

AFTERNOON SESSION

2:35 p.m.

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THE COURT: Good afternoon, ladies and gentlemen.

THE JURORS: Good afternoon.

THE COURT: Detective Brandt.

MR. FERNANDEZ: Your Honor, I'd like to get Mr. Aguilar. He's right outside.

(Pause)

R O B E R T        B R A N D T,        resumed.

THE COURT: Detective Brandt, you'll be continuing your testimony under the oath which was administered when you first took the stand. Do you understand?

THE WITNESS: Thank you, your Honor, yes, I do.

THE COURT: You may proceed, Mr. Aguilar.

MR. AGUILAR: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. AGUILAR:

Q     Good afternoon, Detective Brandt.

A     Good afternoon, Mr. Aguilar.

Q     Detective Brandt, before you met Eduardo Arocena, I believe you testified was September 22nd, the first time you met him?

A     No, sir. It was September 2nd.

1 Q I'm sorry. September 2nd. Before that date,  
2 had you ever met him anywehre?

3 A No, sir.

4 Q Had you ever heard from him or of him from  
5 anybody?

6 MR. TABAK: Objection.

7 THE COURT: You can answer yes or no.

8 A Yes.

9 Q And who was that person?

10 MR. TABAK: Obejction.

11 THE COURT: Sustained.

12 Q During your investigations -- let me back up  
13 a little bit. Sorry, I was a little late.

14 THE COURT: That's all right.

15 Q When did you become involved in the investigation  
16 of Omega 7?

17 A The end of 1978 or beginning of 1979.

18 Q And who were you working for at that time?

19 A The New York City Police Department.

20 Q And were you transferred to a special unit?

21 A Yes, I did.

22 Q And that was the anti-terrorism squad?

23 A It's the Terrorist Task Force.

24 Q All right. And who were you working with, what  
25 unit of the government?

1 A The Federal Bureau of Investigation.

2 Q And did you have a partner?

3 A I have a partner now, yes.

4 Q At the time?

5 THE COURT: No, his question was, did you have  
6 a partner at the time, that is, in 1978.

7 A Yes, I did.

8 Q And who was that partner?

9 A It was probably Angel Cruz.

10 Q Okay.

11 And how long were you partners with Mr. Cruz?

12 A I would say about a year.

13 Q Okay. And did you have an immediate supervisor  
14 at that time?

15 A Yes.

16 Q And who was that, sir?

17 A Sgt. Linehan.

18 Q What role, if any, in this new assignment that  
19 you had did Mr. Wack play?

20 A Are you speaking prior to the Task Force?

21 Q No, once you joined the Task Force.

22 A Once I joined the Task Force, Larry Wack became  
23 my partner.

24 Q Once you joined the Task Force?

25 A Larry Wack was one of my partners.

1 Q Did you work on the field with him?

2 A Yes, I did.

3 Q And were a lot of the leads in the investigation  
4 that you obtained, were they provided to you by Mr. Wack?

5 A No, I think they were provided by all the  
6 investigators who worked on the case.

7 Q Did you meet regularly to discuss the  
8 investigation of Omega 7?

9 A Yes, we did.

10 Q And during that investigation, did the name of  
11 Eduardo Arocena come up?

12 A I don't understand what period of time you're  
13 talking of, counsel.

14 Q Once you began investigating Omega 7 and you  
15 had leads given to you and that you got together and  
16 investigated and discussed Omega 7.

17 A Are you speaking of 1978 or 1979 or 1980?

18 Q The first time you heard of Omega 7.

19 A That was in 1975.

20 Q Okay, were you investigating Omega 7 in 1975?

21 A I participated in some of the investigations.

22 Q And did you participate with Mr. Wack in those  
23 investigations?

24 A No.

25 Q Okay. When did you first participate in the

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1 investigation of Omega 7 with Mr. Wack?

2 A Right after the Garcia homicide in approximately  
3 October of 1980.

4 Q Now, when you began investigating Omega 7  
5 after the homicide that you just mentioned, did the name  
6 Eduardo Arocena come up during your investigations?

7 A Yes, it has.

8 Q And how did it come up?

9 MR. TABAK: Objection.

10 THE COURT: When did it come up?

11 Q When did it come up?

12 A The name came up the end of 1981 or the beginning  
13 of '82.

14 Q And did you investigate at that time Mr. Arocena?

15 A Yes.

16 Q And what did you investigate about him?

17 A I investigated his toll records. I investigated  
18 his summons records. Initially.

19 Q All right. And where did you get those toll  
20 records from?

21 A By subpoena from the New Jersey Telephone  
22 Company.

23 Q And what year was this again, sir?

24 A Excuse me?

25 Q What year was this?

1 THE COURT: End of '81, beginning of '82, was  
2 his testimony.

3 Q Now, those toll records that you received, were  
4 they wholly in New Jersey or in Miami or both?

5 A At the time we did get some Jersey calls when  
6 he was a resident of Jersey, yes.

7 Q How did you first come to suspect Mr. Arocena?

8 MR. TABAK: Objection.

9 THE COURT: Sustained.

10 Q During your investigation, what leads led you  
11 to believe that Mr. Arocena was a suspect?

12 THE COURT: Sustained.

13 MR. TABAK: Objection.

14 Q Besides Mr. Arocena, who else were you  
15 investigating back in '81, '82 that was connected with  
16 Omega 7 or you thought was connected with Omega 7?

17 A Pedro Remon, Eduardo Losada-Fernandez and Andres  
18 Garcia.

19 Q Besides looking at toll records, what were  
20 your other assignments in the investigation of Omega 7?

21 A We gathered summons records from the dates that  
22 bombings had occurred, which were credited to Omega 7.

23 Q I'm sorry, I missed that.

24 THE COURT: Miss Reporter, would you read back the  
25 response?

1                   And try to sit, Agent, closer to the microphone so  
2 that your responses can be heard not only by counsel but  
3 by the jurors.

4                   (Answer read)

5                   Q     What else did you do?

6                   A     Oh, we followed their every lead that we come up  
7 with. Being a New York City detective, I can't sit here  
8 and tell you how to do a case. It's things that happen, you  
9 go out and do them.

10                  Q     All right, let me ask you then, as part of  
11 your investigation, did you go out into the field and speak  
12 with different persons?

13                  A     Yes.

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1 Q And was it here, in Union City, New Jersey?

2 A I have spoken to people here in New York City.  
3 I have spoken to people in New Jersey.

4 Q And did you have an opportunity to go to Miami  
5 to speak with persons concerning the investigation of  
6 Omega 7?

7 A I have.

8 Q And how many times did you do that? If you  
9 remember.

10 A Four or five times, at least.

11 Q Okay. Did you also have an opportunity to  
12 have anybody give you photographs of the individuals that  
13 you were investigating?

14 A Yes.

15 Q And who gave you those photographs? Do you  
16 know?

17 A Well, we would have gotten them from the Miami  
18 FBI office when we were in Miami, or we may have gotten  
19 them sooner by request that -- they had requested that  
20 they forward them to New York.

21 Q At that time, when you were investigating  
22 Omega 7, did you have anybody followed or under surveil-  
23 lance?

24 A Yes.

25 Q Was Mr. Arocena one of those persons under



1 surveillance?

2 A Not by me.

3 Q By the FBI office or by the Joint Terrorist  
4 Task Force?

5 A He was followed when he was in Miami, yes.

6 Q And what year is this when the surveillance  
7 first began?

8 A It was prior to him coming to the grand jury  
9 on September 2nd, 1982.

10 Q Do you remember if it was a month before or  
11 years before?

12 A A month to a year at the most.

13 Q Do you know what FBI agent was in charge of  
14 the surveillance of Mr. Arocena?

15 A The name of the FBI agent, Counselor?

16 Q Yes.

17 A I have spoken with at least one FBI agent who  
18 told me he was on the surveillance.

19 Q And who was that, sir, if you remember?

20 A Tom Walzer, W-a-l-z-e-r.

21 Q That's out of the office in Miami; is that  
22 correct?

23 A That's correct.

24 Q At the time when Mr. Walzer was surveilling  
25 Mr. Arocena, were reports being submitted to the Joint

1 Terrorist Task Force as to his activities in the  
2 community?

3 A Yes, I would say we would get some reports.

4 Q Okay. Did you have access to those reports?

5 A Yes.

6 Q Did you have access to those reports before  
7 you came here to testify yesterday?

8 A Yes.

9 Q Okay. Did you base any of your testimony  
10 that you testified here yesterday on any of those  
11 reports?

12 A No, sir.

13 Q Do you know where those reports are today?

14 A I would assume they're in files in Miami or  
15 the New York office.

16 Q Did you have a file that you kept, yourself,  
17 where you would compile all these reports and submit  
18 periodic reports, yourself?

19 A No, I don't have a file like that.

20 Q Did you all have periodic meetings where you  
21 discussed what actions would be taken by the Joint Terrorist  
22 Task Force, where all the field agents would meet and  
23 discuss what the next step would be?

24 A Well, we never had a meeting where all the  
25 field agents met, but we had meetings where some of the

1 investigators who were on the case met.

2 Q And action was determined to be taken after-  
3 wards?

4 A Yes.

5 Q Okay. Was there ever any bugs or electronic  
6 devices placed on any automobiles or persons that were  
7 suspects in the investigation?

8 A Yes.

9 Q And who were those persons?

10 A Pedro Remon. However, Counselor, it was  
11 discovered shortly thereafter by Pedro Remon who discovered  
12 it, himself, within days.

13 Q How did you learn that he discovered it, himself?

14 A Miami office told us they heard it come over  
15 the bug, itself.

16 Q Was there ever one of these bugs placed on  
17 any car that was used by Mr. Arocena?

18 A No.

19 Q Did any FBI agent from either the New Jersey  
20 or the New York or Miami office visit Mr. or Mrs. Arocena  
21 in Miami prior to September 2nd?

