

1 UNITED STATES OF AMERICA

2 v.

S 83 Crim. 821 (RJW)

3 EDUARDO AROCENA

4

New York, N. Y.

5

August 28, 1984 - 10:10 a.m.

6

7

(Trial resumed)

8

(The jury entered the courtroom)

9

THE COURT: Good morning, ladies and gentlemen.

10

THE JURORS: Good morning, your Honor.

11

THE COURT: Mr. Wack.

12

L A R R Y W A C K, resumed.

13

THE COURT: Mr. Wack, you'll be resuming your

14

testimony under the oath which was administered when you

15

first took the stand. Do you understand that?

16

THE WITNESS: Yes, sir.

17

THE COURT: Very well. Mr. Tabak.

18

MR. TABAK: Your Honor, with the Court's permission,

19

I will at this time distribute copies of Exhibit 210-T

20

in evidence, then the jury can read along as we play

21

Exhibit 210-E in evidence.

22

THE COURT: Very well.

23

Ladies and gentlemen, you will be listening to the

24

tape which is Exhibit 210. You will recall that that is a

25

tape of a conversation which took place on July 21st, 1983,

1 between Agent Wack and Mr. Arocena.

2 Once again, I would caution you that it is  
3 what you hear that is the primary evidence. The transcripts,  
4 which are now being distributed to you, are intended  
5 as aids to assist you in understanding the conversation.

6 (Pause)

7 (Tape played)

8 MR. AGUILAR: Your Honor, if we may stop for  
9 a minute. I can't hear that. I'm sorry.

10 THE COURT: Let me suggest to the jurors,  
11 the quality of the conversation doesn't appear to be good.  
12 I will ask you to listen. To the extent you don't  
13 understand what you're hearing, even with the aid of the  
14 transcript, I suggest that you disregard information that  
15 comes across the tape which is unintelligible to your  
16 ears or garbled so that you cannot understand it.

17 MR. TABAK: Thank you, your Honor.

18 (Tape played)

19

20

21

T1

22

(Continued on next page)

23

24

25

1 BY MR. TABAK:

2 Q Agent Wack, did you have any other telephone  
3 calls with Mr. Arocena after that?

4 A No, that was the last.

5 Q Agent Wack, I am going to show you what have  
6 been marked Government's Exhibits 151-A through 151-IIIII.

7 Do you recognize those 113 sheets?

8 A Yes.

9 Q What are those?

10 A These are additional handwriting exemplars  
11 that myself and Agent Walter took from Mr. Arocena.

12 Q Do you know on what date that was?

13 A That was, according to my initials, February  
14 9, 1984.

15 MR. TABAK: The Government offers Exhibits  
16 151-A through 151-IIIII in evidence.

17 MR. AGUILAR: No objection, your Honor.

18 THE COURT: Received.

19 (Government's Exhibits 151-A through 151-IIIII  
20 were received in evidence.)

xx 21 MR. TABAK: The Government has put a summary  
22 tag on the top, your Honor, once again.

23 THE COURT: I suggest we put a summary tag  
24 which indicates Government's Exhibits 151-A-IIIII.

25 That is received.

1 MR. TABAK: Thank you, your Honor.

2 Q Agent Wack, I now show you Government's Exhibits  
3 621 and 622 for identification.

4 Do you recognize those?

5 A Yes.

6 Q What are those?

7 A 621 and 622 are business precords provided to  
8 me from the Waterfront Commission.

9 Q Do you recall when you got them and who provided  
10 them?

11 A Yes. I got these from Agent Al Senegetta,  
12 S-e-n-e-g-e-t-t-a.

13 MR. TABAK: I have no further questions of  
14 the witness on direct, your Honor.

15 THE COURT: You may cross-examine, Mr. Aguilar.

16 MR. AGUILAR: Thank you, your Honor.

17 CROSS EXAMINATION

XX

18 BY MR. AGUILAR:

19 Q Good morning, Mr. Wack.

20 A Good morning.

21 Q Mr. Wack, prior to be involved in the investiga-  
22 tion of Omega 7, what investigations were you involved in?

23 A As I recall, I was assigned to a surveillance  
24 unit in New York.

25 Q Were you involved in any other investigation

1 dealing with Cubans or anti-Castro organizations right  
2 prior to becoming involved in the investigation of  
3 Omega 7?

4 Q Were you involved in the investigation of the  
5 Cuban Nationalists movement prior to becoming involved in  
6 the investigation of Omega 7? k

7 A No.

8 Q You have never investigated the Cuban Nationalist  
9 movement?

10 A Yes, I have.

11 Q Was that after you got involved in the Omega 7  
12 investigation?

13 A After I was assigned to the Omega 7 case, right.

14 Q Prior to that you investigated anti-Communist  
15 and anti-Castro organizations, is that correct?

16 A No.

17 MR. TABAK: Objection. It is unclear what the  
18 time frame is.

19 THE COURT: He has answered the question.  
20 He seems to know. As I understood the question, it was  
21 directed to the time before the witness was assigned to  
22 the Omega 7 investigation.

23 Was that your understanding of the question  
24 when you asked it "No"?

25 THE WITNESS: Yes. Prior to the time of

1 being assigned to the Omega 7 investigation, I was  
2 assigned to a surveillance squad in New York.

3 THE COURT: Did that have anything to do with  
4 any Cubab organization?

5 THE WITNESS: No, absolutely not.

6 THE COURT: Very well.

7 Q Were you involved in the investigation of the  
8 other bombings besides the Omega 7 alleged bombings?

9 A I was involved in some, yes.

10 Q And which ones were those, sir?

11 A At the immediate time that they happened, I  
12 was involved in various FALN Bombings, bombings by the  
13 Jewish Defense League, bombings and a bomb factory,  
14 specifically, relative to the FALN in Queens.

15 Q There were others that you may not remember,  
16 is that correct?

17 A Yes.

18 Q You were involved in investigating several  
19 individuals besides Mr. Arocena and those individuals that  
20 were mentioned on various pieces of evidence here, correct,  
21 like Mr. Guillermo Novo, is that correct?

22 A Yes.

23 Q Why were you involved in the investigation of  
24 Guillermo Novo?

25 A Why?

1 Q Yes.

2 A We had reason to believe many years ago  
3 that --

4 Q Let me --

5 MR. TABAK: Objection.

6 THE COURT: You have to let him finish, unless  
7 you withdraw your question.

8 MR. AGUILAR: I want him to clarify the year  
9 when he said, "many years ago."

10 THE COURT: You can ask a follow-up question.  
11 Let's have the question repeated and perhaps  
12 you can focus on the time frame.

13 (Question read.)

14 THE COURT: Let's go back:

15 When did you investigate Guillermo Novo?

16 THE WITNESS: In the latter part of 1975 I  
17 became involved in the investigation of Omega 7. At that  
18 particular time, and for several years after, we had  
19 reason to believe that Novo and his organization, the  
20 Cuban Nationalist movement, may have in fact been  
21 Omega 7.

ET2A

22

23

(Continued on the next page.)

24

25

2B

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q In the investigation of the Cuban nationalist movement, did you determine that they were suspects in bombings in the United States?

A Well, Novo was convicted already of transporting explosives. In 1976, three of his underlings were caught in the act in New York City of putting a bomb down.

Q Were there other acts they were suspected of, bombings?

A Yes.

Q Did you believe at one time that Guillermo Novo and other individuals were in fact the head of Omega 7?

A Based on the information we had at the time, we suspected them of being involved.

Q Based on that information that was provided to you by whom, sir?

MR. TABAK: Objection.

THE COURT: Sustained.

Q At that time when you were investigating Guillermo Novo who you believed at that time was indeed Omega 7, you had information from several sources, including members of -- persons you believed to be part of Omega 7, isn't that correct, sir?

MR. TABAK: Objection.

THE COURT: Sustained.

Q In gathering your information concerning both the



1 nationalist movement and Omega 7, when was the first time  
2 that you heard of Eduardo Arocena? Can you tell us what year?

3 A Sure. Early 1981 and possibly at the very end of  
4 December, 1980.

5 Q Under what circumstances did you learn of  
6 Eduardo Arocena?

7 A As a result of a border crossing incident in  
8 Canada, where Pedro Remon and Sanchez, subsequent to a  
9 bombing in Canada, were stopped running the border. We knew  
10 who Sanchez was. We began an investigation of Remon and  
11 that investigation led us to Mr. Arocena.

12 Q Did you have conversations with Mr. Sanchez  
13 concerning Mr. Arocena?

14 A No, I did not.

15 Q And with Pedro Remon?

16 A No, I did not.

17 Q Do you know what happened to those two individuals  
18 after that incident? Did they go to jail?

19 A No. They were stopped at the border,  
20 identification was retrieved, and they were cut loose at the  
21 time.

22 Q When you became aware of the name Eduardo Arocena,  
23 what did you do? Did you surveil him, send agents out to  
24 surveil him? What actions did you take?

25 A We, as a result of our investigation of Pedro

1 Remon, and as I recall it was Mr. Remon's telephone records  
2 specifically that led us to Mr. Arocena, with each  
3 individual we had from the phone records we initiated an  
4 independent investigation of those people.

5 Q When you say "those people," whom do you mean?

6 A Mr. Arocena, Andres Garcia, Eduardo Losada-Fernandez,  
7 then -- they were our main concentration. There were numerous  
8 other people who were washed out.

9 Q Washed out?

10 A Such as relatives, for example.

11 Q During your investigation -- can you tell us  
12 when your investigation concentrated on Mr. Arocena, what  
13 year?

14 A The same year.

15 Q After the border incident?

16 A Right after the border incident.

17 Q At that time, did you seek from either the  
18 U. S. Attorney's office or from supervisors in your office  
19 wiretaps on Mr. Arocena's phone?

20 A Subsequent to that time?

21 Q Yes.

22 A Yes, I had knowledge.

23 Q I missed that answer.

24 A I did have knowledge of wiretaps, yes.

25 Q Were they sought as a result of the information you

1 provided to the U. S. Attorney's office?

2 A Partially.

3 Q And additional information was collected by the  
4 anti-terrorist squad?

5 A By our squad, by the New Jersey FBI office, and  
6 the Miami FBI office.

7 Q Did you have any information during 1975,  
8 1976 that was exchanged between your agent, the FBI  
9 and other government agencies concerning the involvement of  
10 Omega 7 or anti-Castro terrorist groups with foreign  
11 governments?

12 A Can I think a second?

13 Q Yes, sir.

14 (Pause)

15 A 1975, '76?

16 Q When you began the investigation of Omega 7.

17 A In 1976, we began realizing a connection with the  
18 Cuban nationalist movement and the Chilean Government.

19 Q At that time, you learned that the Chilean  
20 Government was providing explosives to persons in the  
21 United States to commit acts of terrorism?

22 A Not at that time, no.

23 Q When did you finally learn that?

24 A When Mike Townley finally cooperated with us  
25 in the LeTelier investigation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Q Mike Townley was a co-defendant in the LeTelier bombing who decided to testify for the government?

A Yes.

Q He provided you information concerning the bombings and the explosives that were coming into the United States, is that correct?

A That he brought in.

Q That he brought in from the Chilean Secret Service, is that correct?

A He didn't say that.

Q Where did he bring them in from?

A He brought them in. They were his explosives.

Q Who gave them to him, did he tell you?

A He retrieved them in Chile. Who he retrieved them from, I don't know.

(Continued on next page)

1 Q At that time, did your investigation focus on  
2 individuals dealing with the Chilean Secret Service here  
3 in the U. S., in the Chilean Embassy?

4 MR. TABAK: Objection. I think we need some  
5 clarification of what investigation he's asking about.

6 MR. AGUILAR: Your Honor, we only have one  
7 investigation going. He testified that he started --

8 THE COURT: Let me ask the witness this:

9 Did you participate in the LeTellier  
10 investigation?

11 THE WITNESS: Yes, I was the New York case agent.

12 THE COURT: Very well. So there would be two.  
13 You have Omega 7, and you have LeTellier. So we have that.

14 Take it from there, if you would, counsel.

15 MR. AGUILAR: Thank you, your Honor.

16 Q You testified there were two investigations  
17 ongoing. Did you, your office, make a separate investigation  
18 of the LeTellier bombing and Omega 7?

