Aeroflot bomb?

22 A Yes. He said that the Aeroflot bomb was actually
23 placed -- put in front of Aeroflot by Remon and that
24 Andres Garcia was his back-up and driver. He said that
25 Pedro Remon told him that when he put the bomb down,

1 the officer was drawing for a gun, and Pedro took a shot at
2 the police officer.

3 Q Did you discuss that with Mr. Arocena?

4 A Yes.

5 Q And what did he say further about that, if
6 anything?

7 A I told him that the officer never went for
8 his gun and that the officer never knew he was even shot at.
9 And he said, "Pedro Remon lied to me again."

10 Q Now, --

11 A He said he made that device, made that particular
12 bomb.

13 Q Who made it?

14 A Mr. Arocena.

15 A Now, did the defendant also discuss with you the
16 Ivan Shepetkov bomb?

17 A Yes, he did. He told me that he and Virgilio Paz
18 built that bomb, and that he was a Scuba diver, he told me,
19 and that he got into the water and the ship at that time
20 was in Port Elizabeth, in New Jersey, docked. He got in
21 the water and went down. The bomb consisted of two magnets,
22 and at one point while he was underwater, the magnets stuck
23 together and he had a tough time getting them apart. So
24 he had to go to the surface again and that there was a
25 guard pointing at him, yelling at him to get out of the water.

1 When he went down, he placed the device and it went off
2 after he got away.

3 Q What was the "Ivan Shepetkov"?

4 A That was a Russian ship docked in Port Elizabeth,
5 being loaded or unloaded.

6 Q Did you have a discussion with Mr. Arocena
7 about the TWA bombing at Kennedy Airport?

8 A Yes. He told me that he and Pedro Remon went
9 to the airport, bought a ticket in a fictitious name,
10 checked the luggage in. He said he got there late. He
11 got there not too much time -- not too much time before the
12 plane was scheduled to leave. They checked the luggage
13 and they left the area. He said that Pedro -- he told
14 Pedro Remon to make phone calls along Queens Boulevard,
15 notifying the terminal, TWA and eventually the police,
16 that there was a bomb on the plane. He said the reason
17 he did that was because TWA was contracting airplanes to
18 fly to Cuba. The reason they did Aeroflot, Aeroflot is a
19 Soviet airline.

20 Q Now, did Mr. Arocena tell you who built the
21 remote-control portion of the bomb to be used against
22 Ambassador Roa?

23 A Yes. He discussed that and he told me that
24 Pedro Remon and Lino Gonzalez built it.

25 Q Who built it?

1 A Pedro Remon -- I'm sorry. He told me that
2 Ramon Sanchez built that bomb with the help of Lino
3 Gonzalez.

4 Q And did he say anything about what the bomb
5 was originally intended for?

6 A Yeah. The bomb was originally built to kill
7 Fidel Castro when he came to New York in 1979 -- October
8 of 1979 to speak at the U. N.

9 Q And did Mr. Arocena tell you what happened with
10 the bomb when Castro was in New York in October of 1979?

11 A Yeah. He said the reason ~~he~~ couldn't get at
12 Castro was because the security was too tight.

13 However, he said he had one place that he
14 knew Fidel was going to go to while he was in New York.
15 He said he waited at that place for several days. He wouldn't
16 tell me where that place was. And the explanation he gave
17 me was that, "I may have to use it again, so I am not
18 telling you where that place is."

19 Q And did he say what he did or what was done
20 with the remote-control bomb after Fidel Castro left
21 New York in October of 1979?

22 A Yeah, he said he took it apart and stored it and
23 eventually that was the same bomb that was used in the Roa
24 attempt.

25 Q Did Mr. Arocena ever tell you where any portions

1 of the bomb were assembled?

2 A Yes. He said that the bomb was assembled a week
3 or two prior to Fidel Castro's visit at the Jetport Holiday
4 Inn in Newark, Elizabeth, New Jersey.

5 Q And did he tell you anywhere else that any part
6 of that bomb, the one in the attempt against Ambassador Roa,
7 was actually put together?

8 A Yes, he said the electrical portion was put
9 together at Jetport Holiday Inn and it was finished off at
10 Fernandez Fruit Meat King in Newark, New Jersey.

11 Q Now, did you also have any discussion with
12 Mr. Arocena about the Cuban Nationalist Movement?

13 A Yes. I asked Mr. Arocena if the Cuban Nationalist
14 Movement was ever part of Omega 7. He said no. He said
15 at one time, he stole some explosives from the Cuban
16 Nationalists by having someone make a phone call where
17 he knew where the explosives were and watching them carry
18 it out and get rid of it wherein he picked it up.