22 A Yes.

23 Q And who were those agents?

24 A I know one was George Cannon, but I'm not sure  
25 who the other one was.

1 Q Would you happen to know how many times they  
2 went to see Mr. or Mrs. Arocena?

3 A As far as I know, only once prior to that date.

4 Q Did you learn why they went to see Mr. Arocena?

5 A I believe it was to serve him a subpoena to  
6 the Southern District of New York grand jury.

7 Q And that's the only reason that you knew about  
8 that they went to see him?

9 A That's correct.

10 Q Okay. Did you provide any reports that  
11 were given to the United States Attorney's office concern-  
12 ing persons that should be subpoenaed or brought before  
13 the grand jury to testify concerning the investigation  
14 of Omega 7?

15 A I have made suggestions to Mr. Tabak.

16 Q And who were your suggestions, sir?

17 A Eduardo Arocena, Pedro Remon, Ramon Sanchez,  
18 Eduardo Losada-Fernandez, Andres Garcia, Alberto Perez  
19 and Jose Gracia are among some of them.

20 Q Are you familiar with Agent Lee out of the  
21 Miami office, FBI office?

22 A Yes, I know Bob Lee.

23 Q Okay. Are you aware if he ever went to see  
24 Mr. Arocena in Miami before September 2nd?

25 A He may have been with Cannon, but I'm not

1 positive of that.

2 Q Do you have any independent knowledge that  
3 he went to see Mr. Arocena on several occasions?

4 A I have no knowledge of that.

5 Q Was Mr. Arocena ever involved in working for  
6 a corporation by the name of Beta Corporation in Miami?

7 A To my knowledge, he was.

8 Q And do you have any idea what that corporation  
9 did?

10 A I believe it was import-export.

11 Q And do you know what kind of things they  
12 imported or exported?

13 A I don't know at this time. I don't recall.

14 Q Do you know if it was ever conveyed to you  
15 what they did?

16 A It may have been. But I don't recall.

17 Q Would it be incorrect to say that they were  
18 importing and exporting anti-terrorism and anti-surveillance  
19 equipment?

20 MR. TABAK: Objection.

21 THE COURT: If you know.

22 A I don't have any knowledge about that,  
23 Counselor.

24 Q The first time you met Eduardo Arocena was  
25 here in the Jetport -- I'm sorry. Go back. The first

1 time you spoke with Mr. Arocena was at the Jetport Inn?

2 A No, the first time I spoke with him was at  
3 26 Federal Plaza on September 2nd, 1982.

4 Q That was the date he came to testify before  
5 the grand jury?

6 A That's correct.

7 Q And you said on that day, you saw him and all  
8 the other individuals that had been subpoenaed standing  
9 in the hall outside of the grand jury. Correct?

10 A Yes, I had testified to that.

11 Q In two groups?

12 A That's correct.

13 Q Mr. Arocena and somebody else on one side of  
14 the corridor?

15 THE COURT: Ernesto Rodriguez.

16 MR. AGUILAR: Right, your Honor.

17 THE COURT: Is that what you testified?

18 THE WITNESS: Yes, your Honor.

19 Q And the rest of the individuals that had been  
20 subpoenaed on the other side?

21 A That's correct.

22 Q They weren't talking with each other?

23 A I didn't see them talking to each other, no.

24 Q Did they look to you as if there was something  
25 wrong between the two groups?

1 A Yes, it appeared to me that there was.

2 Q Something very wrong between the two groups?

3 A I didn't know how very wrong it could have  
4 been.

5 Q They didn't look friendly to each other  
6 at all?

7 A They didn't look friendly.

8 Q Once you escorted the individuals across the  
9 street to Federal Plaza, did these individuals have any  
10 communications among themselves?

11 A I think Ernesto Rodriguez was speaking with  
12 some of them.

13 Q With some of them?

14 A Some of the other group, Pedro Remon group.

15 Q And you testified yesterday that part of your  
16 job was to escort these individuals, but you also spoke  
17 that you took some pictures. Is that correct?

18 A Yes.

19 Q Okay. How long did it take you to go from  
20 here across the street to Federal Plaza?

21 A Including picking up the camera, I would say  
22 maybe ten minutes.

23 Q Okay. You went to pick up the camera before  
24 you escorted the group over; right?

25 A I didn't escort the group over. I went by

1 myself before the group arrived at 26 Federal Plaza.

2 Q You didn't walk over with the group?

3 A No. I don't know what group you're talking  
4 about.

5 Q The persons that had come to testify before  
6 the grand jury that later on went across the street to  
7 be fingerprinted or give voice exemplars or writing  
8 exemplars. Did you escort that group?

9 A I escorted Eduardo Arocena and Ernesto Rodriguez  
10 to 26 Federal Plaza in the company of my partner Larry Wack.

11 Q Okay. And you took pictures of other persons  
12 that came to testify before the grand jury?

13 A That's correct.

14 Q Oh, okay.

15 How did you learn that you were going to meet  
16 with Eduardo Arocena on Saturday, September 25th, 1982?

17 A We had made arrangements with Mr. Arocena the  
18 day before.

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(Continued on the next page.)

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1 Q Did you make arrangements?

2 A Yes.

3 Q You personally spoke with him?

4 A On the 24th, yes.

5 Q Did he call you or did you call him?

6 A I spoke to him in person at the Jetport Holiday  
7 Inn in Elizabeth, New Jersey.

8 Q On the 24th. Before the 24th, how did you know  
9 that Eduardo Arocena was going to be at the Jetport  
10 in New Jersey?

11 A I didn't. I knew on the 24th.

12 Q How did you know?

13 A Because my partner, Larry Wack, got a phone call  
14 from him.

15 Q You didn't speak with Mr. Arocena that day?

16 A I spoke --

17 THE COURT: On the telephone.

18 Q On the telephone.

19 A No, I didn't speak to him on the phone.

20 THE COURT: So the first you spoke with  
21 Mr. Arocena that day was when you met with him in person  
22 at the Jetport Holiday Inn; is that correct?

23 THE WITNESS: Yes, your Honor.

24 Q When you arrived at the Jetport on the 24th, there  
25 were some ground rules laid by Mr. Arocena; is that correct?

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1 A No, the ground rules weren't really made until  
2 the 25th.

3 Q Okay, on the first day you just walked in there,  
4 introduced yourself and Mr. Arocena introduced him, and  
5 you discussed that you were going to meet the next day?

6 A No, sir, he had called us and invited us over.  
7 At his invitation, we went to the Jetport Holiday Inn.  
8 There was no need for introductions because we had  
9 met previously.

10 Q And no ground rules were laid on that day?

11 A None that I can recall now.

12 Q And the grounds rules you spoke about yesterday  
13 such as no taping, no notes and no photographs, were laid  
14 down the next day?

15 A No, I don't recall anything about photographs,  
16 but some of those ground rules were.

17 Q No confessions to be signed, was that another  
18 ground rule laid the next day?

19 A Mr. Arocena made those ground rules.

20 Q On the 25th?

21 A That's correct.

22 Q There were no ground rules on the 24th?

23 A None I can recall.

24 Q He just voluntarily came in and said to you on  
25 the 25th, "You are not to tape me, you are not to take any

1 notes and I am not going to sign any confessions"; is that  
2 correct?

3 A You will have to rephrase that question or say it  
4 again, counsel.

5 Q On the 25th when you spoke to Mr. Arocena and  
6 he laid down the ground rules for any conversation between  
7 you and Mr. Wack and himself, he told you there was going  
8 to be no tape recordings, no notes taken by you all and no  
9 confessions to be signed by him; is that correct?

10 A That's what he said.

11 Q And two seconds later, he went ahead and let you  
12 tape him, let you signed -- signed something for you and  
13 let Mr. Wack take notes?

14 A No, that's not true. You have to back up.

15 He had, by that time, already admitted he was  
16 Omar, commander of Omega 7. He didn't make those  
17 statements as soon as he walked in the room or anything  
18 like that.

19 Q What statements, no notes, no tape recordings  
20 and no confessions?

21 A That wasn't the first conversation we had.

22 Q When you spoke with him on that day, did  
23 Mr. Wack in your presence and the defendant make any  
24 promises to the defendant, Mr. Arocena, as to what he  
25 would get in exchange for his cooperation?

1 A No, he did not.

2 Q Were there any threats made?

3 A There were no threats made.

4 Q He volunteered all the information you testified  
5 to by himself?

6 A No, I think Mr. Arocena realized that he  
7 committed perjury in the grand jury and I think he was  
8 looking for a way out.

9 THE COURT: I didn't hear that, "I think" --

10 THE WITNESS: He was looking for a way out.

11 Q In your opinion, the way out was completely tell  
12 you everything he knew about Omega 7?

13 A Well, the fact is that he did state, "The only  
14 problem," in substance he stated, "The only problem I have  
15 is lying in the grand jury about the name 'A. Medina.'"

16 We also discussed other evidence which included  
17 a summons he had gotten on his car on September 11, 1981,  
18 and we also discussed days that he didn't show up for work  
19 when Omega 7 bombings had happened, and other things.

20 Q You had the logs of his job, of course, and you  
21 showed it to him?

22 A I did not.

23 Q How did you discuss the days that he had missed  
24 at work?

25 A Because we had previously had gotten information

1 from the Waterfront Commission where he was employed.

2 Q And you told him, you related --

3 THE COURT: He wasn't employed at the Waterfront  
4 Commission, the Waterfront Commission supervises employment  
5 on the New York-New Jersey waterfront; isn't that correct?