19 A Yes.

20 For administrative purposes.

21 Q At one time, were both investigations one  
22 investigation?

23 Q They were, in the sense that I was the case agent  
24 on both of them.

25 Q But you never believed that the same people that

1 were involved with the LeTellier bombing were the same  
2 people that you were investigating as Omega 7, is that  
3 correct?

4 MR. TABAK: Objection.

5 THE COURT: I'll allow it.

6 Did you at some point in time believe that  
7 Omega 7 was involved in the LeTelleir bombing in Washington?

8 THE WITNESS: No. We believed that the Cuban  
9 nationalist movement was involved in the LeTellier  
10 bombing at the same time that we were assuming or had  
11 information to believe that the Cuban nationalist movement  
12 was also Omega 7 or its representatives were.

13 Q Now, at that time, '75, you were aware that there  
14 were certain wiretaps with regard to this particular  
15 investigation of Omega 7, authorized by U. S. Foreign  
16 Intelligence Surveillance Corps on the basis of submissions  
17 in compliance with the Foreign Intelligence Surveillance  
18 Act?

19 A Not in 1975, no.

20 Q When did you find out?

21 A It wasn't until 1981.

22 Q And at that time were you exchanging information  
23 with other government agencies concerning the investigation  
24 of Omega 7?

25 THE COURT: Sustained.

1 Q In 1982 and 1983, did you investigate two Florida  
2 corporations known as Financial Consultants, Inc., and  
3 Beta Imports and Exports?

4 A I personally didn't investigate them, no. I was  
5 investigating Mr. Arocena, who was employed with them.

6 Q Did the records, financial records of both those  
7 corporations, come across your desk?

8 A Not that I recall, no.

9 Q Have you ever investigated Financial Consultants  
10 or Beta Imports and Exports?

11 A As a company, no.

12 Q As a front for some other thing, did you  
13 investigate it?

14 A As I recall, our investigation showed that Beta  
15 wasn't doing any business.

16 Q Did your investigation also show that Financial  
17 Consultants was making considerable amounts of money?

18 A No.

19 Q I see.

20 Did your investigation determine that Financial  
21 Consultants or Beta Imports and Exports dealt with  
22 foreign governments?

23 A Yes.

24 Q Can you tell us waht foreign governments they  
25 dealt with?

1           A     Argentina, Guatemala -- that seems to be the main  
2     two countries I recall.

3           Q     Do you recall if they did any business with Chile?

4           A     Not that I recall.

5           Q     Did they do any business with either Colombia  
6     or Bolivia?

7           A     Not that I recall.

8           Q     Do you know what they were importing or exporting  
9     at that time?

10          A     From the wiretap, it appeared to be, as I  
11     recall, items such as candy. There were conversations about  
12     wine.

13          Q     Any other items that you remember?

14          A     No.

15          Q     Do you know if Mr. Arocena was connected with  
16     either one of those corporations?

17          A     Yes.

18          Q     And do you know how he was connected with those  
19     corporations?

20          A     He was employed by them.

21          Q     Do you know who else was employed by Beta  
22     or Financial Consultants?

23          A     Yes.

24          Q     And who were those persons, do you know?

25          A     Gerardo Necuze, Ignacio Gonzalez and I



1 believe Nestor Gomez worked for them for a short time.

2 Q Now, in September of 1982, after Mr. Arocena  
3 came to testify before the grand jury, you met him at the  
4 Federal Building across the street later that morning, is  
5 that correct?

6 A Yes.

7 Q And you spoke with him there for the first time,  
8 is that correct?

9 A Yes.

10 Q And at that time, you asked him to give you  
11 writing exemplars, is that correct?

12 A Well, he had already been ordered by the  
13 grand jury to give them.

14 Q You asked him to give them to you, physically,  
15 to provide them to you.

16 A Yes.

17 Q And he cooperated with you. Is that correct?

18 A Yes, he was ordered by the grand jury.

19 THE COURT: No, the question was, did he furnish  
20 the handwriting exemplars that he had been requested to  
21 furnish?

22 THE WITNESS: Yes.

23 THE COURT: Yes. All right.

24 Q And there were other federal agents present when  
25 Mr. Arocena was giving you the writing exemplars, is that

msjah 6

Wack-cross

1 correct?

2 A Bob Brandt.

3 Q And yourself?

4 A Yes.

5 Q And did you have any conversation with him that  
6 morning?

7 A With Mr. Arocena?

8 Q Yes, sir.

9 A Yes.

10 Q And those conversations dealt with the fact  
11 that you wanted his cooperation, is that correct?

12 A Yes.

13 Q In the investigation. And at that time,  
14 Mr. Arocena told you that he was going back to Miami to get  
15 a lawyer, isn't that correct?

16 A Said he would go back and talk to a lawyer  
17 and think it over.

18 Q And at that time, you began to put pressure on  
19 Mr. Arocena to cooperate with you, didn't you?

20 A No.

21 Q Did Mr. Brandt begin to put pressure on  
22 Mr. Arocena at that time to cooperate with you?

23 A What we did was, we told Mr. Arocena at that time  
24 what we had developed on him and that, in fact, our  
25 investigation was focusing on him and Pedro Remon, Garcia,

1 and Ferandnez, and that the investigation was going to  
2 continue.

3 Q How long was Mr. Arocena with you that morning,  
4 do you remember?

5 A I'm trying to remember how many exemplars we  
6 took. It might have been an hour, hour and a half.

7 Q Do you remember how many exemplars he gave  
8 you?

9 A I think there might have been somewhere around  
10 forty or forty-five separate pieces of paper.

11 Q Okay, most of the exemplars that he gave you  
12 were just one blank piece of paper with one line written  
13 on it, isn't that correct?

14 A Yes, small pieces.

15 Q Small paper. And that took merely five or ten  
16 minutes, is that correct?

17 A No. Handwriting exemplars take a while.

18 Q Okay. You said how long did it take again?

19 A I don't know how long the exemplars took. The  
20 whole time we were with Mr. Arocena, as I recall, was  
21 approximately an hour to an hour and a half, at the very  
22 max.

23 Q Was it during that conversation with Mr. Arocena  
24 that you began calling him "Eddie"?

25 A I think my usual mode, I would address him as

1 "Mr. Arocena," maybe "Eddie." I really don't remember.

2 Q And during that conversation that lasted a  
3 while, did you begin to tell Eddie that he better cooperate  
4 because you've got him by the balls?

5 A No, I don't recall saying that.

6 Q Do you recall Agent Brandt saying that?

7 A No.

8 Q Do you recall anybody in your office saying  
9 that?

10 A Detective Brandt and I were the only two with  
11 him.

12 Q Isn't it a fact that at that time you realized  
13 that you had no leads in your investigation and you had  
14 to terrorize this individual into cooperating with you?

15 A No, that's not true.

16 Q You never terrorized this individual into  
17 cooperating with you.

18 A I haven't terrorized Mr. Arocena into doing  
19 anything.

20 Q All right. Now, you testified that several weeks  
21 passed, and then you heard from Mr. Arocena and you met  
22 him around September 24th at the Jetport Inn, or Jetway Inn?

23 A Holiday Jetport Inn, yes.

24 Q When you got his telephone call, you got pretty  
25 excited, didn't you?

1           A     I wasn't there.     I was celebrating my birthday  
2 when he called.

3           Q     When you got the message that Eddie had called,  
4 you were pretty excited, weren't you?

5           A     I don't think I was excited.   I think I was more  
6 curious than anything.

7           Q     Well, here was an individual who was being  
8 investigated, as you testified, as a suspect in the Omega 7  
9 bombing, and he called you.   You weren't excited at all  
10 that you had your first lead?

11          A     That wasn't my first lead.   I had a lot of leads  
12 prior to that.

13          Q     Leading you nowhere.

14          A     No, not really.

15          Q     So you went to the Holiday Inn and met with  
16 Mr. Arocena, accompanied by Mr. Brandt, is that correct?

17          A     Yes.

18          Q     And you had a discussion that morning focusing  
19 on the fact that you wanted him to cooperate with you,  
20 correct?

21          A     Yes.

22          Q     That was a short conversation that morning on  
23 the 24th, is that correct?

24          A     No, that was -- well, let me think.   It was a  
25 couple of hours, as I recall.   That wasn't the only thing

1 we discussed.

2 Q You discussed the Bay of Pigs?

3 A Political rhetoric in general, how we, being  
4 Bob Brandt and I, were as anti-Communist as he was.

5 Q But it was all just to get him to converse with  
6 you, isn't that correct?

7 A Well, he called us and wanted to talk to us,  
8 so we went to find out what he wanted.

9

10

11 (Continued on next page)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Q Was that the day when Mr. Arocena was alleged  
2 to have told you that he was a messenger from Omar, or was  
3 that the next day?

4 THE COURT: Messenger or that he represented  
5 Omar?

6 MR. AGUILAR: Represented Omar.

7 THE COURT: All right.

8 A I believe he indicated that day, the 24th, he  
9 represented Omar.

10 Q And Omar you knew to be the person who was  
11 signing all the communiques that were being mailed out to  
12 different news media and the FBI; is that correct?

13 A Yes.

14 Q And you knew who Omar was. Not the name of  
15 the person, but you knew what it represented. Is that  
16 right?

17 A Yes, it was a name that was showing on these  
18 communiques.

19 Q So when they mentioned Omar to you, you knew  
20 you had a strong lead; is that correct?

21 A When who mentioned Omar?

22 Q When you said that Mr. Arocena mentioned that  
23 he was a representative of Omar.

24 A We were interested in hearing what he had  
25 to say.

1 Q And you arranged to meet with him next morning;  
2 is that correct?

3 A That's correct.

4 Q And after your conversation of political  
5 rhetoric stopped, you and Agent Brandt left the hotel?

6 A Are we into the next day?

7 Q No, the first day. Once you got through with  
8 the two-hour political rhetoric conversation which you all  
9 had at the hotel on the 24th, you and Agent Brandt just  
10 walked out.

11 A Absolutely.

12 Q And you left Mr. Arocena all by himself there.

13 A Yes.

14 Q Without any surveillance at all.

15 A None.

16 Q Did you consider that good police work?

17 A It was a decision that had to be made at the  
18 time and we made it.

19 Q "We made it," or did you make it?

20 A I discussed it with Bob Brandt and we decided  
21 that that's what we would do.

22 Q You would just leave somebody who, in your  
23 mind, could bring you close to finding out who Omar was,  
24 you left him there without any surveillance whatsoever.

25 A Yes.



1 Q You weren't afraid that he would skip on you.

2 A Well, at that point, he wasn't wanted. I mean,  
3 he could have walked out the minute we walked in the door,  
4 in actuality. He could have left any time he wanted.

5 Q And you met with him at the hotel on the next  
6 morning, is that correct, on the 25th?

7 A Yes.

8 Q That's the day that Agent Brandt said:

9 "Look, don't give me this bull. You're  
10 really Omar, aren't you?"

11 MR. TABAK: Objection. That's not the testi-  
12 mony.

13 MR. AGUILAR: I'll rephrase it, your Honor.

14 THE COURT: Did Agent Brandt say that in words  
15 or substance?

16 THE WITNESS: Detective Brandt --

17 THE COURT: Pardon me.

18 THE WITNESS: I'm sorry.

19 Detective Brandt asked, "Are you Omar?"

20 Q And your prior testimony is that Mr. Arocena  
21 said, "Yes, I am"; is that correct?

22 A First he said, "Why do you want to know?"

23 Q Did you answer him why you wanted to know?

24 A Pardon me?

25 Q Did you answer him why you wanted to know?

1 A No, I didn't ask him. Bob was asking him.

2 Q Did Bob Brandt answer that question?

3 A He said, "Because I want to know who we're  
4 talking to." If Bob didn't ask it, I probably would  
5 have.

6 THE COURT: In any event, it's your recollection  
7 that the response was made by Detective Brandt.

8 THE WITNESS: Yes.

9 THE COURT: Very well.

10 Q Okay. At that time, in an abundance of caution,  
11 you decided that you were going to give Mr. Arocena his  
12 rights waiver form?