19 In any event, some of the explosives included
20 a Black C-4 explosive, which was also part of the Roa
21 attempt.

22 Q Now, did Mr. Arocena tell you where any
23 explosives were currently located, as of September 25,
24 1982?

25 A Yes. He told us that Pedro Remon's group --

1 Pedro Remon lived in Miami by that time. His group had
2 six to eight hundred pounds of explosives, and that he
3 thought he could -- he agreed to and thought he could find
4 those explosives for us.

5 MR. TABAK: Your Honor, I'm prepared to go
6 now to a subsequent meeting. I can either proceed now or
7 perhaps the Court would want to take a break now. We can
8 go either way.

9 THE COURT: We'll take a recess at this time.

10 Ladies and gentlemen, we'll take our afternoon
11 recess. Please don't discuss the case among yourselves,
12 and continue to keep an open mind until you have heard all
13 of the evidence.

14 We'll take a break of approximately ten to
15 fifteen minutes.

16 The jury is excused.

17 The witness may step down.

18 THE WITNESS: Thank you, Judge.

19 (The jury left the courtroom)

20 THE COURT: Counsel are excused for recess.

21 MR. FERNANDEZ: Thank you, your Honor.

22 (Recess)

23
24 (Continued on next page)

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(In open court, jury present)

THE COURT: You may proceed, Mr. Tabak.

MR. TABAK: Thank you, your Honor.

BY MR. TABAK:

Q. Detective Brandt, how did the meeting on September 25th, that Saturday, 1982, end?

A. It ended with, we agreeing that we would meet again the next day at the same place.

Q. Did you in fact and Agent Wack meet with the defendant, Mr. Arocena, on Sunday, September 26, 1982?

A. Yes, we did.

Q. Where did you meet with him?

A. We met him at the Jet Port Holiday Inn, in Newark, New Jersey.

THE COURT: The same place you had met the previous day?

THE WITNESS: Yes, your Honor.

THE COURT: Very well.

Q. I am going to show you Government Exhibit 36 for identification. Do you recognize that?

A. Yes, I do.

Q. What is that?

A. It is a cassette of Omega 7 credit calls.

Q. What if anything did you do with that tape on Sunday, September 26, 1982?

1 A. We played this tape to the defendant, Eduardo
2 Arocena.

3 Q. How do you know that this is the tape that you
4 played to him that day?

5 A. I initialed it and dated it.

6 Q. What if anything did he tell you about the tape
7 after he listened to it?

8 A. He said it was the voice of Pedro Remon on all
9 the conversations.

10 MR. TABAK: The government offers Exhibit 36 in
11 evidence.

12 MR. AGUILAR: We have no objection if the tape
13 is going to be played.

14 THE COURT: I don't think you can fairly
15 indicate that. Either you have an objection or you don't.
16 The government may choose to play the tape at this time, it
17 may hold it, I don't know.

18 MR. AGUILAR: Your Honor, our objection goes to
19 the fact that we believe, as to the testimony of the
20 detective, that there are some recordings on there. We
21 don't know and we would not object to the tape being
22 introduced at this time if we are going to be hearing the
23 tape.

24 MR. TABAK: We do intend to play it once it gets
25 into evidence.

1 MR. AGUILAR: Then we have no objection.

2 THE COURT: Exhibit 36 is received.

3 (Government Exhibit 36 for identification was
4 received in evidence)

5 THE COURT: Exhibit 36 is received. It is now
6 going to be played by the government.

7 (Government Exhibit 36 in evidence was played)

8 BY MR. TABAK:

9 Q. Aside from your discussion with Mr. Arocena in
10 which he said that was Pedro Remon on those calls, did you
11 have any other discussion with Mr. Arocena at the Jet Port
12 Holiday Inn on the morning of Sunday, September 26, 1982?

13 A. Yes. Mr. Arocena told us that there was a feud
14 between him and the Pedro Remon group, and that he had
15 heard that they were going to kill him.

16 He said that the one he was really afraid of was
17 Ramon Sanchez because Ramon Sanchez could build a remote
18 control bomb, and put it under the car. That's the only
19 way he thought they could get him.

20 We became alert for security reasons, and we
21 discussed it with Mr. Arocena. We all jointly decided to
22 move to a different hotel, at least have Mr. Arocena move
23 to a different hotel.

24 Q. Did you also have a discussion with the
25 defendant, Mr. Arocena, about his situation vis-a-vis

1 criminal prosecution?

2 A. Yes. We told him, when he asked -- he asked me --
3 he said, Bob, how much time am I going to get.

4 And I said, Eddie, it is not up to me, it is up
5 to the AUSA and the judge, and I will speak to the
6 Assistant US Attorney regarding your cooperation.