6 THE WITNESS: Yes, that's correct, your Honor,  
7 he was a dock worker.

8 Q And you had looked at those logs prior to having  
9 any conversation with Mr. Arocena, correct?

10 A Yes.

11 Q Did that conversation come out during the  
12 conversations with Mr. Arocena, those facts come out?

13 A Not that day, the day before they had come out.

14 Q When did you all decide to take Mr. Arocena to the  
15 FBI office?

16 A I didn't take Mr. Arocena anywhere. He  
17 voluntarily accompanied me to the FBI office on the 26th  
18 of September.

19 Q And that was coming from the Jetport Inn,  
20 correct?

21 A We started from the Jetport Inn, yes.

22 Q Do you know who paid for the motel at the Jetport  
23 Inn?

24 A Yes, I do.

25 Q Who paid for it?

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1 A Mr. Arocena.

2 Q For his and you paid for yours, or you never  
3 stayed there?

4 A I never stayed at that hotel.

5 Q When you went to the FBI office with Mr. Arocena  
6 and he accompanied you, what time did you arrive?

7 A It was in the -- possibly one o'clock in the  
8 afternoon.

9 Q Who was present there?

10 A Special Agent Mawn, Lt. Hallinan and Sgt. Linehan.

11 Q How long were you at the FBI office?

12 A I'd say about two to two and a half hours.

13 Q At that time, several other agents came in and  
14 spoke with Mr. Arocena; is that correct?

15 A No, there was no -- there were some people who  
16 spoke to him, yes, but it was people who were already  
17 there.

18 Q What time, if we can back up a little bit, when  
19 did you and Mr. Arocena leave the Jetport Inn to go to the  
20 FBI office?

21 A Maybe eleven o'clock, twelve o'clock. I don't  
22 really --

23 Q How long did you stay with Mr. Arocena until he  
24 finally left your sight?

25 THE COURT: On the 26th?

1 MR. AGUILAR: Altogether I think they were together  
2 for a long time, your Honor. I am trying to get the sequence  
3 right now.

4 THE COURT: I am just trying to clarify your  
5 question .

6 MR. AGUILAR: Yes, your Honor.

7 A On the 26th, the last time I saw him he was  
8 at the Westbury Hotel in New York City, and Larry Wack  
9 gave him the keys to a rented car and he was going to  
10 go see his mother, and that was approximately six to seven  
11 o'clock.

12 THE COURT: P.M.?

13 THE WITNESS: P.M., yes.

14 Q So on the 26th, you stayed at the FBI office  
15 for a couple of hours and then you went to the Westbury Motel?

16 THE COURT: Hotel.

17 Q Hotel.

18 A First we had stopped to pick up a rented  
19 automobile.

20 Q And then you checked into the Westbury?

21 A That's correct.

22 Q And you testified that you all checked in under  
23 assumed names; is that correct?

24 A That's correct.

25 Q Who paid for the hotel?

1 A Larry Wack.

2 Q For everybody's room?

3 A Yes.

4 Q His, under "Mr. Martin," and Mr. Arocena under  
5 "Mr. Medina"?

6 A , That's correct.

7 Q And then at about sixty-thirty, seven o'clock,  
8 Mr. Arocena left to visit his mother in Mr. Wack's  
9 rental car?

10 A Yes.

11 Q And he did return when?

12 A I would say it was about 11:00 o'clock p.m.

13 Q Did you have any further conversations that  
14 night with him?

15 A Yes, when he returned, I introduced him to  
16 Special AGents Menapace and Lyons.

17 Q How long did they speak together?

18 A How long did they speak together, counsel?

19 Q Yes, sir.

20 A I don't know.

21 Q You left the room?

22 A I left. I left not only the room but I left  
23 the hotel.

24 Q Was Mr. Wack still at the hotel?

25 A No, he left with me.



1 Q So just the agents that were there, Mr. Menapace  
2 and another agent who was present there stayed with  
3 Mr. Arocena?

4 A Yes.

5 Q Did you learn that they stayed there all night  
6 long?

7 A I know they did.

8 Q Did they converse all night long?

9 A No, I don't believe so, because Mr. Arocena  
10 had an appointment the next day.

11 Q On the next day, that would be the 27th,  
12 where did you all go?

13 A I arrived at the FBI office in New York City  
14 about ten o'clock in the morning.

15 Q Did you pick up Mr. Arocena that morning?

16 A No, I didn't.

17 Q Do you know who picked him up?

18 A Well, by "picking him up," I don't know. I  
19 know he accompanied Larry Wack, Jimmy Lyons and Agent Menapace  
20 to the FBI office, but I don't know how they got there,  
21 whose car.

22 Q He didn't have a car?

23 A Excuse me?

24 Q Mr. Arocena didnt have a car, he was borrowing  
25 somebody else's car, correct?

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1 A But Menapace, Wack and Lyons had cars.

2 Q So he could have used one of the FBI agents'  
3 cars because he didn't have one?

4 A I wasn't there.

5 Q You don't know?

6 A I don't know.

7 MR. TABAK: Objection, that is not the testimony.

8 THE COURT: Sustained.

9 Q On that particular day, on the 27th, what time  
10 did you see Mr. Arocena?

11 A It was shortly after ten o'clock.

12 Q How long did you stay with him on that day?

13 A I would say another two, two or three hours.

14 Q Did you leave after those two or three hours?

15 A Would you repeat that, counsel?

16 Q Did you leave after two or three hours?

17 A No.

18 Q You stayed in the FBI building?

19 A Yes.

20 Q Where was Mr. Arocena at this time, after two  
21 or three hours?

22 A He was still in the FBI building.

23 Q Where in the FBI building was he physically?

24 A The 28th floor area.

25 Q What kind of room was he in?

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A He was in our office area.

Q How many agents were in the room?

A It is a very large open area, many desks around it.

Q How many agents would you say were there with him?

A On Monday, the 27th, I was with him, Wack was with him, Lyons was with him, maybe Menapace.

Q And he was still talking with you all in reference to the investigation of Omega 7, according to your testimony?

A No, at that time we was talking about obtaining some explosives from Miami, and a remote-control device which triggers a bomb.

(Continued on next page)

5A

1 Q Did you consider that he was giving you a  
2 confession at that time?

3 A No.

4 Q He was just talking to you all? He wasn't --

5 A Well, he had given us confessions, what I took  
6 as confessions, yes.

7 Q On that particular day and the day before when  
8 he was at the FBI office speaking with you all, you did  
9 not consider that he as giving you a confession or anything  
10 like that?

11 A Well, we weren't speaking about that when we  
12 were in the FBI office. We weren't speaking about what  
13 had spoken of on the 24th and the 25th -- excuse me, the  
14 25th and the 26th of September.

15 Q Did you think of calling a stenographer to  
16 take down everything he was telling you?

17 A He wasn't telling us anything pertaining to  
18 bombings, et cetera, when he was in the FBI office.

19 Q The only time he told you that was when he  
20 was at the Jetport Inn originally?

21 A In detail, yes.

22 Q Did you take any notes of that when you were  
23 at the Jetport Inn?

24 A No.

25 Q Did Mr. Wack take any notes?

1 A Yes, he did.

2 Q Didn't you think of going ahead and bringing  
3 a stenographer or a recording device when you were at the  
4 FBI office to go over that testimony with him?

5 A I would have liked to but Mr. Arocena had  
6 made arrangements with us where we wouldn't do that, and  
7 we honored that situation.

8 Q But part of the arrangement was that you could  
9 take notes, correct?

10 A Originally he didn't want any notes taken,  
11 but when Larry Wack started to take them anyway, he appar-  
12 ently agreed because he didn't make too much of a fuss  
13 over it.

14 Q But since he agreed to that, you didn't even  
15 think of bringing in a stenographer to take the rest of  
16 the conversations?

17 A We had an agreement with Mr. Arocena that --

18 Q You broke it, right?

19 A I didn't, sir.

20 Q Mr. Wack broke it, somebody broke it?

21 A I don't really think he broke it, he may have  
22 bent the rules a bit.

23 Q Okay, okay.

24 So you couldn't have bent the rules a little  
25 bit more and gotten a stenographer to take the conversation

1 down?

2 A I felt that Mr. Arocena would not let me use  
3 a stenographer or use a tape recording, as he had previously  
4 told me.

5 THE COURT: In other words, you thought that if  
6 either those methods were employed he would stop speaking  
7 with you?

8 THE WITNESS: Yes, sir.

9 THE COURT: But he did not stop speaking when  
10 Mr. Wack took notes?

11 THE WITNESS: No, he didn't.

12 THE COURT: Very well.

13 BY MR. AGUILAR:

14 Q Isn't it a fact that you were just sort of  
15 tagging along with Mr. Wack and that he was the lead  
16 investigator, that he was doing all the questioning in all  
17 the discussions?

18 A No, that's not true.

19 Q Were you the lead investigator?

20 A No, I'm not the lead investigator.

21 Q You testified yesterday that Mr. Wack spoke no  
22 Spanish at all.

23 A That's correct.

24 Q Is it still the same today, to your knowledge  
25 does Mr. Wack speak any Spanish at all?

4rbs

Brandt - cross

1           A       To my knowledge he does not speak any fluid  
2 Spanish.   He may know a few words.

3           Q       Did you listen to Mr. Wack to say anything  
4 to -- don't tell us what he said.   If he said anything  
5 in Spanish you couldn't know anyway, you don't speak  
6 Spanish.

7           THE COURT:   He might understand a word here  
8 or there.

9           Did you hear Mr. Wack speak any words to  
10 Mr. Arocena that sounded to you like a language other than  
11 English?

12          THE WITNESS:   No.

13          Q       At any time during those three or four days  
14 that you were together he didn't say anything in Spanish  
15 to him?