13 A Shortly after he said that he was Omar.

14 Q You're familiar with giving these waiver forms  
15 for individuals to sign; isn't that true?

16 A The rights forms? Yes.

17 Q And you give them to other persons you have  
18 investigated or spoken with in your investigations; isn't  
19 that correct?

20 A Well, you give them, give Miranda rights, to  
21 someone who is in a custodial situation, by law, under  
22 arrest.

23 Q And you testified before that you wanted to  
24 make sure that you explained to the individual the rights  
25 and that he understood them. Is that correct?

1           A       Yes.       He was not under arrest at that time.

2           Q       Okay.     You were extra careful in explaining  
3 to him his rights.

4           A       Yes.

5           Q       And did you go over each one of the rights  
6 and give those to him and tell him what they were about?

7           A       The English I read to him.     The waiver at  
8 the bottom I explained to him.     The Spanish, obviously,  
9 I couldn't read to him.

10           THE COURT: Did you give that document to him  
11 to read to himself?

12           THE WITNESS: Yes.     I laid the English and  
13 Spanish side by side and told him to make sure that they  
14 were one and the same.

15           MR. AGUILAR: Your Honor, if I may get the  
16 originals, approach the witness, and get the original, I  
17 would like to show them to him, if possible.

18           THE COURT: You may approach the witness,  
19 as well.

20           (Pause.)

21           Q       Agent Wack, I give you Government's Exhibit 2  
22 and 3 and ask you if you recognize these two as the ones  
23 that you had Mr. Arocena -- that you explained to  
24 Mr. Arocena, and then had him execute them (handing).

25           A       Yes, I explained the English here to him, read

1 this to him.

2 THE COURT: You read that to him?

3 THE WITNESS: The English, I read to him.

4 THE COURT: Very well. That's the top half  
5 of the document?

6 THE WITNESS: Top half, yes.

7 THE COURT: That's Exhibit 2?

8 MR. AGUILAR: Yes, your Honor.

9 THE WITNESS: Yes.

10 THE COURT: Very well.

11 Q And you had no opportunity to read him the  
12 one in Spanish; is that correct?

13 A I don't speak Spanish.

14 Q And Agent Brandt does not speak Spanish,  
15 either?

16 A No.

17 Q So no one explained the one in Spanish to  
18 Mr. Arocena?

19 A No. The best we could do is lay them side  
20 by side, and I asked him to insure that he was positive  
21 or sure to himself that they said the same thing.

22 Q Had you had anybody explain the one in Spanish  
23 to you before in your office?

24 A Probably many years ago.

25 Q Okay. So what you did was, you told Mr.

mss

Wack - cross

1 Arocena: "Look, Eddie, here is the one in English.

2 I'll explain this one to you. And we think this one  
3 says the same thing in Spanish."

4 Is that correct?

5 A Yes.

6 Q But you went into detail as to the one in  
7 English, because you wanted to make sure he understood  
8 all his rights.

9 A I read him the first half of the English.

10 THE COURT: What, if anything, did he say to  
11 you as you were reading or when you finished reading in  
12 English?

13 THE WITNESS: When I finished reading the  
14 first half -- he didn't say anything while I was reading.  
15 When I finished reading the first half, I asked him,  
16 "Do you understand this?" And he said yes.

17 Then I explained what the waiver would be at  
18 the bottom, if he signed it, and that he was not signing  
19 a confession, that all he was doing was signing a form,  
20 certifying, basically, that he understood what was on  
21 that form, that he had the right to a lawyer, and  
22 so on.

23 Q You read him the line that says, "You have  
24 a right to remain silent"; is that correct?

25 A Yes.

1           Q       And you explained to him that he didn't have  
2 to talk to you.

3           A       I read him the line on the advice of rights  
4 form.

5           Q       But you didn't want him to remain silent; you  
6 wanted to talk to him.       Right?

7           A       I wanted to make sure he fully understood that  
8 we were probably going to be opening up an area here that  
9 was going to be very, for the lack of words, sensitive.  
10 And after he had already admitted Omar, I had a feeling  
11 what was coming next, and I wanted to make sure with  
12 Mr. Arocena, although legally I did not have to give him  
13 those rights, that he understood that he could have a  
14 lawyer present or remain silent, and so on.

15          Q       My question was, you didn't want him to remain  
16 silent after you read him he had a right to remain silent.

17                   MR. TABAK:   Objection.

18                   MR. AGUILAR:  I believe the witness has not  
19 answered that question.

20                   THE COURT:   Sustained.

21          Q       You also read him, "Anything you say can be  
22 used against you in court"; is that correct?

23          A       Yes.

24          Q       And anything he told you that morning, you  
25 intended to present to the U. S. Attorney's office to be

1 used against him in court; correct?

2 A Anything he was going to tell us that day  
3 and any day after that, we were going to make known to  
4 the U. S. Attorney's office.

5 Q You also read him, "You have a right to talk  
6 to a lawyer for advice before we ask you any questions  
7 and to have that lawyer with you during questioning";  
8 isn't that correct?

9 A Yes. And, as a matter of fact, as I recall,  
10 I emphasized the fact that if he was going to talk to us,  
11 he could have a lawyer present.

12 Q Did you have an attorney present there or  
13 available for him right away if he said yes?

14 A Did I have one?

15 Q Yes, sir.

16 A No.

17 Q You offered him one.

18 MR. TABAK: Objection.

19 A All I told him was --

20 MR. TABAK: Objection.

21 THE COURT: He answered the question. I'll  
22 let him continue.

23 MR. TABAK: I think an instruction might be  
24 appropriate if this line is going to be pursued.

25 THE COURT: If the instruction is that they

1 did not have to have a lawyer present for him, I so  
2 instruct the jury.

3 MR. TABAK: Thank you, your Honor.

4 THE COURT: The right that a person has to  
5 have a lawyer present is a right that that person must  
6 express or exercise, ladies and gentlemen. Once the  
7 person requests that a lawyer be present, the examination  
8 of that person, or interrogation of that person, is supposed  
9 to stop.

10 Did he ever ask to have a lawyer present?

11 THE WITNESS: No, sir, he did not.

12 THE COURT: Very well.

13  
14 (Continued on the next page.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ET3B



1 Q How long did it take you to explain to him his  
2 rights, do you remember?

3 A To read him those rights, the first half I read,  
4 it would take maybe close to a minute, if even that -- fifty  
5 seconds, maybe.

6 Q It was done in a hurried fashion, wasn't it?

7 A Done to the best of my ability at the time.

8 Q Would you be able to read this in under two  
9 minutes, under one minute right now, do you know?

10 MR. AGUILAR: Your Honor, may I approach the  
11 witness?

12 THE COURT: Yes.

13 Q I give you Government's Exhibit 2. Could you  
14 try to read that for us under one minute, please?

15 MR. TABAK: Objection.

16 THE COURT: No, we will let him do it and then  
17 perhaps there may be one or two questions which would be  
18 appropriate.

19 MR. TABAK: Your Honor, the government --

20 MR. AGUILAR: I am a gambler, too.

21 THE COURT: There is not much of a gamble, one  
22 way or the other.

23 MR. TABAK: Could the witness be asked to read it  
24 the way he read it to the defendant that day?

25 THE COURT: Yes, that would be appropriate.

1           A       "Before we ask you any questions, you must understand  
2 your rights. You have the right to remain silent. Anything  
3 you say can be used against you in court. You have the right  
4 to talk to a lawyer for advice before we ask you any  
5 questions and to have a lawyer with you during questioning.  
6 If you cannot afford a lawyer, one will be appointed for you  
7 before any questioning, if you wish. If you decide to  
8 answer questions now without a lawyer present, you will  
9 still have the right to stop answering questions at any  
10 time. You also have the right to stop answering at any  
11 time until you talk to a lawyer."

12           THE COURT: Is that the end?

13           THE WITNESS: That is all I read.

14           Q       You didn't read him the whole form?

15           MR. TABAK: Objection. That was testified about.

16           THE COURT: In any event, I would note the reading  
17 took approximately thirty-five seconds, give or take a few.

18           Let me ask you this, Mr. Wack: Did you or  
19 Detective Brandt or Mr. Arocena make an effort to time  
20 this particular exercise? Yes or no?

21           THE WITNESS: No, sir.

22           THE COURT: Let's get on, counsel, to other  
23 matters, if you would.

24           MR. TABAK: Yes, your Honor.

25           Q       How long did you converse with Mr. Arocena that

1 morning at the hotel?

2 A The 25th?

3 Q Yes.

4 A That was a long day. Approximately maybe five  
5 hours, as I recall.

6 Q After that, you took Mr. Arocena to the FBI  
7 building?

8 A No. After that we left.

9 Q You didn't have a room at that hotel and neither  
10 did Agent Brandt?

11 A No, not at all.

12 Q You just walked out?

13 A Yes.

14 Q You didn't have any surveillance or anything like  
15 that there?

16 A Not at all.

17 Q You didn't leave any devices to take any phone  
18 conversations that Mr. Arocena may have with other  
19 individuals?

20 A No.

21 Q In other words, you trusted that that individual  
22 who had spoken to you for five hours would be there the next  
23 morning?

24 A It was a judgment call, and we made it.

25 Q You met with him again the next morning, isn't that

1 correct?

2 THE COURT: That would be the 26th of September?

3 MR. AGUILAR: Yes.

4 A Yes.

5 Q That morning you didn't stay too long at the  
6 hotel?

7 A Correct.

8 Q For security reasons?

9 A We decided to move or ask Mr. Arocena if he would  
10 bewilling to move to a New York hotel, since he had  
11 made this comment about being somewhat fearful of Remon  
12 and Sanchez, and the fact that Sanchez was versed in remote-  
13 control devices.

14 Q You moved to a new hotel?

15 A He accompanied us -- first we took his rental  
16 car back to National, as I recall.

17 Q And after that you proceeded to go where?

18 A We took his rental car back, and we proceeded  
19 to the New York FBI office.

20 Q How long were you at the New York FBI office?

21 A Couple of hours, as I recall.

22 Q Were you present with Mr. Arocena all the time that  
23 he was at the FBI office?

24 A Only at a particular meeting with superiors --  
25 I mean, a hundred percent of the time, no.

1 Q There were other FBI agents coming in and out  
2 of the room?

3 A As I recall, there was myself, Bob Brandt,  
4 Barry Mawn, Lt. Hallinan and Sgt. Linehan.

5 Q Did you have relays of teams questioning him?

6 A No.

7 Q How did you do that?

8 A We were not in the process of questioning him.

9 Q You were just talking to him?

10 A No. He had already indicated that he had a  
11 transmitter in Florida from the attempted murder of Raul  
12 Roa, and he had already indicated to us there were  
13 approximately 600 to 800 pounds of explosives sitting in  
14 Florida that we were very interested in taking off the  
15 streets, for obvious reasons.

16 Q And at that point, did you or any agent in your  
17 presence begin to question him concerning other alleged  
18 acts committed by Omega 7?

19 A On the 26th? No, not that I recall.

20 Q Did anybody else question him about anything  
-21 or did you just sit there and listen to him?

22 A At this meeting where I was present, he told  
23 Supervisor Mawn and the others of these items in existence in  
24 Florida and we discussed the feasibility of traveling to  
25 Florida to retrieve them expeditiously, because of the

1 explosive situation down there.

2 Q The 600 to 800 pounds of explosives that were in  
3 either Miami or New York?

4 A He indicated in Miami.

5 Q And you never received the six to eight hundred  
6 pounds of explosives at any time up to today? You have  
7 never seen those?

8 A To my knowledge, they are still out there.

9

10

11

4A

12

(Continued on next page)

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Q Or they don't exist, correct?

2 A Possibly.

3 THE COURT: Am I correct that the only informa-  
4 tion you had about that quantity of explosives had come  
5 from Mr. Arocena?

6 THE WITNESS: Yes, that is true.

7 THE COURT: Very well.

8 Q When you left the FBI building that morning,  
9 did Mr. Arocena remain at the FBI building?

10 A No.

11 Q You left with Mr. Arocena and Agent Brandt?

12 A Yes.

13 Q Where did you proceed to go?

14 A He had indicated he wanted to go see his mother  
15 in New Jersey that night. So we had already told him we  
16 would like to take two rooms out at the Westbury Hotel, if  
17 he was in agreement, in midtown, and he was.