7 Q. What does AUSA stand for?

8 A. Assistant US Attorney.

9 Q. After you had the discussion in which he voiced
10 concern that the Remon people were after him, what if
11 anything did you do?

12 A. Mr. Arocena checked out of the hotel, we went
13 down into the lobby. Larry Wack called the office to tell
14 them -- to tell our superiors that we were coming into the
15 office with Mr. Arocena.

16 And I went up to the passenger side of Mr.
17 Arocena's rented vehicle. He went to the driver's side,
18 opened the door, started to get in and said, wait until I
19 start the car before I open the door for you.

20 I said, it is too late now, if we are going to
21 get blown up I might as well go with you, so open the door.

22 He started the car, then he opened the door.

23 Q. When he left the room at the Holiday Inn to
24 check out, did you observe him do anything when he left the
25 room?

1 A. Yes, I did. The last thing he did upon leaving
2 was to take his, the lining of his jacket and put it on the
3 door handle of the hotel room and wipe it.

4 In fact, I remember commenting, what are you
5 doing that for.

6 He says, it's a habit, we always do that.

7 Q. Do you know what the purpose was in wiping the
8 door handle with the lining of the jacket?

9 A. To remove all fingerprints.

10 Q. Where did you and Mr. Arocena then go?

11 A. We returned -- we went to Newark Airport to
12 return Mr. Arocena's rented automobile. My partner, Agent
13 Wack, was in another -- his own vehicle behind us following
14 us.

15 Q. And then what if anything happened?

16 A. We returned the vehicle, that is, Mr. Arocena
17 and I drove into the auto rental facility, and I waited
18 outside while Mr. Arocena went in.

19 He came outside, and him and I got into Agent
20 Wack's vehicle and we drove into Manhattan.

21 Once into Manhattan, we stopped to get something
22 to eat on Sixth Avenue, being a Sunday, it was a little
23 hard to find a spot that was open.

24 We had something to eat and we went to my office,
25 26 Federal Plaza, the FBI office.

1 Q. What happened at 26 Federal Plaza?

2 A. We met there with supervisor, FBI supervisor
3 Barry Mawn, police supervisors Kevin Hallinan,
4 H A L L I N A N, and Sergeant Dan Linehan, L I N E H A N.

5 Q. How do you spell that?

6 A. L I N E H A N.

7 Q. Was there any discussion among Sergeant Linehan,
8 FBI supervisor Mawn, Mr. Hallinan, yourself, Larry Wack and
9 the defendant, Eduardo Arocena, at the FBI office?

10 A. Well, we spoke to the supervisors first, and we --
11 Mr. Arocena wasn't there when we were speaking to him.

12 THE COURT: The question was, did there come a
13 time when there were discussions at which Mr. Arocena was
14 present.

15 THE WITNESS: Yes, yes, there were.

16 Q. What was -- who was present during that
17 discussion?

18 A. The people you mentioned.

19 Q. What was said during this meeting with
20 supervisor Barry Mawn and yourself and Agent Wack and the
21 defendant and the other people?

22 A. It was discussed about Mr. Arocena going back to
23 Miami, trying to locate the 6 to 800 pounds of explosives
24 and the transmitter for the remote control bomb used on the
25 Roa incident.

1 Q. Was there any discussion in this meeting about
2 Mr. Arocena testifying?

3 A. Yes, he was asked to testify by Barry Mawn, I
4 believe. He still said he didn't want to testify.

5 Q. Did he say he was going to do anything else?

6 A. He was going to cooperate in any way he could to
7 convict the New York bombers which included Pedro Remon,
8 Losada Fernandez, Andres Garcia, Alberto Perez, Jose Gracia
9 and Eduardo Ochoa.

10 Q. During this discussion was there any mention of
11 where Mr. Arocena was going to go to look for the
12 transmitter and the explosives?

13 A. Yes, he was going to go back to Miami to try and
14 locate those items.

15 Q. Was there any discussion about what was going to
16 happen when he finished looking for them?

17 A. Yes. When he finished looking for them he was
18 going to come back to New York with Larry Wack and myself.

19 Q. Did Mr. Arocena make any comment about that when
20 he was told that?

21 A. He told me that, when I come back I got to come
22 back in handcuffs because I can't be seen with you guys
23 getting on an airplane.

24 Q. What if anything then happened after this
25 meeting on Sunday, the 26th of September 1982?

1 A. Mr. Arocena said that he wanted to go see his
2 mother that night.

3 We went to Hertz Rental Car in Manhattan and
4 Larry Wack rented an automobile for Mr. Arocena's trip.

5 Q. Was there any discussion between you and the
6 defendant while Agent Wack went in to rent a car?

7 A. Yes, there was.

8 I asked Mr. Arocena if he ever did any actions
9 against Manuel Dedios.

10 Q. D E D I O S?

11 A. Yes.

12 Q. Who is Mr. Dedios?

13 A. Mr. Dedios was and still is employed as a
14 reporter for El Dario La Prensa, a Spanish published daily
15 newspaper.