16          A       Larry Wack doesn't speak Spanish.

17          Q       But any words at all?

18          A       He may have said, "Adios," something like that.

19          Q       Let me ask you, during your conversations with  
20 Mr. Arocena did the name of Mr. Necuze come up?

21          A       No.

22          Q       The name Necuze never came up once?

23          A       Not on the days of those conversations on the  
24 25th and the 26th, no.

25          Q       The 27th?

5rbs

Brandt - cross

1 A The 27th he never mentioned it.

2 Q The 28th?

3 A No.

4 Q The next time you saw him in Miami?

5 A No, he wouldn't talk about a Mr. Necuze.

6 Q Did you bring up the name Necuze?

7 A Yes.

8 Q How did you bring up the name Necuze?

9 A I knew that he was in communication with a  
10 Mr. Necuze.

11 Q That Mr. Arocena was in communication with  
12 Mr. Necuze?

13 A Yes.

14 Q Were you in communication with Mr. Necuze at  
15 that time?

16 A I never met Mr. Necuze at that time.

17 Q Do you know if Mr. Wack was in communications  
18 with Mr. Necuze?

19 A He was not.

20 Q Did you have any discussions at any time in  
21 your conversations with Mr. Arocena concerning Felix Garcia  
22 and his role in the Embassy, what he did for the Embassy?

23 A Yes, I remember talking about what Felix Garcia  
24 did for the Embassy.

25 Q Besides being the driver for the Cuban Ambassador,



1 Did you also learn at that time that he worked for G-2  
2 which is the equivalent of the KGB?

3 MR. TABAK: Objection.

4 THE COURT: Did anybody tell you that Felix  
5 Garcia worked for the equivalent of the Soviet KGB?

6 THE WITNESS: No.

7 THE COURT: What about G-2?

8 THE WITNESS: No.

9 BY MR. AGUILAR:

10 Q The only knowledge you had at that time was  
11 that he was the driver of the --

12 A That's correct.

13 Q Did the name Eulalio Negrin come up?

14 A Yes, it did.

15 Q It came up with his shooting and eventual  
16 death, correct?

17 A Would you repeat that, please?

18 THE COURT: Did it come up in connection with  
19 the shooting and eventual death of Mr. Negrin?

20 THE WITNESS: Yes, I did.

21 Q Did you also discuss that Mr. Negrin --

22 MR. TABAK: Objection.

23 THE COURT: Let me hear the question.

24 MR. TABAK: Your Honor, we object on relevance,  
25 and I would be happy to discuss it at the side bar.

1 THE COURT: Let me hear the question.

2 I do not think he completed it.

3 MR. TABAK: May we have a side bar, your  
4 Honor?

5 THE COURT: Very well.

6 (At the side bar.)

7 THE COURT: Let me hear the question.

8 (Record read.)

9 MR. TABAK: Your Honor, the basis of my  
10 objection, aside from the fact that it is unfortunate  
11 they would choose to tar somebody who is not in a position  
12 to respond, which is neither here nor there, is that  
13 whether Mr. Negrin was a communist or anything else, would  
14 not be a defense to murder and it would not be a defense  
15 to perjury in the grand jury, which is what we are talking  
16 about in this case.

17 And I feel it is totally inappropriate for  
18 completely irrelevant matters to be brought into this  
19 matter.

20 MR. AGUILAR: Your Honor, if I may respond,  
21 Mr. Negrin was known in the community as somebody who had  
22 many enemies. If I can show that not only Omega 7 was  
23 maybe his enemy, that a lot of other people had axes to  
24 grind against this man, it could show somebody else could  
25 have killed this man and not Omega 7.

1 We would bring testimony to the Court in  
2 its defense that Mr. Negrin was taking money from people  
3 to bring people from Cuba, stealing from a lot of people,  
4 that he was very disliked in the community, that this man  
5 had to carry a gun, had to carry rifles for protection  
6 all the time from a lot of individuals.

7 MR. FERNANDEZ: In addition to that, he also  
8 had \$7,500 at the time that he was slain, and that money  
9 has not been accounted for. And we have reason to believe  
10 that these moneys may have come from people that he had  
11 offered to bring relatives from Cuba.

12 MR. TABAK: Your Honor, I do not object if  
13 they want to show that other people may have wanted -- had  
14 any motive to kill Negrin. I do object to questions about  
15 whether he was a communist or not which has nothing to do  
16 with this case.

17 THE COURT: I did not hear that as the question.  
18 Part of it was the question was cut off. I did not hear  
19 that.

20 I would think it would be relevant to develop  
21 any information that this individual, for whatever the  
22 reasons, had enemies who would possibly do him harm.  
23 And that is what I gather you are attempting to do.

24 MR. AGUILAR: Yes, your Honor.

25 MR. TABAK: The Government does not object to

1 that line as long as there is no questioning about whether  
2 he was a communist or not, which is irrelevant.

3 THE COURT: Let me put it this way:

4 I will let counsel ask his questions in the  
5 form he feels appropriate. If you believe that objection  
6 is appropriate, rise and I will rule on the objection.

7 MR. TABAK: Thank you, your Honor.

8 MR. FERNANDEZ: Thank you.

9 (In open court.)

10 MR. AGUILAR: Judge, is it time for me to raise  
11 my hand, I do not know, for a break or something? I do not  
12 know. I see you standing up.

13 THE COURT: I am standing up because I am  
14 stretching. Would you think that this would be a time  
15 that you request a break?

16 MR. AGUILAR: Yes, your Honor, I would.

17 THE COURT: Granted.

18 Ladies and gentlemen, we will take a ten-minute  
19 recess. This will be our afternoon break.

20 Please do not discuss the case among yourselves,  
21 and keep an open mind.

22 (Recess.)

23  
24 (Continued on the next page.)

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ET5B

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MR. TABAK: May I proceed, your Honor?

THE COURT: You may.

MR. AGUILAR: Thank you, your Honor.

Q Now, Detective Brandt, my last question was, did you know what kind of business Mr. Negrin was in?

A What business was that, sir?

Q Yes, sir.

A Yes.

Q What was that, sir?

A I think he was the owner of Alamacen El Espanol.

Q Do you know what he did for a living?

A From what I understand, it was a tourist business.

Q What kind of tourist, do you know?

A I heard that he had flights to Cuba.

Q Do you know whether these flights originated from the U. S.? If you know.

A I honestly don't know, but I heard that they went to Cuba.

Q During your investigations, did you follow up as to what Mr. Negrin did for a living, who his associates were, et cetera? Did you follow that up?

A I didn't.

Q Somebody from your Task Force did that?

A Not that I know -- I don't know. I have no

1 information on it.

2 Q During your discussions with Mr. Arocena, did it  
3 become known to you that Mr. Negrin had many enemies in the  
4 community in New Jersey?

5 A That's what Mr. Arocena said, that he had a lot  
6 of enemies.

7 Q And why did he say he had a lot of enemies?

8 MR. TABAK: Objection.

9 THE COURT: What did Mr. Arocena say about that?  
10 I'll allow it.

11 THE WITNESS: He said in his opinion, he was a  
12 Communist.

13 Q Did he also mention the fact that Mr. Negrin  
14 was alleged to have taken money from a lot of people and  
15 never produced those trips to Cuba?

16 A I don't recall that conversation.

17 Q Okay. Do you know if he mentioned that to  
18 Mr. Wack?

19 A If he did, it wasn't in my presence.

20 Q Did the name of Dionisio Suarez come up in any  
21 conversations you had with Mr. Arocena?

22 A Yes.

23 Q And how did it come up?

24 A He said -- Mr. Arocena told me that he had  
25 heard that Suarez was seen in Costa Rica and also that he was

1 seen in officer's uniform in Cuba.

2 Q During the boat lift?

3 A Yes.

4 Q He was dressed in an army uniform of the Cuban  
5 Army?

6 A That's what Mr. Arocena told me.

7 Q Who is Dionisio Suarez?

8 A He is a fugitive in the LeTellier homicide  
9 case in Washington, D. C.

10 Q Fugitive from the U. S.

11 A Fugitive from the U. S. Government, yes.

12 Q During your conversations with Mr. Arocena,  
13 did there come a point where he discussed various foreign  
14 nations being involved in various plots within the  
15 U. S.?

16 A No.

17 Q Okay. Did you ever hear of anything like that  
18 during your conversations with him, that Mr. Arocena may have  
19 spoken to Mr. Wack?

20 A He did talk about in his opinion there were Cuban  
21 agents in the U. S., but that's the only one I can recall.

22 Q Did he provide any names to you of Cuban agents?

23 A No.

24 Q As a result of your investigation of Mr. Arocena  
25 and conversations with him, did you ever come into possession

1 of a list of approximately fifteen hundred names of Cubans  
2 or Russian agents working in the U. S.?

3 A Would you say that question again, counselor?

4 THE COURT: Miss Reporter?

5 (Record read)

6 MR. TABAK: Your Honor, could that be divided,  
7 that question, it's a multiple question.

8 THE COURT: A list of Cuban or Russian agents.

9 A I don't have such a list. I never saw such a  
10 list.

11 THE COURT: I'll allow that answer to stand.

12 Q Then you would be surprised if somewhere along  
13 the trial, a list comes in that was provided by you to me  
14 at one point in the discovery of this trial

15 A I think I know what you're referring to,  
16 counselor. If there was a list of names received from  
17 Mini Storit in Miami, Florida. But I don't know what  
18 those names consist of.

19 Q Nobody ever told you what those names were?

20 A No, I don't know.

21 Q But you have that list.

22 A There is such a list that the FBI has that was  
23 received from the Mini Storit in Miami, Florida. I don't  
24 know if it's a Communist list. It's a list of names.

25 Q Of the names that were discussed between



1 yourselves and Mr. Arocena, did you do any follow-up  
2 investigation as to those persons that you discussed?