18 He then indicated he would like to go see his  
19 mother that night and I stopped at a Hertz Rental Car  
20 office in midtown to get a car for him to utilize.

21 Q And then you proceeded to check in at the  
22 Westbury Hotel?

23 A Yes.

24 Q And you gave the desk attendant your credit  
25 card to pay for the room?

1 A Not until we left.

2 Q You didn't give him anything to check in,  
3 your credit card, so that they could run a blank the next  
4 morning?

5 THE COURT: Did they take an imprint of your  
6 credit card at the time you registered?

7 THE WITNESS: Not that I recall.

8 Q And both you and Mr. Arocena checked into the  
9 hotel?

10 A Yes, sir.

11 Q And it was at that time that you joked about  
12 the names that he should use and that you should use?

13 A No. We would have to back up for that.  
14 When we were coming into the hotel Mr. Arocena asked what  
15 name he should use and I said, "Use a fictitious name.  
16 We are going to use fictitious names" and he jokingly said  
17 Medina, and I didn't argue.

18 Q Then you checked into the hotel and spent the  
19 night there?

20 A No. We checked into the hotel. I did not  
21 spend the night.

22 Q Did Agent Brandt spend the night there?

23 A No.

24 Q Were there any other FBI agents present that  
25 spent the night with Mr. Arocena?



1           A     We had two rooms.     Agents Lyons and Agent  
2     Menapace spent the night in the room adjoining Mr.  
3     Arocena's.

4           Q     Did you later learn both of those agents spoke  
5     with Mr. Arocena during that evening?

6           A     Yes.     I made the introduction that evening.

7           Q     How long did they speak?

8           A     I don't know, because I left.

9           Q     Did they ever relate to you the length of the  
10    conversation they had with him?

11          A     You returned the next morning?

12          A     Yes.

13          Q     Did you continue to have conversations with  
14    Mr. Arocena the next morning?     .

15          A     No.     We checked out of the hotel about eight  
16    o'clock in the morning, I think it was -- approximately.

17               MR. AGUILAR:   Your Honor, perhaps we could take  
18    a morning recess at this time?

19               THE COURT:   Certainly.

20               MR. AGUILAR:   Thank you, your Honor.

21               THE COURT:   Ladies and gentlemen, we will take  
22    our morning recess at this time.     Please do not discuss  
23    the case amongst yourselves and continue to keep an open  
24    mind.

25               (Jury left courtroom.)

1 (Recess.)

2 (Jury present.)

3 (At the side bar.)

4 THE COURT: I just wanted to give counsel a  
5 report following up our side bar yesterday with regard to  
6 Mr. Edwin Grant, Juror No. 12.

7 I attempted to reach his employer at Salomon  
8 Brothers yesterday and was told that he was in a confer-  
9 ence.

10 I called him this morning, just now, and I  
11 was able to speak with him. I explained that Mr. Grant  
12 is sitting on the jury. He had a different impression:  
13 He thought he was being held to await possible selection  
14 as a juror. I told him the case was underway and I  
15 gave him your prognosis and he concluded the conversation  
16 by telling me that he would take care of everthing and  
17 Mr. Grant had nothing to be concerned about.

18 I reported that matter to Mr. Grant, that is,  
19 that I had spoken to his employer and that his employer  
20 had indicated that Mr. Grant had nothing to be concerned  
21 about. I believe that concludes this particular matter.

22 MR. FERNANDEZ: Thank you, for following up on,  
23 this. We appreciate it.

24 THE COURT: Very well.

25 MR. TABAK: That was Mr. Hughes?

1 THE COURT: Peter T. Hughes. I spoke with  
2 him and he is a vice president at Salomon Brothers, who  
3 had written a letter, and Mr. Hughes concluded the con-  
4 versation by saying he would take care of the matter, and  
5 I relayed that information to Mr. Grant.

6 MR. TABAK: Thank you, Judge.

7 MR. AGUILAR: Thank you, Judge.

8 (In open court.)

9 THE COURT: Everybody ready?

10 You may proceed, Mr. Aguilar.

11 MR. AGUILAR: Thank you.

12 BY MR. AGUILAR:

13 Q Agent Wack, on the morning of September 27,  
14 1982 you were at the FBI headquarters with Mr. Arocena for  
15 a period of time. Do you remember how many agents of the  
16 FBI interviewed him on that particular day?

ET4B 17 A One, as I recall.

18  
19 (Continued on the next page.)  
20  
21  
22  
23  
24  
25

1 Q Only one individual?

2 A Yes.

3 Q And who was that individual?

4 A Agent Dan Craft spoke to him about continuing  
5 matters.

6 Q Do you know how long that interview took?

7 A The entire interview process was a couple of  
8 hours.

9 Q Did you also interview Mr. Arocena on that  
10 particular day?

11 A I spoke to him. I did not interview him.

12 Q Did Detective Brandt speak with him on that  
13 particular day?

14 A I believe Bob went to lunch with him.

15 Q Did your supervisor speak with him on that particular  
16 day?

17 A Yes.

18 Q Was there anybody else who spoke with him on  
19 that particular day?

20 A Yes.

21 Q Besides the people that were already mentioned.

22 A Yes.

23 Q And who was that?

24 A The supervisor -- I'm sorry. The Deputy Assistant  
25 Director, Ken Walton.

1 Q Altogether, how many persons spoke with him on that  
2 particular day?

3 A I would say four, maybe five. They took him to  
4 lunch.

5 Q And then did they speak with him after lunch,  
6 also?

7 A I don't recall, I wasn't present right then.

8 Q Do you recall what time Mr. Arocena left FBI  
9 headquarters on that particular day?

10 A We had arranged to travel to Florida, and he  
11 left, I believe, about four o'clock.

12 Q And he was there from early in the morning  
13 till about four in the afternoon, except for the break for  
14 lunch.

15 A Yes.

16 Q And during that time, you said that only one  
17 person interviewed him, but the rest of the persons that  
18 spoke with him, just conversed with him, right?

19 A Yes.

20 Q Were there minutes made of the conversations that  
21 you all had with him or the interview?

22 A No.

23 Q But most of the agents took notes.

24 A Well, it wasn't a formal interview, other than  
25 when Dan Craft spoke to him.

1 Q Do you know if that particular person made notes  
2 of his interview or had minutes of them?

3 A I believe he did.

4 Q Okay. Do you know where those are?

5 A No.

6 Q Have you ever seen them again?

7 MR. TABAK: Objection. The government has produced  
8 the pertinent portions of what Agent Craft generated to the  
9 defense quite a while ago.

10 THE COURT: Is Agent Craft available?

11 MR. TABAK: He is available, your Honor.

12 THE COURT: Under the circumstances, objection is  
13 sustained.

14 MR. AGUILAR: Thank you, your Honor.

15 Q During your conversations with Mr. Arocena, did  
16 you discuss with him the fact that he had a prior wife and  
17 child still living in Cuba?

18 A I believe we discussed that back on the 24th,  
19 the first time we met him.

20 Q And did you discuss with him also on the 24th  
21 the situation being pretty bad for his family and child in  
22 Cuba, should the Government of Cuba realize that this man  
23 had information that related to anti-Castro activities in  
24 the U. S.?

25 A We discussed the situation, yes.

1 Q And did you also discuss that it would be more  
2 beneficial for him to cooperate with you, to tell you  
3 everything he knew, otherwise you would have to reveal his  
4 name to the government and to the press?

5 A No, I didn't tell him that.

6 Q Didn't you tell him also at that time the fact  
7 that should it become known that he was a suspect in this  
8 Omega 7 bombings, his name would have to come out  
9 eventually, and the Government of Cuba may take reprisals  
10 against his family?

11 A No, I didn't mention that to him, either.

12 Q Did he mention that to you?

13 A As I recall, he mentioned that he had a wife  
14 and a boy still in Florida, that he had previously left.

15 Q In Cuba, you mean.

16 A I'm sorry. In Cuba. That he had left his  
17 family, came to the U. S. and obviously, after his initial  
18 admissions, I was concerned that the family was still there.

19 Q And that's one of the reasons that you tried to  
20 recruit Mr. Arocena to cooperate with you, isn't it?

21 A No.

22 Q Now, did you also go into his background as to the  
23 things he had done in the U. S. ever since he arrived in the  
24 U.S.?

25 A We spoke about him working for the longshoremen.

1 Q And how he arrived in the U. S., did you all  
2 discuss that?

3 A Yes.

4 Q And did he tell you how he arrived here?

5 A As I recall, he did, yes.

6 Q And what did he tell you?

7 A What I recall is that he traveled through Spain  
8 in approximately 1966, subsequently arriving in Miami, I  
9 believe it was.

10 Q He told you that he stowed away on a vessel out  
11 of Cuba.

12 A Yes.

13 Q Because he couldn't get out freely.

14 A Yes.

15 Q And that vessel docked in Spain and he somehow  
16 made his way with U. S. Government help to Spain, and then  
17 eventually into the U.S.

18 A As I recall, he and several other individuals  
19 were stowaways on the ship with it arrived here.

20 Q And when he arrived here, he sought political  
21 asylum?

22 A Yes.

23 Q And after he received some kind of parole  
24 status or political asylum, he obtained employment  
25 immediately, isn't that correct?



1           A     He obtained employment. I don't know when.

2           Q     And he worked as a stevedore on the dock for a  
3 period of time?

4           A     Yes.

5           Q     And eventually he moved to Miami. Correct?

6           A     He moved to Miami in 1980.

7           Q     At one particular point, at one point, he  
8 mentioned to you that he had withdrawn \$18,000 in his  
9 bank account and you were puzzled about that. Do you  
10 remember his response?

11          A     As I recall, I told him we had discovered that  
12 right after the Belleville incident, he moved to Florida  
13 and he withdrew \$18,000 and I wanted to know why.

14          Q     And he told you he had purchased a house in  
15 Florida?

16          A     Yes.

17          Q     And you checked up on it and you realized that he  
18 had purchased a house in Florida?

19          A     I took him at his word.

20          Q     You never followed up on it?

21          A     I didn't think it was necessary at that point.

22          Q     You took him at his word for most everything.

23          A     I took him at his word for a lot of things.

24          Q     Okay. And at that time, this is the 27th,  
25 you said he had agreed to depart for Florida and you had

1 made arrangements for him to leave, correct?

2 A Yes.

3 Q Nobody followed him on the plane?

4 A No one.

5 Q And when did you next hear from Mr. Arocena?

6 A Bob and I traveled down to Florida that evening  
7 and we arrived about two o'clock in the morning, as I  
8 recall, into the 28th. I telephoned Arocena at his  
9 residence and told him we had landed.

10 Q Did you go out to his residence?

11 A No, I told him we would call him the next day and  
12 told him to go back to sleep.

13 Q Did you eventually go out to his house?

14 A No.

15 Q Did you ever go out to his house?

16 A I have never been to his house.

17 Q Do you know if you sent any other FBI agent out  
18 to his house at any period of time?

19 A FBI agents in Miami were at his residence the  
20 day he became a fugitive.

21 Q That was when, September -- I'm sorry. When was  
22 that?

23 A October 2nd, 1982.

24 Q They went out there to look for him, right?

25 A Yes, after the warrant had been issued.

1 Q All right. That's after you realized that Arocena  
2 would not come in to voluntarily testify against anybody?

3 A It was after he called me at the hotel and said,  
4 "I'm running."

5 Q Did you ever tell Eduardo Arocena that other  
6 individuals who had been investigated in this particular  
7 case had made deals with the U. S. Government in exchange  
8 for testifying against other defendants?

9 A In the one telephone call that I recall, I  
10 remember telling Mr. Arocena about Michael Townley's  
11 situation, in the LeTellier case.

12 THE INTERPRETER: Excuse me. Can you speak into  
13 the mike? It's very difficult.

14 THE WITNESS: Yes. I'm sorry.

15 THE INTERPRETER: Thank you.

16 Q Did you tell him that Ignacio Gonzalez had  
17 an agreement wherein he agreed to plead guilty to two  
18 felony charges and the government agreed that at the time  
19 of sentencing, they would drop some pending charges against  
20 him and that in addition, it would not charge him with any  
21 Omega 7 related charges?