16 THE COURT: Where?

17 THE WITNESS: In New York City.

18 Q. What did Mr. Arocena tell you, if anything,
19 about Mr. Dedios?

20 A. Oh, yes, we tried to get him, we tried to kill
21 him; one time I sent Pedro Remon and someone else into a
22 bar down the street from where he works and they were going
23 to get him.

24 Arocena said he was outside in a stolen car. He
25 said shortly after Remon and the other person went into the

1 bar the automobile stalled, he couldn't get it started, so
2 he left the vehicle, went to the window outside the bar and
3 motioned for Pedro and the other person to come outside.

4 They then left the area.

5 Q. Did Mr. Arocena tell you why he wanted Mr.
6 Dedios killed?

7 A. Yes, he said that Dedios was a communist and he
8 was a member of the committee of 75, which I already knew.
9 I mean, I knew he was a committee -- I knew he was a member
10 of the committee of 75. I don't consider Mr. Dedios a
11 communist.

12 Q. What is the committee of 75?

13 A. The committee of 75 was a group of Cuban
14 anti-Castro and other people, and other Cuban exiled people
15 who formed a committee to get prisoners out of Cuba, people
16 out of Cuba, and to establish a formal relationship with
17 Fidel Castro.

18 Q. Did you have any additional discussion with Mr.
19 Arocena while you were waiting for Larry Wack to rent the
20 other car?

21 A. Yes, I did. I asked him about an individual by
22 the name of Jose Tenreiro, T E N --

23 Q. T E N R E I R O?

24 A. Yes. I knew that Mr. Tenreiro was a member of
25 the Cuban nationalist movement and he was their press

1 coordinator.

2 I had been involved in an investigation with Mr.
3 Tenreiro a year or so prior. And Mr. Tenreiro was found
4 guilty of perjury at the Southern District of New York, and
5 was sentenced to three years regarding a Omega 7 document
6 that he had sent to a person in Puerto Rico.

7 He denied doing it, was found, the jury found
8 that he did do it and sentenced him to three years.

9 THE COURT: The jury didn't sentence him, the
10 judge did, right?

11 THE WITNESS: That's correct, your Honor.

12 Q. What did you ask Mr. Arocena about the Tenreiro
13 situation?

14 A. I asked him why would Mr. Tenreiro go to jail
15 just for sending a card bearing a Omega 7 sticker. And I
16 said, all he had to do was say, all right, I mailed it. I
17 didn't think that was much of a crime.

18 He said, well, he didn't have permission to
19 claim to be Omega 7, and when someone claimed to be Omega 7
20 and in fact they weren't, they would be murdered by Omega 7.

21 So Jose Tenreiro had a choice of being murdered
22 or going to jail for three years.

23 Q. After Mr. Arocena told you this and the other
24 car was rented, then what happened?

25 A. We checked in at the Westbury Hotel in New York

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11 Brandt - direct

1 City.

2 Q. How many rooms were rented?

3 A. There was two rooms rented.

4 Q. Under what names were they rented?

5 A. Well, as we were entering the Westbury Hotel we
6 suggested that we use fictitious names for security reasons.7 Mr. Arocena said, what name should I use, and
8 Larry Wack said, use any name.

9 So he said, Mr. Arocena said, how about Medina.

10 And we didn't say anything. He eventually
11 registered in the name Medina, and Larry Wack also used a
12 fictitious name, Bob Martin, I believe it was.

13 Q. What happened after the rooms were obtained?

14 A. We went upstairs, Mr. Arocena said he wanted to
15 see his mother, Larry Wack give him the keys to the car, he
16 went downstairs.17 Before he left he said he would be back, I
18 believe it was around, I believe he said he would be back
19 around 11:00.20 He gave us the phone number of his mother in
21 Jersey, and he left.22 Q. Did Mr. Arocena in fact return later on the
23 evening of Sunday, September 26, 1982?24 A. Yes, he called first and said he would be a
25 little late, but he eventually did come back.

1 Q. Who met with Mr. Arocena at that time when he
2 returned?

3 A. While Mr. Arocena was away Special Agent Tom
4 Menapace of the Newark office of the FBI and Special Agent
5 James Lyons of the New York office came to the room.