3 A You would have to be more specific, counselor.  
4 I don't know what names you're speaking of.

5 Q Did you speak with the people that came here to  
6 testify in front of the grand jury on September 2nd?

7 A After September 2nd, I didn't speak to them.

8 Q Did you speak with any of these people prior to  
9 September 2nd?

10 A Yes.

11 Q And who did you speak with?

12 MR. TABAK: Objection.

13 THE COURT: Sustained.

14 Q Did you have a list of names and alleged acts  
15 that you provided to Mr. Arocena to confirm or deny when  
16 you spoke with him?

17 A Could you rephrase that, counselor?

18 Q Sure.

19 When you spoke with Mr. Arocena on the 24th, 25th,  
20 26th and 27th, did you ever provide him with a list of names  
21 and ask questions concerning Pedro Remon, Mr. Losada or  
22 any other individual?

23 A I discussed people with him, but I never gave him  
24 any list.

25 Q When you were talking to him and you were asking him

1 a series of questions did you go down a mental list that  
2 you had of all the individuals that you thought were  
3 suspects in this case?

4 A No.

5 Q Did Mr. Wack do that?

6 A No.

7 Q As a result of having spoken with Mr. Arocena, did  
8 you participate in any interrogation of Mr. Necuze?

9 A As a result of speaking to Arocena?

10 Q Yes, sir.

11 A No.

12 Q Did you ever speak to Justo Rodriguez?

13 MR. TABAK: Objection.

14 THE COURT: I'll permit a yes or no.

15 A Counselor, is that question, have I ever spoken  
16 to Justo Rodriguez?

17 Q Yes, sir.

18 A Yes, I have.

19 Q And concerning the investigation of Omega 7?

20 MR. TABAK: Objection.

21 THE COURT: I'll allow that, too.

22 A Yes, I have.

23 Q Was that as a result of what you spoke with  
24 Mr. Arocena?

25 A No, I would say the reason I spoke to him did not

1 .come from Mr. Arocena.

2 Q Okay. It was something you learned independent  
3 of Mr. Arocena?

4 A I didn't hear it from his lips.

5 Q From Mr. Arocena's lips, or Mr. Rodriguez' lips?

6 MR. TABAK: Objection. The question makes no  
7 sense as it's currently posed.

8 THE COURT: Do you understand the question,  
9 counsel -- counsel doesn't have to. I mean, do you  
10 understand the question, Agent Brandt?

11 THE WITNESS: No.

12 THE COURT: He doesn't understand the question.  
13 Will you rephrase it, please?

14 MR. AGUILAR: Yes, I will, your Honor.

15 Q As a result of your investigation, you spoke with  
16 Justo Rodriguez, was that prior to September 2nd, 1982?

17 A No.

18 Q Was it after you spoke with Mr. Arocena?

19 A Yes, it was.

20 Q Was it as a result of what you spoke with  
21 Mr. Arocena about?

22 A No.

23 Q What did you speak with Mr. Rodriguez about?

24 Don't tell me what he told you. Were you investigating  
25 Omega 7?

1 THE COURT: Yes, I'll go along with that.

2 A Yes.

3 Q And was he a suspect in the investigation?

4 MR. TABAK: Objection.

5 THE COURT: I'll allow that, too.

6 A Yes.

7 Q How many meetings did you have with Mr. Rodriguez?

8 MR. TABAK: Objection.

9 THE COURT: Sustained.

10 Q Did you meet with him in Miami?

11 MR. TABAK: Objection.

12 THE COURT: Sustained.

13 Q Was Mr. Rodriguez helpful in your investigation  
14 in clarifying up the investigation that you were conducting  
15 of Omega 7?

16 MR. TABAK: Objection.

17 THE COURT: What's the ground for the objection  
18 there, counselor?

19 MR. TABAK: It's not relevant, your Honor.  
20 Besides which, it calls for hearsay.

21 THE COURT: Overruled. It calls for a conclusion,  
22 too.

23 Was he helpful?

24 A yes.

25 THE COURT: Very well.

1 Q How was he helpful?

2 MR. TABAK: Objection.

3 THE COURT: Sustained.

4 Q What did you learn as a result of your investigation  
5 of Mr. Rodriguez?

6 MR. TABAK: Objection.

7 THE COURT: Sustained.

8 Q Was Mr. Rodriguez a confidential informant that  
9 you had?

10 MR. TABAK: Objection.

11 THE COURT: Sustained.

12 Q As a result of conversations that you had with  
13 Mr. Arocena, did you do any investigation of a Mr. Huber Matos?

14 A No.

15 Q What did you discuss with Mr. Arocena concerning  
16 Huber Matos?

17 A He told me that the people in the Pedro Remon  
18 Omega 7 cell had joined the Huber Matos organization.

19 And because of that, he felt that the Pedro Remon cell  
20 were Communists. He also told me that he considered  
21 Huber Matos a Socialist and a Communist.

22 Q Did you do any follow-up investigation concerning  
23 Huber Matos?

24 A No.

25 Q Do you know who he is?

1 A Do I know who he is, counselor?

2 Q Yes.

3 A I have never met him, but I have heard of him.  
4 I know who he is.

5 Q But you didn't do any investigation concerning  
6 him?

7 A I have never personally conducted such an  
8 investigation.

9 Q And he never became a target of your investigation,  
10 in the investigation of Omega 7?

11 A Not Huber Matos, no.

12 Q Neither his group?

13 A No.

14 Q Didn't it alarm you that Pedro Remon was linked  
15 to Huber Matos by somebody you thought was cooperating with  
16 you?

17 A No, I was only looking at individuals, not at  
18 the whole group.

19 Q But you testified that this person, Mr. Arocena,  
20 was cooperating with you, and here he is giving you a  
21 name of somebody who is linked to one of the suspects.  
22 Didn't you do any follow-up investigation as to this  
23 particular individual?

24 A Well, our investigation didn't show that Huber Matos  
25 was involved in Omega 7.

1 Q So in other words, only the names that you had  
2 prior to speaking with Mr. Arocena and once you spoke  
3 with him, those names were mentioned to you, then you did  
4 some follow-up work on it, is that correct?

5 A Well, we had done prior work on those individuals.

6 Q Any other name that was mentioned that you had  
7 done prior work on, you didn't follow up on?

8 A I think we had all -- we had all the names  
9 prior -- we had the suspects prior to speaking with  
10 Mr. Arocena.

11 Q Okay. I'm a little confused here.

12 You're telling us that you did no follow-up work on  
13 Huber Matos even though you said that Mr. Arocena told you  
14 that he was linked to Omega 7 cell here in the New York  
15 area?

16 MR. TABAK: Objection.

17 THE COURT: It has been asked and answered. I'll  
18 let it be covered again.

19 A I did no work on Huber Matos.

20 THE COURT: As I understand your testimony,  
21 Detective Brandt, you didn't consider Huber Matos a suspect  
22 before you spoke with Mr. Arocena, is that right?

23 THE WITNESS: Yes, sir.

24 THE COURT: And am I correct that you didn't  
25 consider him a suspect after you spoke with Mr. Arocena?

1 THE WITNESS: That's correct.

2 THE COURT: Very well.

3 MR. AGUILAR: Thank you, your Honor.

4 Q Were there any other other persons that  
5 Mr. Arocena mentioned that you had done no follow-up work  
6 on, that you discarded as suspects or you had discarded as  
7 suspects?

8 A I don't believe so. Everyone he told me was  
9 involved in Pedro Remon's Omega cell, we did work on.

10 Q Except Huber Matos?

11 MR. TABAK: Objection. That's not the testimony.

12 THAT COURT: That was not the testimony he said  
13 that Pedro -- according to what Mr. Arocena is supposed to  
14 have said, that Pedro Remon's cell, according to Arocena,  
15 joined Huber Matos. That's the way I heard the testimony.  
16 Needless to say, the recollection of the jury will govern  
17 in the matter.

18 But I think your question was not predicated on  
19 the testimony. That was the reason for the ruling. Is that  
20 the reason for the objection, counsel?

21 MR. TABAK: Yes, it is, your Honor.

22 THE COURT: All right.

23 Q Did you offer Mr. Arocena any personal protection?

24 A Yes.

25 Q What kind of personal protection did you offer him?



msjah 13 Brandt-cross

1 A I offered myself as personal protection when I was  
2 with him, and we had told him that we would give him any  
3 protection necessary if he needed it.

4 Q Either here in this metropolitan area or in  
5 Miami?

6 A Yes.

7 Q Did you offer him protection when you all decided  
8 that he would return to Miami?

9 A Yes.

10 Q Did he refuse?

11 A He refused protection.

12 Q Now, when you offered him protection, did you  
13 also offer him any money in exchange for information?

14 A No.

15 Q Okay. Did you offer his family any protection?

16 A We spoke to him about that, and he felt his  
17 family didn't need any protection.

18 Q Okay. Did he feel, in your conversations with  
19 him, did he feel that he needed protection?

20 A He said he didn't want or he didn't need  
21 protection.

22 Q Okay. He didn't seem too afraid, then, right?

23 A Well, he told me at the same time that he thought  
24 Pedro Remon and Ramon Sanchez were out to kill him.

25 Q Okay. Did that seem very logical to you, that

1 here's a man who is afraid of his life from Pedro Remon,  
2 and yet he is refusing your protection?

3 A I believed him.

4 Q You believed that he was afraid of his life from  
5 Pedro Remon but that he also didn't want protection.

6 A Yes. That's what he said.

7 Q Okay, did you discuss that with your supervisors?

8 A I probably did, yes.

9 Q And the idea was told to the person in charge  
10 of the unit at that time that you had afforded him protection  
11 and that he had refused.

12 THE COURT: "Offered." I think you said  
13 "offered," didn't you?

14 Q Offered protection.

15 THE COURT: Offered.

16 A I don't remember that conversation. But I'm  
17 sure we would have told our supervisors that there was a --  
18 we would have told our supervisors that -- I can't phrase  
19 it the same way. I'll have to say that -- we would have  
20 told our supervisors that he considered his life was  
21 in danger, we would have probably told them we believed it  
22 which I know we did. We would have told them that we had  
23 offered protection, and that he didn't want protection.  
24 We cannot give protection to a person who doesn't want it.  
25 We can't force protection on people.