22 A That was public information when it occurred.

23 Q Did you tell him?

24 A Not that I recall, no.

25 MR. TABAK: I object. That's a mischaracterization.

1 THE COURT: Sustained.

2 Would you rephrase your question, counsel?

3 Q Did you ever have any discussion with him as to  
4 other individuals who were making deals with the government?

5 MR. TABAK: Objection.

6 THE COURT: Sustained.

7 MR. TABAK: I object to the mischaracterization  
8 of what Mr. Gonzalez pleaded guilty as being non-Omega 7  
9 complaints.

10 MR. FERNANDEZ: Your Honor, it has been  
11 sustained. There is no need for the speech.

12 THE COURT: Yes, I did perceive a reason for  
13 sustaining the objection.

14 Next question, counsel.

15 Q We all heard the tapes where you were speaking  
16 to somebody you testified was Eduardo Arocena. I'm going  
17 to refer to the tape of July 21st, 1983. Do you remember  
18 that particular conversation, Agent Wack?

19 A Yes.

20 Q During that conversation, you told Mr. Arocena  
21 or the person you claim to be Mr. Arocena that you had a  
22 sneaky suspicion that some guys may be doing some stuff  
23 behind his back that he wasn't aware of. What were you  
24 referring to?

25 A As I recall, we had information at that time that

1 representatives of the group were involved in seeking out  
2 narcotic dealers for money. Basically what I was trying  
3 to find out whether Mr. Arocena had any knowledge of that.

4 Q And you found out that he had -- he was collecting  
5 knowledge -- he was collecting information to give to you  
6 concerning certain reputed drug dealers, isn't that a fact?

7 A He had previously mentioned to me on other  
8 conversations, individuals invovled in drugs.

9 Q And he repeated to you that he was always clean,  
10 that he was trying to collect information to put these  
11 drug dealers away. Isn't that a fact?

12 A I recall him mentioning that he was clean.

13 Q He also told you that he was going to try to get  
14 more information on Enrique Castro, isn't that correct?

15 We had spoken at length about Enrique Castro and  
16 his position in the community and group itself.

17 Q Did you ever follow up any of that information  
18 that that person was giving you?

19 A Which person?

20 Q Either Mr. Arocena, whoever you were speaking to.

21 A On the telephone?

22 Q Yes, sir.

23 Q Yes. We gave the drug information to the  
24 appropriate authorities that handled it at the time.

25 Q Do you know if that was followed up by arrest?

1 of Enrique Castro or any of the individuals whose names  
2 were given to you?

3 MR. TABAK: Objection.

4 THE COURT: Sustained.

5 Q Did you also have a conversation with the person  
6 who claimed to be Mr. Arocena wherein you told him that  
7 you didn't believe he could kill in cold blood like  
8 Pedro Remon, that he wasn't that type of person?

9 A Yes, I recall that.

10 Q Okay. And you believed that, didn't you, when you  
11 told him that?

12 A I wanted to know what his reaction to that was.  
13 I didn't know what to believe at that point.

14 Q Were you lying to him?

15 A I was asking him a question.

16 Q Let me ask you. All the conversations that you  
17 were having on the telephone, some of the points you  
18 mentioned were the fact that you wanted Eduardo to come in  
19 to face this, that he could -- you would put in a good word  
20 for him, that he didn't have to face the charges, that you  
21 knew that Pedro Remon and other individuals were the ones  
22 that were guilty of these crimes, that you wanted to make a  
23 case --

24 MR. TABAK: Obejction.

25 THE COURT: Yes, sustained as to form. Although the

1 question wasn't finished, it was clearly objectionable as  
2 being argumentative.

3 MR. AGUILAR: Thank you, your Honor.

4 Q Did you tell him that without him you would have  
5 no case against the real killers in this case, Pedro Remon?

6 A As I recall, what I told him was that without  
7 his cooperation, we would have a very difficult time  
8 proving what these gentlemen did as part of their role in  
9 Omega.

10 Q Did you ever tell him that without his help, you  
11 could not make a case against these individuals?

12 A I remember telling him it would be very, very  
13 difficult.

14 Q Did you also tell him that he didn't have to  
15 cover for Remon and Remon's actions?

16 A That he did not?

17 Q Have to cover for Remon or his actions.

18 A I attempted to get him to again cooperate with  
19 us about Remon and the others.

20 Q And you told him that Remon and other individuals  
21 were dealing with these drug dealers, isn't that correct?

22 A No, he told me that.

23 Q Do you remember what conversation that was?

24 A No, I don't.

25 Q Okay. You remember saying to him, "Hey, wait a

1 minute, we're not covering for anybody. They're kidnapping  
2 drug dealers and getting involved in all that shit and Ramon  
3 Sanchez got involved in it. I don't owe them anything,  
4 Eddie, and neither do you"?

5 You told him that?

6 A Yes, after he told us about Ramon Sanchez.

7  
8 (Continued on next page)

5A



1 Q Did it become clear to you that the person  
2 you were talking to believed he was cooperating with an  
3 ongoing investigation?

4 A No, that was not clear to me at all.

5 Q You never talked to him about becoming involved  
6 in cooperating and giving more information?

7 A He was giving additional information on these  
8 telephone calls. I have the obligation to take it.

9 Q And there were times that you told him:  
10 "You don't have to come in. Send me the information.  
11 Send me the Mack 10. Mail it to me. Mail me anything."

12 A We were talking about the transmitter from the  
13 Roa attempted murder that he said he had.

14 Q There was also conversation where you learned  
15 that the Mack 10 had not been destroyed; isn't that  
16 correct?

17 A According to Mr. Arocena, yes.

18 Q And you asked him for it; correct?

19 A I asked him to see what he could do about  
20 finding the murder weapon. I still had that obligation.

21 Q During all these conversations, you pretended  
22 to be -- to have that person work with you on the field;  
23 isn't that correct?

24 A No. I spent a lot of frustrating time trying  
25 to convince him to come in.

1           Q       You never mentioned to him: "We're working  
2 together on this. Let's get to the bottom of this.  
3 Let's work on it."

4           MR. TABAK: Objection.

5           THE COURT: I will allow it. The witness  
6 can answer the question.

7           THE WITNESS: Could I have the question again,  
8 please?

9           Q       Excuse me?

10          A       Could I have the question?

11          THE COURT: Would you repeat the question,  
12 Miss Reporter?

13                   (Question read.)

14          A       I don't remember those exact words. I told  
15 him that if we -- that we were, in fact, still trying to  
16 make a case against the rest of these individuals for their  
17 role in Omega.

18          Q       Agent Wack, throughout the conversations,  
19 there are some conversations that certain parts are missing.  
20 And you've told us before that it's due to your failing to  
21 get them all somehow, because of the machine breaking  
22 down or because you didn't do it properly. Is that  
23 correct?

24          A       The beginnings of some of the conversations  
25 were left out, not purposely.

1           Q     Were there parts of the conversation where  
2     you told him that you would try to go see Miriam and keep  
3     going to see Miriam or send FBI agents to see Miriam in  
4     Miami?

5           A     After Mr. Arocena became a fugitive, I recall  
6     mentioning to him that I would try to see Miriam, yes.  
7     I believed I at least had that obligation.

8           Q     Why did you believe you had that obligation?

9           A     Because when Mr. Arocena called the hotel that  
10    day and said that Remon and Sanchez were after him or  
11    that they had a guy after him, knowing his position in  
12    the organization at that time, I felt I at least owed it  
13    to his wife to see if she was all right, to keep her out  
14    of the middle of the whole mess, and the kids, too.

15          Q     Did you ever send FBI agents out to the  
16    Arocena residence in Miami at strange times of the night?

17          A     I never sent FBI agents personally to  
18    Mr. Arocena's house at any time.

19          Q     Did you or your office constantly call Miriam  
20    Arocena at all hours of the night to find out if Eduardo  
21    Arocena was in the home?

22          A     As I recall, I called Miriam on two occasions,  
23    one early in the morning and another time to see how she  
24    was doing.

25          Q     And you spoke with her?

1 A Yes.

2 Q And those were the only two occasions that  
3 you spoke to Miriam Arocena?

4 A The only two that I remember talking to Miriam  
5 on the telephone. I never went to the house.

6 Q Did you instruct anybody from the Miami FBI  
7 office to make at least one daily phone call to Miriam  
8 Arocena?

9 A No.

10 Q Do you know if anybody else in the Miami office  
11 instructed Miami FBI agents to go by the house once a day  
12 to pressure Miriam Arocena?

13 MR. TABAK: I would ask for a side bar.

14 THE COURT: All right, side bar.

15 (At the side bar.)

16 MR. TABAK: I don't want to restrict unnecessar-  
17 ily, obviously, or attempt to, the cross-examination.

18 On the other hand, I just want to remind  
19 counsel, at least my understanding of the law, is there  
20 has to be some good faith basis for questions. And I  
21 think he knows very well there is absolutely no good faith  
22 basis for questions about people going at all hours of  
23 the night to pressure Miriam Arocena.

24 MR. AGUILAR: Your Honor, there will be testi-  
25 lony, either by Mr. Arocena or by Miriam, that constantly

1 there were calls to the house, people saying: "We're the  
2 FBI. Where is Eddie? Is he coming in?"

3 Constantly. I think if this man is behind  
4 it --

5 THE COURT: You may make the inquiry, based  
6 on that. And if the witness indicates he has no  
7 knowledge of any of this, I suggest at that point you  
8 would be bound by the answer.

9 MR. AGUILAR: Yes, your Honor.

10 MR. TABAK: One other matter. This is the  
11 second time, the first being in the opening, saying that  
12 Mrs. Arocena is going to testify. I would just like  
13 the Government's position understood that since she is  
14 a potential witness, she should not be in the courtroom  
15 at any time until she --

16 MR. AGUILAR: She has not --

17 MR. FERNANDEZ: She hasn't been here in weeks.

18 THE COURT: She was not here after the first  
19 couple of days of the trial.

20 MR. TABAK: I understand that, your Honor.

21 THE COURT: Very well.

22 (In open court.)

23 THE COURT: Miss Reporter, do we have a pending  
24 question?

25 (Question read.)

1 THE COURT: You may answer that question.

2 A No, I do not.

3 THE COURT: You may proceed, Counsel.

4 MR. AGUILAR: Thank you, your Honor.

5 Q You referred on one of the tapes to the  
6 executive branch being informed as to the guys in jail  
7 in this particular case. What did you mean by that?

8 A As I recall when we were talking about the  
9 executive branch, it was regarding some foreign related  
10 informationMr. Arocena wanted to give. Unless you can  
11 refresh my memory.

12 Q Do you remember the taped conversation of May  
13 8th, 1983, where you told the person you testified was  
14 Eduardo Arocena the White House knows the situation with  
15 these guys in jail? What were you referring to by  
16 that?

17 A I think basically I was telling Mr. Arocena  
18 that we had a passion for wanting to deal with the top.  
19 I think during that particular conversation, I mentioned  
20 that the White House was aware of not only the guys in  
21 jail, but basically, the overall investigation, which is  
22 not uncommon for our headquarters to send briefing papers.

23 Q I'm sorry. I missed that.

24 A It's not uncommon for FBI headquarters to  
25 send briefing papers on cases.

1 Q Were you sending briefing papers to the  
2 White House?

3 A I was not personally, no.

4 Q Was anybody else in this particular case  
5 sending briefing papers to the White House?

6 THE COURT: If you know.

7 Q If you know.

8 A I don't know.

9 Q All right. So you were trying to let Mr.  
10 Arocena or that person you claim to be Mr. Arocena believe  
11 that you were telling somebody in the White House that  
12 they were aware or the whole situation?

13 THE COURT: Sustained.

14 MR. TABAK: Your Honor, may I also ask for the  
15 page reference that Mr. Aguilar is referring to in this  
16 conversation?

17 MR. AGUILAR: Sure. We're referring to the  
18 taped conversation of May 8th, 1983, Page 24, somewhere  
19 down the middle of the page.