6 Q. Who if anyone did Mr. Arocena meet with when he
7 returned at around 11:00 on Sunday night, September 26th,
8 1982?

9 A. When Mr. Arocena returned we introduced him,
10 both Lyons and Menapace, to Mr. Arocena, and we told him
11 that Special Agent Lyons was a bomb technician and wanted
12 to speak to him about actual bombs, and that Special Agent
13 Menapace was from New Jersey and wanted to talk to him
14 about New Jersey Omega 7 incidents.

15 Q. Did you then stay for that interview?

16 A. No. I left.

17 Q. How about Larry Wack, what did he do?

18 A. Larry Wack left also.

19 Q. Before you and Agent Wack left did you give any
20 instructions in Arocena's presence to Agents Lyons and
21 Menapace?

22 A. Yes, we told Lyons and Menapace not to keep Mr.
23 Arocena up too late because he had an appointment in the
24 morning.

25 Q. When did you next see Mr. Arocena after Sunday

1 night, September 26, 1982?

2 A. I saw him about approximately 10:00 the next day
3 at my office.

4 Q. At the FBI and Joint Terrorist Task Force office?

5 A. That's correct.

6 Q. Who had gotten there first?

7 A. Mr. Arocena, Agent Lyons and Agent Menapace.

8 Q. Was Mr. Arocena seeing anybody else at the time
9 you arrived?

10 A. Yes, he was.

11 Q. Did you meet with him thereafter?

12 A. Yes, I did.

13 Q. What if anything happened?

14 A. It was decided that Mr. Arocena would go to
15 Miami by himself and that we would go down to Miami, that
16 is Larry Wack and I would go down to Miami on a different
17 flight, and at Mr. Arocena's suggestion Larry Wack and I
18 would check into the Ramada Inn in Miami near the airport.

19 He also, Mr. Arocena also had a conversation
20 with me present and Larry Wack present with Mr. Kenneth
21 Walton, W A L T O N, of the, supervisor at the New York
22 office of the FBI.

23 Q. Did Mr. Arocena tell you why he recommended that
24 you and Agent Wack stay at the Ramada in Miami?

25 A. Yes. He said that to his knowledge not many of

14 Brandt - direct

1 his friends went to that hotel, and it would be fairly safe.

2 Q. Did Mr. Arocena say anything to you about the
3 fact that he was going to go to Florida on his own?

4 A. Well, he said he was going to go down there and
5 do what he could to get the explosives and the transmitting
6 device.

7 Q. Did he say anything to you about whether he was
8 ever going to see you again?

9 A. Oh, yes, he said -- we told him that, Larry and
10 I told him that we would call him when we arrived to let
11 him know what room we would be in at the Ramada Inn.

12 Q. Did Mr. Arocena make any kind of promise or say
13 anything to you?

14 A. Yes, prior to leaving he -- I was -- I said to
15 him, Eddie, I hope you are going to do these things and you
16 are not going to run.

17 And he said, I am a man of honor, he shook my
18 hand and he says, I give you my word I'll do what I told
19 you I would do.

20 Q. Did you and Agent Wack fly to Florida that
21 evening?

22 A. Yes, we did.

23 Q. Was that on a same or different flight from Mr.
24 Arocena?

25 A. That was a different flight.

15 Brandt - direct

1 Q. About what time did you and Agent Wack arrive in
2 Miami?

3 A. Approximately 1 or 1:30 in the morning.

4 Q. Where did you go after you arrived at the
5 airport?

6 A. We went directly to the Ramada Inn and we
7 checked in.

8 Q. Did you do anything before going to bed?

9 A. Yes. Larry Wack called Mr. Arocena at his
10 residence.

11 THE COURT: In Miami?

12 THE WITNESS: Yes.

13 Q. When you then got up later on Tuesday, September
14 28, 1982, did you have any contact later that day with Mr.
15 Arocena?

16 A. Yes, I did.

17 Q. What was that?

18 A. We had rented two rooms at the Ramada Inn which
19 were adjoining -- opposite each other -- I would like to
20 change that, they were opposite each other.

21 Q. In other words, they were not adjoining?

22 A. They were not adjoining. I was in one and Larry
23 was in the other.

24 Mr. Arocena approximately 4:00 that day came to
25 Larry Wack's room.

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1 We had, in my room, which was opposite, we had
2 three Miami FBI agents. We had previously discussed with
3 Mr. Arocena that he would be speaking to Miami agents.

4 When Mr. Arocena arrived we told him that the
5 Miami agents were in the room, in another room, and we
6 eventually introduced Mr. Arocena with the Miami agents.