1 Q And your supervisor at that time was Mr. Mawn,  
2 M-a-w-n?

3 A Yes.

4 I had other supervisors, also.

5 Q He was your immediate supervisor?

6 A He was one of the supervisors.

7 Q Now, were you keeping your office or your  
8 section, the anti-terrorist section, advised of all the  
9 information you were obtaining from Mr. Arocena?

10 A Yes.

11 Q Okay. And who were those persons that you kept  
12 informed?

13 A We would have told our immediate supervisors,  
14 Barry Mawn, Kevin Hallinan, Sgt. Linehan.

15 Q On the 27th, that's on a Monday, correct?

16 A Yes.

17 Q On the 27th, did at any time Mr. Arocena  
18 complain to you that he wanted to leave?

19 A That he wanted what, sir?

20 Q To leave.

21 A He never said that.

22 Q Did he ever complain to you that he was tired and  
23 wanted to leave?

24 A Well, the only -- he said he wanted to go to  
25 Miami, if that's what you mean, sir.

1 Q All right, when did he say that the first time?

2 A When we made our agreement at the Jetport on the  
3 26th, he said he would go down to Miami for us. He didn't  
4 insist on going then. He said he would go to Miami,  
5 try to locate six to eight hundred pounds of explosives  
6 for us.

7 And the remote transmitter.

8 Q That was the only time he ever complained to you  
9 that he wanted to leave for Miami?

10 MR. TABAK: Objection.

11 THE COURT: Sustained as to form. The word  
12 "complained" is what counsel is objecting to.

13 Q That was the only time he told you he wanted  
14 to leave for Miami?

15 A No, we had discussed him going down to Miami on  
16 the 26th and the 27th also.

17 Q Okay. On the 27th itself, when he was in  
18 his office speaking with you and then later on with other  
19 FBI agents, did he ever make it known to you that he  
20 wanted to leave, that he didn't want to cooperate with  
21 you, or talk to you any more?

22 A No.

23 Q Okay. At that time, were you all feeding him?

24 A Yes.

25 Q You were feeding him breakfast, lunch and dinner?

1           A     I don't recall what meals we had, but if he said  
2 he was hungry, I would have been glad to go down and get  
3 him something to eat or take him to get something to eat  
4 or whatever.

5           Q     And you also got him lots of coffee and stuff  
6 whenever he wanted it, right?

7           A     We took care of his needs. Whenever he asked for  
8 something, we made sure he got it.

9           Q     All right, were you present with him on the 27th  
10 when he had lunch?

11          A     Yes.

12          Q     Okay. Were you present with him when he had  
13 breakfast that morning?

14          A     No.

15          Q     Did he also have dinner with you all?

16          A     He didn't have it with me. I think he probably  
17 had it on the airplane by himself.

18          Q     Okay. Did Mr. Arocena ever discuss with you  
19 on the first four days that you talked to him, 26th, 25th, 26th  
20 -- 24th, 25th, 26th, 27th, that he had been to Cuba?

21          A     Yes, he did.

22          Q     When did he say that to you?

23          A     I can't recall what day, but it wasn't on the 24th.  
24 It would have to be on one of the other days.

25          Q     And he went to Cuba for what purpose, did he

1 .tell you?

2 A He said he had gone during the Mariel boat  
3 lift on a boat with Cuba, and tried to bring back some  
4 people who Castro was letting out of Cuba at that time.

5 Q And also part of his family?

6 A He said he tried to get his son out, yes.

7 Q Did he also tell you at that time that he made  
8 contact with different persons in Cuba who were working  
9 for the underground?

10 A No, I don't recall that.

11 Q Do you know if he ever told Mr. Wack?

12 A Not that I know of.

13 Q Did you know if Mr. Wack ever threatened to  
14 expose any persons that were working for the underground  
15 in Cuba, should Mr. Arocena fail to cooperate with the  
16 FBI?

17 A I don't know about either Wack or I having  
18 any information on people in the underground in Cuba.

19 Q The information that you related to us yesterday  
20 concerning discussions you had with Mr. Arocena concerning  
21 the bombings of various locations in New York City, was  
22 that public record in New York, if you know?

23 A That the events occurred, I would say is public  
24 record.

25 Q Okay. The information was published in various

1 newspapers, is that correct?

2 A Yes.

3 Q It was also broadcast over radio and television,  
4 correct?

5 A I would assume it was.

6 Q When you first met Mr. Arocena, he said to you  
7 that he was a messenger from Omar?

8 A He said that he was a messenger. He didn't  
9 say a messenger. He said, "I'm here representing Omar."

10 Q Okay.

11 But according to your testimony later on he also  
12 told you, "I'm not a messenger, I'm not relating the  
13 messages, I am Omar"?

14 A He didn't say anything about "messages." He  
15 said, "I am Omar."

16 Q Okay.

17 And of course you believed him?

18 A I believed him after he told me some facts that  
19 substantiated things that we had found at bombing scenes  
20 and what he described, devices, and the way he put them down  
21 which correlated with our investigation at that time we did  
22 believe him.

23 Q A lot of the facts that you were told by Eduardo  
24 Arocena concerning one individual named Pedro Remon,  
25 correct?

1 A Yes.

2 Q And it seems as to the information that was  
3 given to you, that Pedro Remon was the key figure in most  
4 of the bombings and the twenty shootings, is that correct?

5 A No, I wouldn't say that. I would say Mr. Arocena  
6 was also a key figure.

7 Q Wasn't Pedro Remon a key figure in those  
8 events?

9 A Yes.

10 Q And isn't it a fact that the information that was  
11 related to you by Mr. Arocena placed Mr. Remon as the person  
12 who actually carried out many of those acts?

13 A That's correct.

14 Q Okay.

15 And that Pedro Remon was also a target of your  
16 investigation, is that correct?

17 A Yes, he was.

18 Q And Pedro Remon came before the grand jury to  
19 testify, correct?

20 A Yes.

21 Q And Pedro Remon refused to testify before the  
22 grand jury, correct?

23 A Yes.

24 Q And Pedro Remon is next door at the MCC for contempt  
25 of court, correct?



msjah 21 Brandt-cross

1 A Yes.

2 Q Now, did Mr. Arocena refuse to testify before  
3 the grand jury? *Stricken 8/23/74*

4 A No, he did testify. But he committed perjury.

5 Q That's your opinion. That's something for the  
6 jury to deliberate on, okay? And the Court will instruct  
7 the jury as to if Mr. Arocena committed perjury or not.

8 THE COURT: It is for the jury to determine  
9 whether Mr. Arocena did commit perjury as charged in  
10 Count 25 of the indictment.

11 Q Now, a lot of the subjects of your investigation  
12 came before the grand jury, correct?

13 A Yes.

14 Q And many of those persons refused to testify before  
15 the grand jury, correct?

16 A That's correct.

17 Q And most of those persons are sitting next door  
18 at the Metropolitan Correctional Center in jail awaiting  
19 sentence for contempt of court, correct?

20 A Most of them have already been sentenced for  
21 criminal contempt.

22 Q And that's for failing to testify before the  
23 grand jury?

24 MR. TABAK: Objection. That's not a fair  
25 characterization, your Honor.

1 THE COURT: No, it isn't, really. You want  
2 to rephrase your question; I'll permit the inquiry.

3 MR. AGUILAR: Very well, your Honor.

4 Q Did you have any conversations with any of the  
5 individuals that have been sentenced already for contempt  
6 of court?

7 A Since when, counselor?

8 Q During your investigation after you spoke with  
9 Mr. Arocena, the first time.

10 A No.

11 Q Do you know if any of those individuals that are  
12 next door have been sentenced or to be sentenced, have any  
13 pending charges against them?

14 A Yes.

15 Q Which one?

16 A Ramon Sanchez.

17 Q For what, if you know?

18 A Pointing a revolver at a Miami police officer  
19 and threatening to kill him.

20 Q All right, are there any pending charges as a  
21 result of Omega 7 investigation?

22 A Not that I'm aware of.

23 Q Okay. Has, if you know, Eduardo Arocena  
24 testified against any of those individuals at any of their  
25 trials?

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A No, he has not.

MR. TABAK: Your Honor, may we have a side bar?

THE COURT: Yes.

(Continued on next page)

1 (At the side bar.)

2 MR. TABAK: Your Honor, this question about  
3 whether Arocena testified at the trials of these people on  
4 criminal contempt is totally misleading to the jury.  
5 I would ask an instruction to the jury what criminal  
6 contempt in those cases involved was disobedience of a  
7 Court order to testify under immunity in a grand jury.  
8 And there is no reason why Mr. Arocena should have  
9 testified.

10 MR. AGUILAR: If I may respond, there have  
11 been allegations made at those hearings where those people  
12 were sentenced for contempt of Court that Mr. Arocena was  
13 ready to come in and testify against each and every one  
14 of those individuals.

15 MR. TABAK: That's absolutely untrue. I have  
16 reviewed every sentencing minutes and have attended some  
17 of the sentencing. That's absolutely untrue.

18 It was represented exactly what Mr. Arocena  
19 said.

20 THE COURT: Criminal contempt would arise if  
21 a witness wilfully refused to testify. Simple as that.

22 MR. AGUILAR: I agree. But the severity of  
23 the punishment for a lot of these people came as a result  
24 of representations made by the Government to various  
25 attorneys representing these individuals who I have spoken

1 with, saying that Arocena was ready and willing to come  
2 in and testify against them.