20 It says, "L," stands for Larry Wack.

21 "The White House knows the situation with these  
22 guys in jail and whose side we think they're on.  
23 Now, the White House will back us 100 percent in  
24 what we want to do. But we're not supermen, like  
25 I told you. And you, you guys got to help."

1 And there is more stuff there.

2 MR. TABAK: Thank you.

3 MR. AGUILAR: You're welcome.

4 Q Now, were you keeping your supervisors informed  
5 as to all the aspects of the investigation?

6 A No.

7 Q Was it because you mistrusted them?

8 A No. We have a lot of discretion in our job.

9 Q Did you keep Agent Mawn informed as to the  
10 investigation that was going on?

11 A To points I thought he should be aware of, yes.

12 Q What two points did you think he should be  
13 aware of?

14 A Not two points. "To."

15 Q Or to points. Well, you said you had dis-  
16 cretion. I didn't know if you were giving him just  
17 two.

18 THE COURT: I think he meant up to, up to  
19 certain points. Now I think he is prepared to tell you  
20 the limits.

21 Q You placed limitations on the information you  
22 were passing to your supervisor; isn't that correct?

23 A We didn't use limitations. I just used every-  
24 day discretion and common sense.

25 Q Did you ever think it not wise to give all the



1 information you knew about this investigation to your  
2 supervisors?

3 A No, I didn't think that at all. We had  
4 another very major investigation going on at the time that  
5 was utilizing a lot of his time.

6 Q And you didn't think he should worry about  
7 this particular investigation that you were undertaking.

8 A No, I briefed him on matters that I thought  
9 he should be briefed on.

10 Q Did you brief him as to any wiretaps on the  
11 Arocena phone?

12 A Probably not.

13 Q Was there any particular reason why you didn't?

14 A Well, the wiretaps were ongoing in Miami, not  
15 New York. In order for me to have access to Miami's my  
16 information, I would have to have a communication that  
17 supervisor would see first, anyhow.

18

19

(Continued on the next page.)

20

21

22

23

24

25

1 Q Did you inform him that you were making all these  
2 decisions as to not to have any surveillance on Eduardo  
3 Arocena on September 24, 25, 26 and 27?

4 A Yes, he was very much aware of what I was doing,  
5 Bob Brandt.

6 Q Did you inform him later on when Mr. Arocena  
7 failed to show up that you had lost Mr. Arocena?

8 A Oh, yes.

9 Q Did you later on tell Mr. Arocena something  
10 to the effect that somebody had been transferred because  
11 he never showed up?

12 A Yes.

13 Q Transferred up?

14 A It is a lateral transfer. I don't know if it is  
15 really up.

16 THE COURT: The way you described it to  
17 Mr. Arocena, your supervisor was being in some way  
18 disciplined or punished for having participated in that  
19 decision, is that correct?

20 THE WITNESS: Yes, I did say that.

21 Q During the Omega 7 investigation that you were  
22 undertaking, there were other groups that you were  
23 investigating, isn't that correct?

24 A Yes.

25 Q Did you investigate the Jewish Defense League?

1           A     I didn't investigate the Jewish Defense League;  
2     I responded to a lot of the bombings in the city claimed  
3     by them, as with other groups.

4           Q     So you investigated their claim to these  
5     bombings?

6           A     No. See, I --

7           MR. TABAK: Objection.

8           THE COURT: No, I will let him explain it.

9           A     I lived in New York City. One of the hazards of  
10    living in New York City is every time a bomb goes off,  
11    you get called first from the office. So I ended up going  
12    to a lot of bomb scenes from all the different groups..

13          Q     Did you also investigate the Croatian  
14    movement?

15          A     I didn't investigate the Croatian movement. I  
16    went to their -- no, I am sorry, I take that back. I was  
17    not present and I did not investigate the Croatian  
18    movement.

19          Q     The FALN, did you investigate them?

20          A     I participated very briefly in the FALN  
21    investigation.

22          Q     Your main area of concentration was Omega 7?

23          A     Omega 7 and other Cuban exile groups who carried  
24    out violence.

25          Q     Were you assigned originally to investigate these

1 Cuban groups that carried out violence or did you volunteer?

2 A No, I was assigned.

3 Q You were assigned back when?

4 A As I recall, it was the winter of 1975, I believe.

5 Q Did you ever have any incident involving any  
6 member of your immediate family or your spouse where she  
7 was personally threatened by some individual claiming to be  
8 a member of one of these anti-Communist groups?

9 A My first wife at the time being my fianee was  
10 threatened at the airport.

11 Q By an individual who purported to be a member  
12 of a terrorist group, isn't that correct?

13 A She was threatened by an individual thirteen  
14 days after I initiated with Washington the LeTellier  
15 assassination case.

16 Q Would you tell us who the individuals that were  
17 involved in the LeTellier case were?

18 A Subjects?

19 MR. TABAK: Objection to form.

20 THE COURT: Of course, a lot of this was covered  
21 during the course of the telephone conversations which  
22 have been heard by the jury. I recognize the objection as  
23 to form.

24 If the witness can answer the question, I will  
25 let him.

1 MR. TABAK: All I meant, your Honor, was whether  
2 he is asked about agents involved or participants involved.

3 THE COURT: I understood it to be the  
4 participants.

5 MR. AGUILAR: Yes, your Honor.

6 THE COURT: All right, clarify that. Who were  
7 the participants of whom you were aware involved in the  
8 LeTellier case?

9 THE WITNESS: Guillermo Novo, Ignacio Novo,  
10 Alvin Ross, Michael Townley, General Manuel Contrares,  
11 the chief of Chilean intelligence, one of his underlings,  
12 whose last name I believe is Asparagosa, and there is  
13 one other individual whose name escapes me at the  
14 moment.

15 Q These two individuals, Guillermo Novo and  
16 Ignacio Novo, those are the same individuals you testified  
17 earlier were suspects as being part of Omega 7?

18 A The group?

19 Q The group of Omega 7.

20 A Yes.

21 Q These two individuals, you testified during  
22 the LeTellier case as to the investigation you had as to  
23 that particular case against each of the individuals, isn't  
24 that correct?

25 A I testified in the LeTellier case?

1 Q Yes, sir.

2 A I did testify in that case about --

3 Q As to their participation, what you believed  
4 to be their participation in that particular incicent?

5 A I testified to my relationship with an  
6 informant at the time and what he had determined.

7 Q That was Mr. Connetti?

8 A Mr. Connetti, right.

9 Q That was the same individual who was working with  
10 you as an informant in the LeTellier case?

11 A Yes.

12 Q That was the same individual who was arrested  
13 on one occasion and somehow you worked out some deal to let  
14 him get out and persuaded somebody to drop charges aginast  
15 him, is that correct?

16 A I got the Attorney General of the United States'  
17 approval to let him do what we needed to do.

18 Q Isn't it a fact that when Guillermo Novo was  
19 found innocent, you were pretty enraged about it?

20 MR. TABAK: Objection. He was not found  
21 innocent.

22 THE COURT: Sustained on a form basis.

23 MR. AGUILAR: I will change it, your Honor.

24 Q When Guillermo Novo was found innocent of the  
25 murder of LeTellier, you were enraged about it?

1 MR. TABAK: Objection.

2 THE COURT: Sustained. You are not found not  
3 guilty, sometimes by reason of the fact it is not proven--

4 MR. TABAK: If the question is going to be asked,  
5 I think the jury should be told what the complete verdict  
6 was, not one particular count that counsel chooses to  
7 refer to.

8 THE COURT: We are not here to review, I trust,  
9 a separate trial conducted in another district.

10 You may proceed, counsel.

11 MR. AGUILAR: Thank you, your Honor.

12 Q Did you ever tell the Assistant U. S. Attorney  
13 that you would make it your life task to see that Guillermo  
14 Novo was put away for a long, long time?

15 A Not that I recall.

16 Q Did you ever tell anybody involved in that  
17 particular case that you believed that this man, Guillermo  
18 Novo, was behind an overall movement encompassing all  
19 Cuban anti-Castro organizations and that you were going  
20 to break that?

21 A Not that I recall.

22 Q Do you know where Guillermo Novo is today?

23 A Florida.

24 Q Do you know what he is doing today, what kind of  
25 job he has?

1           A     He is working for a radio station, the last  
2 I heard.

3           Q     In other words, he is a free man?

4           A     Yes.

5           Q     Do you to this day still believe he was the  
6 individual who threatened your fiancée at that time?

7           A     I never believed it was Guillermo Novo. In  
8 fact, I eliminated him when it happened.

9           Q     You thought it was part of his organization, is  
10 that correct?

11          A     It was logical to assume thirteen days after  
12 I started interviews in this area that all of a sudden my  
13 fiancée's life is threatened that it may have something to  
14 do with the Cubans or the Chileans I was interviewing.

15          Q     But you have nothing against Cubans per se?

16          A     I have some very good friends who are Cuban.

17          Q     So do I. You had conversations where the  
18 name "Charlie" comes up. Can you tell us who "Charlie" is?

19          A     It is a sometimes slang term for the CIA.

20          Q     Were you keeping at that time during the  
21 investigation a separate file of your own on Eduardo  
22 Arocena?

23          A     Not of my own; of my organization. We had a  
24 separate case on him and everybody else.

25          Q     Meaning the FBI?



1 A Yes.

2 Q Or the anti-terrorists?

3 A The FBI.

4 Q Okay. Did you ever receive any concrete  
5 information wherein Eduardo Arocena had dealings with  
6 Enrique Castro or any reputed drug dealers, either here  
7 in New York, New Jersey, or in Miami?

8 MR. TABAK: Objection.

9 THE COURT: Overruled.

10 A Yes, we did.

11 Q Did you receive that from other sources besides  
12 Mr. Arocena?

13 A Yes.

14 Q Who were those sources?

15 MR. TABAK: Objection.

16 THE COURT: Sustained.

17 Q Do you know if those sources are willing to come  
18 into testify as to those connections?

19 MR. TABAK: Objection.

20 THE COURT: If he knows.

21 A Absolutely.

22 Q Do you know if they are available to be subpoenaed  
23 to come in to testify?

24 A They are available.

25 Q Don't tell me who they are.

1 MR. AGUILAR: I am getting ahead of Mr. Tabak,  
2 your Honor.

3 Q Do you know where those sources are?

4 MR. TABAK: Objection.

5 THE COURT: Yes or no.

6 A Yes.

7 Q On how many occasions did those sources give  
8 you information pertaining to the Eduardo Arocena case?

9 MR. TABAK: Objection.

10 THE COURT: Overruled.

11 A Numerous.

12 Q Are they still giving you information today?

13 MR. TABAK: Objection.

14 THE COURT: Overruled.

15 A Yes.

16 Q When was the last time they gave you information?

17 A Me personally?

18 Q Well, you personally or your organization.

19 THE COURT: Take it one step at a time. You  
20 personally.

21 A Me personally, that was several months ago.

22 Q Are they in contact with you periodically?

23 A I am sorry?

24 Q Do they keep in contact with you?

25 A No.

1 Q Do they keep in touch with other members of the  
2 FBI?

3 THE COURT: If you know.

4 Q If you know.

5 A Other members of the case, the present case?

6 THE COURT: Other agents assigned to the case?

7 THE WITNESS: Yes.

8 THE COURT: Very well.

9 Q Those persons, or person, were the first ones  
10 to provide you with information pertaining to Eduardo  
11 Arocena, is that correct?

12 A The first person to tell us information about  
13 Eduardo Arocena was Eduardo Arocena.

14 Q Didn't you tell Eduardo Arocena at one point that  
15 you knew a lot about him, that you knew a lot more  
16 before he came to the grand jury to testify?

17 A Yes. We had two years of investigation prior  
18 to Mr. Arocena coming to the grand jury, which I  
19 explained to him the day we took handwriting exemplars.

20 Q And that information that you had obtained of  
21 him or about him came from those sources, isn't that  
22 correct?

23 A No.

24 Q It came from where?

25 A It came from a two-year investigation we did.

1           Q     In other words, as you testified before, and I  
2     don't mean to summarize, your Honor, but I am confused as  
3     to this point, all the information that led you to the  
4     trail of Eduardo Arocena came as a result of that  
5     particular incident involving a car with Pedro Remon and  
6     Sanchez crossing the Canadian border?