7 Q. Did you stay after he met the Miami agents?

8 A. No.

9 Q. Do you know whether Mr. Arocena then had a
10 meeting with the Miami agents not in your presence?

11 A. Yes, he did.

12 Q. What if anything did you do after that meeting
13 ended?

14 A. Larry Wack and I again spoke to Mr. Arocena.

15 Q. And where was that?

16 A. That was in the same room that the Miami agents
17 had spoken to him.

18 Q. At what location?

19 A. At the Ramada Inn in Miami, Florida.

20 Q. During your discussion did you have any
21 discussion about Ramon Sanchez with Mr. Arocena?

22 A. Yes, I am sure we did.

23 Q. What did he tell but Mr. Sanchez?

24 A. Well, we rediscussed what we had discussed on
25 the 25th in Newark, we got more details out of all the
instances he discussed, bombing incidents and so forth.

1 Q Was there any discussion with Mr. Arocena
2 about whether Sanchez was a member of Omega 7?

3 A Yes, there was. He discussed -- we asked the
4 question, was Ramon Sanchez a member of Omega 7. He
5 said no, not really, but he was a support person. He had
6 done things for Omega 7.

7 He said that in addition to building the Roa
8 device and two similar ones, Ramon Sanchez had did a
9 bombing in Miami, Florida, for him, but it failed to
10 detonate.

11 And I believe that was at Replica Magazine in
12 Miami.

13 Q Do you recall any additional discussion about
14 anything else Ramon Sanchez had ever done?

15 A Not at this tkme.

16 Q Do you recall any discussion about anything
17 Sanchez had done outside the United States?

18 A Yes. Mr. Arocena told us that Ramon Sanchez'
19 claim to fame was that whentwo individuals by the name of
20 Castillo and Jimenez were arrested several years prior in
21 Mexico for attempting -- I'd like to change that, for
22 murdering and kidnapping a Cuban diplomat in Mexico,
23 Ramon Sanchez was the person who got them out of Mexico and
24 into the U. S.

25 Q Where had they been in Mexico?

1 A I don't recall what town.

2 Q In what condition had they been in Mexico?

3 A I don't recall. I don't remember him mentioning
4 it.

5 Q Do you know whether they had been under arrest
6 or not?

7 A I don't know that.

8 Q Now, was there any discussion with Mr. Arocena
9 about anybody else who could help by giving information
10 about Pedro Remon?

11 A Yes. He told us that at one time, Pedro Remon
12 had a girlfriend that he met in a lounge in New York City,
13 the CasaBlanca, I believe he said. Well, this girl by
14 the name of Nellie Monzon was very close to Pedro Remon,
15 and Pedro Remon told her a lot, and that we should try
16 and locate her and she would probably tell us things that
17 Pedro Remon told her.

18 Q To your knowledge, had the FBI or the New York
19 City Police Department or the Joint Terrorist Task Force or
20 any other law enforcement agency ever spoken before this
21 to Nellie Monzon?

22 A No. To my knowledge, no one ever spoke to her.

23 Q Before that.

24 A Before that.

25 Q Now, did Arocena tell you about anybody else

msjah 3 Brandt-direct

1 who might be able to give you information about Remon?

2 A He said there was a girl who also went with Pedro
3 Remon, who lived in Queens, and that her father was an
4 officer in the military, and that at one time the girl's
5 father had hired a private detective to follow Pedro Remon,
6 but he couldn't supply her name.

7 Q Now, when Arocena and you and Agent Wack
8 finished your discussion that evening, that is Tuesday,
9 September 28th, 1982, was any request made of Mr. Arocena?

10 A Yes. We were still concerned with his safety,
11 because he was telling us about the feud between him and
12 Pedro Remom and Ramon Sanchez. So we asked him, when he
13 got home safely, to call us at the hotel and leave the
14 message that Bob called.

15 Q Do you know whether in fact Mr. Arocena did leave
16 a message, "Bob called"?

17 A Yes, he did.

18 Q Now, what, if anything, happened the following
19 day, Wednesday, September 29, 1982?

20 A Mr. Arocena again arrived at the Ramada Inn
21 in Larry Wack's room at approximately 2:15. I remember,
22 because the night prior, he said he would be there at two
23 o'clock in the afternoon. I was concerned, because he was
24 late.

25 Q Now, was there then a meeting involving Mr. Arocena?

1 A Yes. He again spoke to Miami FBI agents.

2 Q And what did Larry Wack do?

3 A Larry Wack spoke to him also.

4 Q Now, did you join Larry Wack's ^{and the} Miami agents at
5 this meeting?

6 A Yes, towards the end of it we did, yes.

7 Q Did you sit in during most of the meeting?

8 A No, I didn't sit in while the Miami agents were
9 talking to him.

10 Q Now, after the Miami agents finished, was there
11 a discussion involving you, Larry Wack and Arocena?

12 A I don't understand the question, Mr. Tabak.
13 I do understand the question, I don't recall if there was
14 a conversation.