3 MR. TABAK: That's totally untrue. Every  
4 sentencing memo -- and I reviewed every single one -- said  
5 exactly what Arocena's status was, said what he said, that  
6 he was unwilling to cooperate. And indeed, in one of  
7 the sentencing hearings, I said to one of the defense  
8 lawyers who was challenging some of the information, if  
9 they wanted to call Mr. Arocena, they knew where they could  
10 find him, and he wouldn't testify for us. So that's  
11 perfectly incorrect.

12 Even so, dealing with Mr. Arocena's public  
13 relations has nothing to do with the trial.

14 We would ask for an instruction to this jury  
15 that the criminal contempt involves disobedience of a  
16 Court order to testify under immunity, and that they refused  
17 to obey the Court's order to testify.

18 MR. FERNANDEZ: He's an officer of the Court,  
19 and I accept his representations, as long as they are on  
20 the record.

21 THE COURT: Very well. And I will give the  
22 instruction.

23 MR. TABAK: Thank you.

24 (In open court.)

25 THE COURT: Ladies and gentlemen, there has been

1 some mention of criminal contempt. In the usual case,  
2 criminal contempt occurs when an individual -- in this  
3 case, both persons who have been named during the testimony  
4 of Detective Brandt -- when those persons are called before  
5 a grand jury and are given immunity from prosecution,  
6 are then asked questions and refuse to answer those  
7 questions.

8 In the first instance, the people had had a  
9 right to refuse to answer questions on the ground that  
10 they have a Fifth Amendment right not to incriminate  
11 themselves. However, once they receive a grant of  
12 immunity, that is, immunity from prosecution, they must  
13 answer the questions. And when they refuse to do so, they  
14 may be held in criminal contempt and may be sentenced for  
15 a term of up to five years under appropriate circum-  
16 stances.

17 That's what criminal contempt is all about.

18 MR. TABAK: May we have a side bar?

19 THE COURT: No. You want more?

20 MR. TABAK: No. I just wanted to clarify one  
21 matter for the Court.

22 THE COURT: Well, let's have a side bar and you  
23 can clarify it for me and I will try to clarify it for the  
24 jury.

25 MR. AGUILAR: And the other lawyers.

1 (At the side bar.)

2 THE COURT: Mr. Tabak?

3 MR. TABAK: I'm sorry.

4 What I wanted to clarify is that under the  
5 statute, there is no maximum. And indeed, in this case,  
6 the sentences have been as long as nine years for criminal  
7 contempt.

8 MR. FERNANDEZ: Fine.

9 MR. AGUILAR: Okay.

10 THE COURT: I thought there was a five-year  
11 maximum.

12 MR. TABAK: No.

13 THE COURT: There is no maximum. I thought  
14 civil contempt had no maximum.

15 MR. TABAK: Civil contempt is 18 months.

16 THE COURT: All right, let me get this so I can  
17 instruct the jury properly.

18 (In open court.)

19 THE COURT: You see, I was wrong, ladies  
20 and gentlemen.

21 MR. AGUILAR: First time.

22 THE COURT: No, it won't be the last, I can tell  
23 you that.

24 Just a moment.

25 (At the side bar.)

5mss

Brandt - cross

1 MR. TABAK: I think it's Section 401, your  
2 Honor.

3 THE COURT: All right.

4 MR. TABAK: I think it's Title 18, Section 401.

5 THE COURT: Off the Record.

6 (Discussion off the record.)

7 MR. TABAK: I think it's 401, Paragraph --

8 Your Honor, it's 401 and it's punished by fine  
9 or imprisonment. And the Supreme Court has held that  
10 you cannot give both a fine and imprisonment, but there is  
11 no limit on the imprisonment.

12 THE COURT: No limit.

13 MR. TABAK: And, indeed, Judge Edelstein and  
14 Judge Cannella have had appeals pending whether they could  
15 give the six years and nine years they have.

16 THE COURT: They never would have gotten more  
17 than five from me, you see.

18 All right, I will indicate that.

19 MR. TABAK: Of course, the immunity is not a  
20 blanket immunity, only as to what they testified about.  
21 I don't want the jury to think that we have given up on all  
22 these people.

23 THE COURT: All right, I will explain it.

24 MR. TABAK: Thank you, your Honor.

25 (In open court.)



1 THE COURT: Ladies and gentlemen, I wish to  
2 correct what I said a few minutes ago.

3 Contempt is governed by Title 18 of the United  
4 States Code, Section 401.

5 That section reads that a Court of the United  
6 States shall have power to punish by fine or imprisonment  
7 at its discretion, such contempt of its authority and  
8 none other, and it goes on to several subdivisions. And  
9 one of them is a refusal to testify before the grand jury  
10 following a grant of immunity.

11 First, I was under the impression that there  
12 was a maximum sentence available of five years. The  
13 Government indicates that in some of the cases which are  
14 related to this one, but have nothing directly to do with  
15 Mr. Arocena, Judges of this Court have sentenced condemnors --  
16 that's what they're called -- for terms of up to nine years  
17 for refusing to testify.

18 In addition, I would note that when I say  
19 "a grant of immunity," that means if you testify and say  
20 something that incrimines yourself, that testimony cannot  
21 be used in a subsequent prosecution brought against you.  
22 That does not mean that you cannot be prosecuted. You  
23 could be prosecuted, but the testimony you have given could  
24 not be used to support that prosecution.

25 I hope, Mr. Tabak, I have now clarified the

1 matter.

2 MR. TABAK: Thank you, your Honor.

3 THE COURT: Is there anything further?

4 MR. TABAK: No, your Honor.

5 THE COURT: Mr. Aguilar, is there anything  
6 further that you have on this subject?

7 MR. AGUILAR: No, Judge. I'll drop that one.

8 THE COURT: All right, there is no disagree-  
9 ment, then, and we will leave it at that.

10 If there is a subsequent decision by an  
11 Appellate Court during the course of this trial which  
12 changes any of these matters, I shall ask the Government  
13 to bring the matter to my attention and I shall bring it  
14 to yours.

15 You may proceed, Mr. Aguilar.

16 MR. AGUILAR: Thank you, your Honor.

17 BY MR. AGUILAR:

18 Q Detective Brandt, during your investigation  
19 of Omega 7, did you work very closely with Larry Wack?

20 A Yes, I did.

21 Q And you saw each other constantly; is that  
22 correct?

23 A Only during working hours.

24 Q That's fine.

25 Did you ever go out and have a drink together?

8mss

Brandt - cross

1 A Yes, we have.

2 Q All right, so it's not only during working  
3 hours, but other times, too; right?

4 A Yes.

5 Q You became very good friends?

6 A Two people who work together shouldn't work  
7 together unless they're friends.

8 Q That's true.

9 Now, how long have you known Mr. Wack now?

10 A Since 1976.

11 Q During that time, there have been a lot of  
12 moments during investigation when all these bombings were  
13 occurring that you discussed various suspects; is that  
14 correct?

15 A Yes.

16 Q And did it ever appear to you that Mr. Wack had  
17 become nearly obsessed with Cubans?

18 A No, sir. I was never obsessed with Cubans.

19 THE COURT: Not you. Mr. Wack.

20 THE WITNESS: And neither was Mr. Wack.

21 Q Do you know if Mr. Wack had ever been to Cuba?

22 A He never told me he was.

23 Q Do you know if Mr. Wack belonged to leftist  
24 organizations?

25 A I'm sure he doesn't.

1 Q Excuse me, sir?

2 A I'm sure he doesn't.

3 Q But you don't know?

4 A I do know.

5 Q You do know?

6 A Yes.

7 Q Did Mr. Wack ever discuss with you the Le Tellier  
8 bombing in Washington?

9 A I know he worked the case. I did not work it  
10 with him at the time. But he never really discussed it  
11 in full or just parts of it here and there.

12 Q Were there any suspects in the Omega 7  
13 investigation that were also suspects in the Le Tellier  
14 Washington bombing?

15 A I didn't work the case.

16 Q No. I'm sorry. It's my fault.

17 During your investigation of the Omega 7 group,  
18 at any time were there any persons that you were investigat-  
19 ing as maybe belonging to Omega 7, sympathetic to Omega 7,  
20 that had been suspects in the Le Tellier bombing, if you  
21 know?

22 MR. TABAK: Objection.

23 THE COURT: If you know.

24 A I investigated people involved in the Le Tellier  
25 thing, but after speaking to Eduardo Arocena, I knew that

1 they weren't part of Omega 7.

2 Q These six or seven hundred pounds of explosives --

3 THE COURT: Six to eight hundred.

4 MR. AGUILAR: Is that seven hundred, your Honor?

5 THE COURT: Could be.

6 Q These explosives that you mentioned, were you

7 ever informed where they came from?

8 A No.

9 Q Do you know what kind of explosives they were?

10 A He said it was Geledyne.

11 Q Is that commonly known as C-4?

12 A No, it's different. He said Geledyne and  
13 explosives. I don't know if he meant it was all Geledyne.

14 Could have been other explosives there.

15 Q What is Geledyne?

16 A Geledyne is a type of dynamite, but soft.

17 Q That's not plastic explosives?

18 A No. Looks like dynamite.

19 Q During your investigation of the bombings, did  
20 you find any Geledyne explosives?

21 A No. Mr. Arocena never came across with his  
22 word that he would bring it in.

23 Q Once again, it's my fault.

24 THE COURT: No.

25 When you investigated an attempted bombing or

1 a bombing, did you ever determine that the explosive or  
2 one of the explosives that was employed was Geledyne?

3 I think that's counsel's question.

4 MR. AGUILAR: Yes.

5 THE WITNESS: Yes.

6 Q And which particular bombing? Do you remember?

7 A I don't remember now. I'm not a bomb tech-  
8 nician, but I remember.

9 Q Now, did Mr. Arocena ever tell you anything  
10 about C-4 explosives?

11 A He mentioned that he had used C-4 explosives,  
12 yes.

13 Q Did he mention where he had used it?

14 A Yeah, one in particular was the Roa attempted  
15 assassination.

16 Q All right. Did you go look at that device,  
17 itself? Have you ever seen it?

18 A I have seen everything except the explosive,  
19 and I have seen explosives by photos. I have seen the  
20 device.