7           A     That was the downfall of the group, yes, to answer  
8     your question.

9           Q     Was there a piece of paper inside that car --  
10    a piece of paper with Arocena's name?

11          A     No, but when we got Pedro Remon's toll records  
12    at the time it was quite obvious who he was talking to.

13          Q     They were quite extensive?

14          A     Yes.

15          Q     And there were calls to California?

16          A     On Remon's call records?   Not that I am  
17    aware.

18          Q     Were there calls to Chicago on those toll records?

19          A     Not that I recall.

20          Q     How long a search did you do of the records?

21          A     We did the six months available that the phone  
22    company told us that that was all they had. They  
23    destroy records.

24          Q     Agent Wack, did anybody have access to the tapes  
25    that were introduced and played for the ladies and gentlemen

1 of the jury besides yourself?

2 A Yes.

3 Q Who was that?

4 A The evidence clerk.

5 Q Did anybody else after you taped it yourself  
6 have access to tamper with those particular tapes?

7 A No. Just the evidence clerk got it from me.

8 Q That is at the FBI?

9 A Yes.

10 THE COURT: To clarify one matter, it is my  
11 understanding that some of the tapes were enhanced?

12 THE WITNESS: Yes.

13 THE COURT: To bring up the volume of  
14 Mr. Arocena's voice, is that correct?

15 THE WITNESS: Yes, that is correct.

16 THE COURT: During the course of the enhancement,  
17 were any portions of the tapes deleted or cut out?

18 THE WITNESS: No, absolutely not.

19 Q There was a conversation regarding a particular  
20 letter that you talked to Mr. Arocena about in one of the  
21 tapes. Do you know where that letter is?

22 A Today, no.

23 Q Do you know where you may have placed it?

24 A I never had it.

6A

25

(Continued on next page)

1 Q You don't have physical possession of it?

2 A That letter was anonymous letter received by  
3 Jim McGee at the Miami Herald, who notified us that he had  
4 received it. He read it to us and that was where it  
5 died.

6 Q The Miami Herald? Did you ever see it?

7 A I never saw it.

8 Q Did you ever speak with Mr. McGee person-to-  
9 person, face-to-face, and ask for a copy of the letter?

10 A He spoke to Jim Lyons.

11 Q At the Miami FBI headquarters.

12 A New York FBI.

13 Q Do you know if the FBI was ever given a copy  
14 of that letter?

15 A We never got it. We asked for it and  
16 Mr. McGee said as a journalist that he didn't want to  
17 give it over, but he read to us.

18 Q Did you ever ask that Mr. McGee be subpoenaed  
19 to the grand jury concerning that particular letter?

20 A I don't believe I did, and it was evident  
21 from the contents of the letter that there was nothing  
22 earth-shattering that we didn't know, so we didn't  
23 pursue it.

24 Q Do you know if Mr. Arocena was ever paid  
25 any money by any U. S. Government agency concerning the

1 investigation in this case?

2 A Absolutely not. He received no money.

3 Q Did you ever promise to pay Mr. Arocena any  
4 money for this case?

5 A Absolutely none.

6 Q Did you ever promise Mr. Arocena that if he  
7 came in you would give him protection?

8 A I promised him that we would make his co-  
9 operation known to the United States Attorney's office.  
10 If he was in fear of his personal safety or that of Miriam  
11 or the kids, we would see what we could do about it.  
12 I at least had that obligation.

13 Q There was one particular thing that you  
14 mentioned in several of the tapes. You told Mr. Arocena  
15 on several occasions that you thought he was crazy. You  
16 don't think he was crazy, do you?

17 A As I recall, I said that once in the context  
18 of what we were talking about, which I don't recall right  
19 now what we were discussing. If you could let me see  
20 that page you are referring to, it might refresh what we  
21 were discussing.

22 Q I will look for it on the lunch break.

23 MR. AGUILAR: We are not there yet, your Honor,  
24 unless the Court wants to.

25 THE COURT: No. I want you to move along.

1 MR. AGUILAR: I am trying my best, your Honor.  
2 I have a lot of questions here.

3 Q One particular thing about the taped con-  
4 versations, you always had a tape ready when the call  
5 came in. How did you do that?

6 A I didn't always have a tape ready when the  
7 call came in, which is why a lot of the conversations are  
8 missed right in the beginning. I didn't feel like going  
9 around the rest of my life with a tape recorder on my  
10 home telephone. I have other things to be concerned  
11 about.

12 Q A lot of these conversations, you listened to  
13 them and then you left a space in the beginning to put the  
14 particular heading? Is that what you are telling us --  
15 such as "This is July 21, 1983, conversation with Eduardo  
16 Arocena"?

17 A If I got the opportunity to make up one of  
18 these pretexts, I would do it. The big problem was not  
19 knowing what date he was going to call and I would make a  
20 pretext and put a date in, and I found myself having to  
21 do this every day and changing the date and finally I  
22 said I would wait until he calls. Some of them I got  
23 pretext on, some I didn't.

24 Q Do you know how many tapes were made of the  
25 Arocena home in Miami?



- 1 A During the wiretap?
- 2 Q Yes, sir.
- 3 A No. I couldn't give you a figure.
- 4 Q Do you know how long a period of time it was?
- 5 A Approximately a year.
- 6 Q Have you seen those taped conversations, the
- 7 physical tapes themselves?
- 8 A No. I have seen transcripts of communications.
- 9 Q How many transcripts are there?
- 10 A I couldn't even venture to guess.
- 11 Q Hundreds of transcripts?
- 12 A At a minimum.
- 13 Q Did you fly down to Miami on July 23, 1983 to
- 14 speak to Mr. Arocena?
- 15 A Not that day, no.
- 16 Q After he was arrested in Miami, did you go speak
- 17 with him?
- 18 A I went to Florida. I did not speak with him.
- 19 Q You didn't speak with Mr. Arocena while he was
- 20 in Miami under arrest?
- 21 A No.
- 22 Q Once he was transferred up here did you have
- 23 an opportunity to speak with him?
- 24 A We took -- well, I remember a couple of times
- 25 we transported him to the prosecutor's office when you were

1 there for meetings.

2 Q Before, right after his arrest, and we are  
3 going back to July -- I am sorry -- July 22, 23, 1983,  
4 did you have an opportunity to talk with him when he was  
5 either there in Miami, which you already said no, or here  
6 in New York?

7 A No, none.

8 Q You didn't speak with him while he was  
9 incarcerated at any period of time before he came to  
10 various meetings?

11 A None.

12 Q Through the sources that you have in this  
13 investigation, was it made known to you that Mr. Arocena's  
14 life was indeed in danger?

15 A No.

16 Q They never informed you he was under any threat  
17 whatsoever?

18 A The only threat that I am aware of is when he  
19 left and called up and said that Remon and Sanchez had a  
20 guy that was going to kill him.

21 Q Did you ever follow that up as part of your  
22 investigation, to find out who the particular individual  
23 was that had threatened him?

24 A Did I ever follow it up?

25 Q Yes, sir.

1           A       There wasn't anything I could do with the  
2 term "a guy."

3           Q       You didn't have a name?

4           A       No.

5           Q       Your sources did not inform you at any time  
6 that there was any guy looking out to see if they can get  
7 Mr. Arocena?

8                   MR. TABAK: Objection.   That assumes a fact  
9 not in evidence.

10                   THE COURT: Sustained.

11           Q       Did you ever have the phone conversations sent  
12 to the FBI for analysis, a voice print on it?

13           A       These conversations?

14           Q       Yes.

15           A       No.

16           Q       But you had ample opportunity to do that?

17           A       Well, I am a little at a loss of what analysis  
18 I could have done.

19           Q       Let's go back a little bit.

20                   You had testified before that the Court had  
21 ordered Mr. Arocena -- the grand jury ordered to give you  
22 writing samples, voice samples, but you didn't take one.  
23 You had a great many tapes with you of conversations that  
24 were alleged to have been with Eduardo Arocena and did  
25 you ever bother to have them analyzed and compared against

1 Eduardo Arocena's voice? If I could --

2 A Yes.

3 Q You did have them?

4 A No, I mean please do.

5 Q Do you know if there is a procedure to take  
6 my voice today and tomorrow and compare it to see if they  
7 are the same? Is there such a procedure?

8 A Yes.

9 Q Do you know if the FBI uses that procedure?

10 A Yes.

11 Q It is not that difficult to send the tapes and  
12 have them analyzed against a voice sample given to you by  
13 Mr. Arocena, is it?

14 A That's correct.

15 Q Did you do that?

16 A I had no sample to compare it with. I didn't  
17 have the voice of Arocena until he became a fugitive.

18 Q Weren't you looking for a person who was making  
19 all the telephone conversations, credit calls to the FBI  
20 and taking credits for the bombings? You had that tape?

21 A Yes, but we had another suspect in mind for  
22 that.

23 Q Did you ever take a voice sample of that  
24 suspect?

25 A Yes.

1 Q And you sent that up to the FBI?

2 A It was handled locally.

3 Q Do you know if that tape was ever sent to  
4 the FBI to compare it with that suspect?

5 A That is what we had handled locally.

6 Q And that was done?

7 A Yes.

8 Q Did you take any other voice samples of any  
9 other individuals who appeared before the grand jury on  
10 September 2?

11 A I am not sure.

12 Q Do you know if Detective Brandt had any of  
13 the individuals who appeared before the grand jury on  
14 September 2 --

15 A To give voice exemplars?

16 Q Yes.

17 A I don't believe so. He was with me.

18 Q So when you told Mr. Arocena that one of the  
19 phone conversations that you had Remon on tape and that  
20 it was scientifically proved, that could have been true  
21 or false?

22 A No, that was true.

23 Q You had it?

24 A Yes. We had handled that locally.

25 Q And you have it today?

1 A We have it today?

2 Q How many times have you appeared before the  
3 grand jury in this particular case as a witness?

4 A I am at a loss for a number. I don't know.

5 Q Numerous occasions?

6 A Yes.

7 Q There has been testimony concerning black,  
8 either C-4, or one particular type of explosive. Are  
9 you familiar with that particular explosive I am refer-  
10 ring to?

11 A Yes.

12 Q Can you tell us what it is, that black  
13 explosive that was testified to?

14 A It is black plastic explosive.

15 Q Do you know where it came from?

16 A According to Mr. Arocena, he arranged to have  
17 it stolen from the cache that the Cuban Nationalist  
18 movement had available to them. The black plastic  
19 explosives to the Cuban Nationalist movement, that was  
20 told to us by Mike Townley, that he had given that to  
21 them as a favor, which I already knew.

22 Q Did you ever have any conversations with  
23 Felix Garcia?

24 A No.

25 Q Did you ever meet the individual?

1 A No.

2 Q Felix Garcia?

3 A No.

4 Q So in your investigation of the assassination  
5 of Felix Garcia did you have an opportunity to speak with  
6 members of the Cuban delegation to the United Nations?

7 A Yes.

8 Q And during the investigation did you learn  
9 that Felix Garcia had an assumed name, that his real name  
10 was not Felix Garcia?

11 A I had no reason to believe that.

12 Q Has it ever been made known to you that the  
13 person you believed to be Felix Garcia was another  
14 individual with another name?

15 A No.

16 Q During your investigation of that particular  
17 assassination, did you learn of his job at the Cuban  
18 Delegation?

19 A Yes.

20 THE COURT: Mission?

21 MR. AGUILAR: Cuban Mission.

22 Q And you were informed that he was just the  
23 driver?

24 A We already knew he was the low-ranking, do-  
25 nothing chauffeur.

1           Q       You were never informed that he was a member  
2 of the G-2, which is the equivalent of the KGB?

3           A       I am familiar with the G-2 and we never had  
4 any information Mr. Garcia was a member associated with  
5 that.

6           Q       Were you ever informed or did you learn that  
7 Mr. Garcia and Mr. Negrin were associates?

8           A       I am not aware of that.

9           Q       Did you learn during your investigation that  
10 Mr. Negrin was a man who ran a business in New Jersey  
11 specializing in trips to Cuba or getting people out of  
12 Cuba?