15 Q All right. Do you recall on Wednesday,
16 September 29th, 1982, any discussion with Arocena regarding
17 Virgilio Paz?

18 A Yes, I do.

19 Q And what was that discussion?

20 A Mr. Arocena said that Virgilio Paz was in a
21 South American country, and that he wanted to come back to the
22 U. S. and possibly make a deal with the government.

23 Q And who is Mr. Paz?

24 A Virgilio Paz is the same man that helped Eduardo
25 Arocena build the "Ivan Shepetkov" bomb, and he's also a

1 fugitive in the ^{LeTeller} LeTeller homicide, Washington, D. C.

2 Q Now, did you also have a discussion with
3 Mr. Arocena about Dionisio Suarez?

4 A Yes, I did. He said Mr. Suarez was in Costa Rica
5 and at one time Mr. Suarez had been seen in an officer's
6 uniform in Cuba. (1980)

7 Q And who is Mr. Suarez?

8 A It was around --

9 Q Excuse me?

10 A Around the boat-lift period, the Cuban boat-
11 lift period.

12 Q Who is Mr. Suarez?

13 A He's a fugitive in the ^{LeTeller} LeTeller homicides in
14 Washington, D. C.

15 Q Now, did you also have any discussion with
16 Mr. Arocena about anything that Mr. Arocena attempted to do
17 after Remon and Losada were arrested in Belleville?

18 A Well, we did have a conversation about that.
19 I don't recall if he said anything other than what I've
20 already testified to.

21 Q Do you recall any conversation ~~about~~ any place
22 they might want to go?

23 A Yes, I do.

24 After the Belleville incident, Mr. Arocena said
25 that there was a bad split in the organization of Omega 7.

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1 He said that there was a fallout between the New York cell,
2 Pedro Remon's New York cell and the rest of Omega 7.

3 He suggested that Pedro Remon go to Guatemala.
4 Mr. Arocena had a person from Guatemala who he refused to
5 identify talkto Pedro Remon about possibly going to
6 Guatemala and Pedro Remon at the same time would be
7 avoiding charges that he had pending in Belleville.

8 He said that when Pedro Remon spoke with
9 this Guatemalan person, the Guatemalan went back to
10 Mr. Arocena and said that Mr. Remon was a Communist, that
11 he wouldn't allow him to come into Guatemala, and that if
12 he did come in, he'd kill him.

13 Q Now, when you finished your conversation with the
14 defendant on Wednesday, September 29th, 1982, was any
15 request made of Mr. Arocena?

16 A Yes. He was told to call us the next day about
17 another appointment, to come in to talk to us.

18 Q And what, if anything, happened on the next
19 day, Thursday, September 30, 1982?

20 A He called me about three o'clock, and he said,
21 "I'll be in to see you and Larry at about six o'clock,
22 at the same hotel, same room."

23 Q Did Mr. Arocena show up that day?

24 A No, he did not.

25 Q Now, did the following day, Friday, October 1st,

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1 1982, have any particular significance for you, personally?

2 A Yes. That was my twentieth year on the police
3 department, the anniversary of it.

4 Q What, if anything, happened that day with regard
5 to Mr. Arocena?

6 A Mr. Arocena called the room, and first he spoke
7 to Larry Wack, and then I heard Larry say, "Why don't
8 you talk to Bob."

9 And I got on the phone and he said, Mr. Arocena
10 said, "I have to" -- "I'm going to run. They're after
11 me, and I can't stay around."

12 So I said, "What about the agreement we had,
13 Eddie?"

14 He says, "I can't stick around. I got to go.
15 I'll be in touch." And he hung up.

16 Q Now, without telling us what the discussion
17 was, did you discuss with Agent Wack what Arocena had told
18 Agent Wack right before you got on the phone on October 1st,
19 1982?

20 A Would you repeat the question?

21 Q Without telling us what Agent Wack told you,
22 did you talk with Agent Wack about what Arocena had told
23 Agent Wack before you got on the phone?

24 A Yes, I did.

25 Q And as a result of what the defendant had told

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1 Agent Wack on October 1st, 1982, was any particular
2 investigation done thereafter?

3 A Yes. It was a search done of the Fruit
4 Meat King, which was once owned by Losada-Fernandez.

5 Q Now, did you personally participate in a search
6 of the Fruit Meat King on October 20, 1982?

7 A Yes, I did.

8 Q What did you do there?

9 A I took photographs.

10 Q I'm going to show you Government's Exhibits 29-A
11 through -I, for identification (handing).

xxxxxx

12 (Government's Exhibits 29-A through 29-I
13 were marked for identification.)