21 Q Was that C-4 or Geledyne?

22 A C-4.

23 Q C-4.

24 And where did that come from, if you know?

25 A Yeah, it was a black C-4, and there was white

1 C-4. And Mr. Arocena said that he stole that C-4 from  
2 the Cuban Nationalists?

3 A And did you learn where that particular C-4  
4 came from?

5 A Yes.

6 Q Where did it come from?

7 A From Michael Townley, a convicted Le Tellier  
8 assassinist.

9 Q It was stolen from Michael Townley?

10 A Michael Townley gave it to the Cuban Nationalists.

11 Q Okay. And somewhere along the line, Mr. Arocena  
12 is alleged to have stolen it, according to what he told you?

13 A Yes.

14 Q Okay. And do you know where Mr. Townley got  
15 it from?

16 A Yeah, from Chile.

17 Q From the country of Chile?

18 A Country of Chile. I am not personally involved  
19 with interviewing Mr. Townley or anything like that, but I  
20 have read certain reports.

21 Q You mean to say that the investigation or the  
22 report that you read and are privy to say that somebody  
23 testified or made known to you that Chile was providing  
24 explosives to be used here in the United States?

25 A I'm not familiar with the case. I never worked

1 on the Le Tellier case, but I heard that Michael Townley  
2 brought those explosives into the United States.

3 Q During your investigation, was it made known  
4 to you, or did you learn, that there were other foreign  
5 countries attempting terrorism here in the United States?

6 MR. TABAK: Objection.

7 THE COURT: Sustained.

8 Q During your investigation, Mr. Arocena never  
9 told you that he went to Chile, did he?

10 A No.

11 Q Now, during your investigation of Mr. Arocena  
12 and conversation you had with him, did the name Manny  
13 Fernandez come up?

14 A Not with me personally, no.

15 Q During the first four or five days you spoke  
16 with him at various times, the name Manny Fernandez never  
17 came up as a subject of the investigation?

18 A Not as a subject of the investigation, no.

19 Q Didn't come up at all?

20 A Not that I can recall.

21 Q So you heard the name of Manny Fernandez?

22 A Yes, I have.

23 Q Manny Fernandez a known drug dealer; is that  
24 correct?

25 A That's correct.



1 Q A convicted drug dealer?

2 A That's correct.

3 Q Do you know who he's working for now?

4 A I have no idea who he's working for.

5 Q Would it surprise you to find out he's working  
6 for the U.S. Government?

7 MR. TABAK: Objection.

8 THE COURT: Sustained.

9 He just finished telling you that he doesn't  
10 know who he's working for.

11 Does that refresh your recollection in any way,  
12 sir?

13 THE WITNESS: I know he's in prison.

14 THE COURT: That's all you know?

15 THE WITNESS: I know he's in prison.

16 THE COURT: That's all you know, that he's in  
17 prison?

18 THE WITNESS: Yes.

19 THE COURT: Very well.

20 Q Did Mr. Arocena ever mention to you that he had  
21 done surveillance against these people, like Manny Fernandez?

22 A He mentioned drug dealers, but I don't recall  
23 him mentioning any names.

24 Q Okay. That he did surveillance on drug  
25 dealers?

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A Yes.

Q And that he would provide those names to the FBI?

A He said he couldn't supply any names, because he didn't have any listed. He said it was someone -- some police agency or something went to a place where he had the information, and it had been destroyed at that time. He told us that.

ET6B

(Continued on the next page.)

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1 Q Let me ask you, you took the fingerprints from  
2 both automobiles that had been rented from National Car  
3 Rental; is that correct?

4 A That's correct.

5 Q Did you also send those fingerprints to the FBI  
6 lab for comparison?

7 A They were eventually sent, yes.

8 Q And whose fingerprints did you get?

9 A Eduardo Arocena's.

10 Q No other subject of this investigation, of  
11 Omega 7 prints were found; is that correct?

12 A Not to my knowledge.

13 MR. AGUILAR: Your Honor, may I have a second to  
14 discuss something with my partner?

15 THE COURT: Certainly.

16 (Pause)

17 Q Detective Brandt, on the 27th when you went  
18 to the FBI -- just a few more questions, honestly -- when  
19 you went to the FBI headquarters, was there a pushing  
20 match between Mr. Arocena and one of the agents?

21 A No way.

22 Q Were you present all throughout the time in  
23 the room where Mr. Arocena was being talked to by the  
24 different agents?

25 A I was present at the whole time. I may have went

1 to the men's room, but I was present the whole time he was  
2 there.

3 Q You didn't hear him ask that he wanted to leave,  
4 that he needed a lawyer and he wanted one?

5 A No, I never heard that, but when I got there at  
6 ten, from that time on I was present with him. Prior to  
7 that time he was there, I wasn't there.

8 Q Oh, okay.

9 Was there a doctor present at the FBI headquarters?

10 A No.

11 Q You all didn't give him any drugs or anything  
12 at that time?

13 A Mr. Arocena at one time told me that he doesn't  
14 take drugs.

15 Q But you knew he has a condition?

16 A He has a condition, yes.

17 Q Okay.

18 A He does take a pill, I don't know what it is.  
19 He told me at one time he takes one every day.

20 Q You didn't have a doctor present there in  
21 case of something happening there because of his condition,  
22 did you?

23 A No.

24 Q And to your knowledge, no one administered any  
25 drugs to him?

1 A No.

2 MR. AGUILAR: I have nothing further of this  
3 witness, your Honor.

4 REDIRECT EXAMINATION

5 BY MR. TABAK:

6 Q Detective Brandt, at any time between September 27,  
7 1982 when Mr. Arocena went back to Florida and October 1,  
8 1982 when he called you and Agent Wack and said he was  
9 taking off, was he under surveillance by the FBI, the  
10 police department or anyone else as far as you know  
11 during that period?

12 A No.

13 Q Why wasn't he under surveillance then?

14 A Because he requested and we told him that we  
15 weren't going to surveil him.

16 Q Why was he down there at that time?

17 A He was down there to get six to eight hundred  
18 pounds of dynamite and a transmitter for the remote-control  
19 device.

20 Q Was there any reason in connection with that  
21 why he would not have been surveilled?

22 A Well, if we surveilled him, he probably would  
23 have observed us, I know for a fact from what he told me  
24 and being involved in the investigation, that they are good  
25 at surveillance, they can spot tails. We didn't want to take

1 that chance.

2 Getting the explosives meant more to us than  
3 blowing a surveillance.

4 Q What do you know about Huber Matos?

5 A I know that Huber Matos was jailed by  
6 Fidel Castro for twenty years, and I would say three or  
7 four years ago, Castro released him and he is in the  
8 United States.

9 Q That is the same Huber Matos that Mr. Arocena  
10 said is a Communist?

11 A Yes.

12 Q In September of 1982, when Mr. Arocena was  
13 cooperating with you, did he tell you why he felt he  
14 didn't need protection?

15 A He said he could protect himself. He had his  
16 own gun.

17 Q You testified that certain bombings that  
18 Mr. Arocena told you about were publicly known. WERE all  
19 of the details that Mr. Arocena told you about how the  
20 bombings were committed publicly known?

21 A No.

22 Q Did Mr. Arocena tell you of any acts that  
23 he ever did without Pedro Remon being present?

24 A None I can recall.

25 Q Do you recall any discussion about Eduardo Ochoa

1 A Yes.

2 Q Do you recall any discussion in which Mr. Arocena  
3 told you of any acts that he did in which Pedro Remon was  
4 not present?

5 A Yes, he told me about, in Miami, Florida he  
6 told me about Eduardo Ochoa -- we were in Miami, Florida, at  
7 the time of the incident Eduardo Arocena and Ochoa lived in  
8 New Jersey, it was in 1979, he couldn't remember the date.

9 He had sent, Eduardo Arocena had sent Eduardo Ochoa  
10 to Miami to receive -- to pick up some dynamite --  
11 explosives and some blasting caps and some other explosive  
12 devices from Ramon Sanchez.

13 Mr. Ochoa, according to Arocena, brought back  
14 those explosives on a commercial airplane to New Jersey  
15 and they were eventually stored in a church in New Jersey.

16 Q Did Mr. Arocena, in discussing the September,  
17 1981 Mexican Consulate bombing, say that Pedro Remon had  
18 anything to do with that?

19 A He said he had nothing to do with that, they had  
20 split apart by then.

21 Q And who did Mr. Arocena say did the September,  
22 1981 Mexican Consulate bombing in New York?

23 A He said he did it with others.

24 Q You said that Mr. Arocena told you he took a  
25 pill for a medical condition. What medical condition was

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1 that?

2 A Diabetes.

3 Q Did you consider that a life-threatening  
4 situation which required a physician in attendance twenty-  
5 four hours a day at the FBI?

6 MR. FERNANDEZ: Judge, I want to object, he is  
7 not a doctor.

8 MR. TABAK: I withdraw the question.

9 No further questions.

10 THE COURT: Any recross?

11 MR. AGUILAR: Just one question, your Honor.

12 RECROSS EXAMINATION

13 BY MR. AGUILAR:

14 Q In learning about Huber Matos, you also learned  
15 that Huber Matos was in charge of Camaguey Province in  
16 Cuba in 1959, and he had more than eight thousand  
17 people executed?

18 A I read something about that, about the  
19 Camaguey thing. But I don't recall people being executed.

20 MR. AGUILAR: I have nothing further.

21 MR. TABAK: Nothing further.

22 THE COURT: You are excused.

23 (Witness excused)

24 MR. TABAK: The government is prepared to call  
25 the next witness, who I believe is here, who will be a