14 Q Do you recognize those?

15 A Yes, I do.

16 Q What are they?

17 A They're photographs of the Fruit Meat King
18 which I had taken on December 20th.

19 Q You took the photographs?

20 A Yes.

21 Q Do those photographs, Exhibits 29-A through -I,
22 fairly and accurately depict certain items that were
23 found at the Fruit Meat King on October 20, 1982?

24 A Yes, they do.

25 MR. TABAK: The government offers Government's

1 Exhibits 29-A through -I in evidence.

2 MR. FERNANDEZ: No objection, your Honor.

3 THE COURT: Received.

4 (Government's Exhibits 29-A through 29-I
5 were received in evidence.)

6 Q I'm going to show you Exhibits 29-A, -B, -C
7 and -D, which are in evidence (handing), and ask if you
8 would tell the jury what each of these shows in turn,
9 starting with 29-A.

10 A 29-A is the corner of the building -- side of
11 the building.

12 Q What is 29-B?

13 THE COURT: An outside view?

14 THE WITNESS: Outside view, yes.

15 A 29-B is a photo of one flight up of the same
16 building.

17 Q All right, what is --

18 A You can see Larry Wack and I.

19 Q What is 29-C?

20 A 29-C is also a different angle, but one flight
21 up of the same building.

22 Q What is 29-D?

23 A 29-D is the first floor, ground floor storage
24 area of the same building.

25 MR. TABAK: With the Court's permission, Mr. Green

1 and I will show Government's Exhibits 29-A, -B, -C and
2 -D to the jury.

3 THE COURT: You may.

xxxxxx

4 (Government's Exhibits 29-A through 29-D
5 were displayed to the jury.)

6 BY MR. TABAK:

7 Q I'm now going to show you Government's
8 Exhibits 29-E, -F, -G, -H and -I in evidence, and can you
9 explain what is shown in these photographs?

10 A Exhibit 29-E is a ground-floor storage area.
11 There is a rack and soda bottles, et cetera, in the area.
12 It's being searched.

13 Q And is there anyone you recognize as doing the
14 search?

15 A Yes, let's see, I got Special Agent Lyons,
16 Special Agent Menapace and Detective Sam Parola from the
17 New York City Police Department, New York City Terrorist
18 Task Force and another I can't tell who is.

19 Q And what is the next, 29-F?

20 A 29-F is a photo of a bundle, plastic bag,
21 that is, containing newspapers and three black boxes with
22 wires coming out of them.

23 Q Do you know where the bag with the newspapers
24 was found?

25 A Yes, it was found on the top of photo Exhibit 29-E,

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1 first one.

2 Q And what do Exhibits 29-G, -H, and -I show?

3 A -G, -H and -I are photographs which I took of the
4 newspapers that were in the plastic bag in 29-F.

5 MR. TABAK: With the Court's permission,
6 Mr. Green and I will display these photographs to the
7 jury.

8 THE COURT: You may.

9 (Government's Exhibits 29-E through 29-I
10 were displayed to the jury.)

11 MR. TABAK: I have no further questions on
12 direct.

13 MR. FERNANDEZ: Judge, can we go to the side bar
14 for a second?

15 THE COURT: Certainly.

16 (At the side bar.)

17 (Discussion off the record at the side bar.)

18 THE COURT: Ladies and gentlemen, we are going
19 to recess at this time. We'll resume tomorrow morning
20 at 11:30 a.m.

21 Please do not discuss this case among yourselves or
22 with anyone else. I would admonish you to be careful not
23 to read or listen or view anything about this case which
24 may appear in the media. I have reason to think there is a
25 possibility that there may be something in the media

1 tomorrow, although there are other items of news that may
2 have taken precedent over anything going on in this
3 courtroom.

4 I have instructed you already that if you were
5 to suddenly see anything on television or hear anything
6 on the radio or see anything in any of the printed media
7 related to this case, you are just to stop looking,
8 listening, reading. In the event you do learn anything
9 about the case from any source outside of the courtroom,
10 you are directed to report the matter to me at once on
11 your return.

12 And finally, although by my calculations, the
13 witness presently on the stand is the fifty-third witness
14 who you have heard, the case is far from over. Therefore,
15 please, keep an open mind until you've heard all of the
16 evidence and the summations and I have given you my
17 instructions on the law.

18 The jury is excused and directed to assemble
19 in the jury room tomorrow morning at 11:30 a.m.

20 Good night, get home safely. Good night.

21 The witness is excused until tomorrow morning
22 at 11:30. Counsel are, as well.

23 MR. GREEN: Thank you, your Honor.

24 MR. TABAK: Thank you, your Honor.

25 (An adjournment was taken to August 22, 1984
at 11:30 a.m.)