13          A       I did not participate in Negrin's murder  
14 investigation, since it was in New Jersey, but to answer  
15 your question, I was aware that he was attempting to get  
16 family, and whatnot, out of Cuba for different people.

17          Q       Did you learn if he got results?     Did he  
18 get those families out?

19          A       Yes, to my knowledge, he did get some people  
20 out.

21          Q       Did you also learn there were a lot of people  
22 who claimed to have been defrauded by Mr. Negrin?

23          A       No, I am not aware of it.

24          Q       Not from one person?

25          A       I didn't interview these people.     This came



1 from Negrin himself.

2 THE COURT: Mr. Aguilar, would you prefer to  
3 take the luncheon recess at this time?

4 MR. AGUILAR: Yes, your Honor, we will take it  
5 at this time. I have a lot more, Judge.

6 THE COURT: Perhaps during the luncheon recess  
7 you can review the matter further and of course deal with  
8 the matters that you deem to be important.

9 MR. AGUILAR: Yes, your Honor.

10 THE COURT: Not that you have not up to now.  
11 I know you will consider the scope of your examination  
12 during the luncheon recess.

13 Ladies and gentlemen, we will take a one-  
14 hour luncheon recess and resume -- let's make it 2:10 p.m.

15 Please do not discuss the case among your-  
16 selves and continue to keep an open mind. Enjoy your  
17 lunch. 2:10 p.m.

18 (Luncheon recess.)

19 ---

20

21

22

23

24

25

ET6B

## AFTERNOON SESSION

2:15 p.m.

THE COURT: You may proceed, Mr. Aguilar.

MR. AGUILAR: Thank you, your Honor.

L A R R Y            W A C K,            resumed.

CROSS-EXAMINATION CONTINUED

BY MR. AGUILAR:

Q     Agent Wack, when we were talking before about the LeTellier case, I asked you who the individuals involved in that case were. Was Dionisio Suarez and Virgilio Paz involved in that case also?

A     Yes.

Q     These two individuals, during your investigation, became known to you as having connection with Omega 7, isn't that correct?

A     Suspected.

Q     Yes, sir.

Now, those two individuals were also suspected of having been involved in that LeTellier case.

A     Well, they were in fact charged in indictment and they are currently fugitives.

Q     In reality, you never found out what encompassed Omega 7, is that correct?

A     No, that's not true.

1 Q You know every aspect of what encompasses Omega 7?

2 A We believe we do now.

3 Q And you've contacted all the individuals by one  
4 way or another who were involved with Omega 7, is that  
5 correct?

6 A Yes.

7 Q And you were able to pinpoint all their acts  
8 that were alleged to have been committed by Omega 7, is that  
9 correct?

10 A Yes.

11 Q And acts that were not committed by Omega 7  
12 that other organizations committed but Omega 7 may have  
13 taken credit for, you know those, too, right?

14 THE COURT: Well, were there any acts that you're  
15 aware of which Omega 7 took credit for which you now  
16 believe to have been committed by other organizations?

17 THE WITNESS: None.

18 Q Is there a bombing in Miami last year at a  
19 Continental Bank, bank that the president is Bernardo Benez?

20 THE COURT: If you know.

21 Q That you realized wasn't committed by Omega 7,  
22 yet somebody from that organization took credit for it?

23 A Yes, according to Arocena's call.

24 Q So there was at least one act that Omega 7  
25 took credit for which was not connected to Omega 7.

1 A That's correct.

2 Q Could there have been more than one act?

3 THE COURT: If you know.

4 A My knowledge of the case, no.

5 Q Let me go into the phone calls. What kind of  
6 recording equipment do you have?

7 A Standard government tape recorders.

8 Q Probably don't work.

9 THE COURT: Would you say that you were able to  
10 hear Mr. Arocena's voice better than some of the  
11 recordings that we heard here in court?

12 THE WITNESS: Yes.

13 Q You are familiar with that equipment itself.  
14 You've had it for a while?

15 A I have used it before, yes.

16 Q Let me ask you. How long have you been an FBI  
17 agent?

18 A About ten years.

19 Q Have you ever put a tracer on a phone call that  
20 you received or that the office received to find out  
21 where it's coming from?

22 A Yes.

23 Q And how difficult is that?

24 A It's very difficult. I can't tell you --

25 Q I was waiting, I didn't know whether you had

1 finished. I didn't want to interrupt you.

2 In a phone call that lasts approximately seventy-  
3 four minutes, could you have put a tracer on it?

4 A If you have the cooperation of the telephone  
5 company, you can pretty much do anything with these tracers.

6 Q Out of all the phone calls that you received,  
7 why was it you never put a tracer on any of the calls?

8 A We put traps.

9 Q To find out what -- I'm sorry, are you through?

10 A On its calls.

11 Q Okay. To determine where they were coming from?

12 A Yes.

13 Q Were you able to determine ever?

14 A Yes, but not until after the call was terminated.

15 Q What is, if you know, Huber Matos' involvement  
16 with either the nationalists or Omega 7? Is he the leader  
17 of either one?

18 A No.

19 Q Is he involved in any other one, to your knowledge?

20 A Not to my knowledge.

21 Q Is Huber Matos involved in any anti-Castro  
22 activities, if you know?

23 A He's an outspoken -- he's made speeches against  
24 Castro, yes.

25 Q But he's not involved in any terrorist, quote,

1 organization comprised of anti-Castro Cubans?

2 A Not to my knowledge.

3 Q Have you ever received orders from anybody in the  
4 Executive Branch mandating or ordering you to do your  
5 utmost best to get rid of any anti-Castro organization?

6 A The only orders I ever got was to attempt to stop  
7 the bombings and murders.

8 Q Did you ever receive any information from the  
9 Cuban Government, either directly or indirectly, that had  
10 to deal with known anti-Communists or anti-Castro persons  
11 here in New York or New Jersey?

12 MR. TABAK: Objection.

13 THE COURT: You can answer yes or no.

14 In other words, to your knowledge, were you  
15 furnished with any information from any official of the  
16 Government of Cuba, with regard to anti-Castro individuals or  
17 groups in New York or New Jersey?

18 THE WITNESS: No.

19 Q Was there ever an exchange of information concerning  
20 known or rumored terrorists that would be coming or  
21 attempting to be coming to the U. S. for the Olympics in  
22 exchange for information that the anti-terrorists squad or  
23 organization in New York may have concerning known  
24 anti-Communist figures here in New York?

25 A No.

1 Q Did you or any member of your office during your  
2 investigation of this Omega 7 bombing meet with any Cuban  
3 officials in Mexico City?

4 A No.

5 Q Have you traveled to Guatemala as a result of the  
6 investigation of this case?

7 A No.

8 Q Or Honduras?

9 A No.

10 Q Nowhere in Central America?

11 A No.

12 Q Did you ever meet with Eduardo Arocena and  
13 inform him that you were trying to help him, as long as  
14 any anti-Castro activity was done outside of the U.S.?

15 A We told Mr. Arocena, to answer your question,  
16 in the beginning was that he had indicated that he didn't  
17 desire to talk about overseas activities and we told him  
18 at the time that we weren't concerned about overseas  
19 activities, that we were concerned with acts going on here  
20 in the U. S.

21 Q Did you ever encourage him that if he knew anybody  
22 or any groups that were involved in anti-Communist  
23 activities abroad that they should carry them out over  
24 there, that you would have no problems with that?

25 A No.

msjah 7

Wack-cross

1 Q Were you informed by the FBI office in Miami  
2 that Eduardo Arocena had been arrested?

3 A Yes.

4 Q When were you informed of that?

5 A The day after the last telephone call.

6 THE COURT: The last telephone call having been  
7 July 21, 1983?

8 THE WITNESS: Yes.

9 THE COURT: So you learned of the arrest on the  
10 22nd?

11 THE WITNESS: Yes.

12 Q Did you participate in the transfer of Eduardo  
13 Arocena from Miami to New York City or New York State?

14 A Absolutely not.

15 Q Did you have any knowledge as to when Eduardo  
16 Arocena would be transferred from Miami to New York State?

17 A No. That's the jurisdiction of the marshals.

18 Q Once you were informed, did you make arrangements  
19 to meet with Eduardo Arocena?

20 A No.

21 Q To your knowledge, did anybody in your office  
22 know that Eduardo Arocena was being held under the name of  
23 John Smith in Otisville, New York?

24 A Not to my knowledge.

25 Q Have you been made aware of that fact that he was



1 held under the name John Smith?

2 A Not that I recall, no.

3 Q The conversation recording on July 21st, 1983,  
4 line 7 -- I mean, page 7. You made reference to the fact  
5 that "somebody is trying to destroy the whole thing and to  
6 make themselves look good."

7 What did you mean by that?

8 A I think as I recall --

9 MR. TABAK: Objection. Objection. That's a  
10 mischaracterization of what is located over there.

11 THE COURT: Well, he was about to tell us that.

12 I'm going to let him.

13 Q I'm reading from page 7, transcript of telephone  
14 call placed by Eduardo Arocena to a Special Agent Larry Wack  
15 on July 21st, the top line says "L," which stands for  
16 Larry Wack. "Somebody is trying to destroy the whole thing  
17 to make themselves look good."

18 And you know, I think making it known to the  
19 jury that I might be misguiding them, I think it's highly  
20 unethical of Mr. Tabak to be doing that when I'm reading  
21 straight from the transcript.

22 MR. TABAK: I would ask counsel to read from the  
23 page before so they can understand the words that came out  
24 of Mr. Wack's mouth, because he left out what was said  
25 before this.

msjah 9                   Wack-cross

1                   THE COURT: I thought the witness was going to  
2 cover it. But you can cover it on redirect.

3                   You heard what was read by Mr. Aguilar, and  
4 you were responding.

5                   THE WITNESS: Yes.

6                   THE COURT: Would you go ahead.

7                   A     Yes, I did say that. In clarification of what  
8 he said to me on the previous page.

9                   Q     Do you know who was trying to destroy the whole  
10 thing?

11                  A     He brought it up. I don't know. I believe I  
12 asked him that right after that.

13                   (Pause)

14                  Q     You testified before that you had information from  
15 sources whose name the Court has instructed you not to  
16 divulge. Did you also tape those conversations, those  
17 sources?

18                  MR. TABAK: Objection.

19                  THE COURT: I'll let him answer yes or no.

20                  THE WITNESS: No.

21                  Q     You never taped those? Do you know anybody in  
22 the anti-terrorist squad who taped those conversations?

23                  A     We didn't tape them.

24                  Q     All the meetings with the confidential informants  
25 were face to face?

1 MR. TABAK: Objection.  
2 THE COURT: I'll allow that.  
3 A Yes.  
4 Q Do you want to tell us who they are?  
5 MR. TABAK: Objection.  
6 THE COURT: Sustained.  
7 MR. AGUILAR: If I may confer with my co-counsel  
8 for a minute, your Honor.  
9 THE COURT: Thank you.  
10 MR. AGUILAR: Thank you, your Honor.  
11 MR. FERNANDEZ: Thank you, your Honor.  
12 (Pause)  
13  
14  
15  
16  
17 (Continued on next page)  
18  
19  
20  
21  
22  
23  
24  
25

T7A

1 Q Were you ever informed, either by Mr. Gomez,  
2 Mr. Gonzalez, Mr. Necuze, that they had taped conversations  
3 with you?

4 MR. TABAK: Objection.

5 THE COURT: Overruled.

6 A That they had taped conversations with me?

7 THE COURT: Yes. Did any of them ever tell  
8 you that?

9 THE WITNESS: No.

10 Q Did you ever confiscate any tape recording made  
11 of any FBI agent investigating this case by any suspect in  
12 the case?

13 A Yes.

14 Q Who did you confiscate that from, sir?

15 A Well, personally, I didn't confiscate it,  
16 but I'm aware of it. It was a recording with Ignacio  
17 Gonzalez and two agents in our Miami office that Gonzalez  
18 recorded.

19 Q Do you know where that recording is today?

20 A It's in evidence.

21 MR. AGUILAR: That's news.

22 I have nothing further at this time, your  
23 Honor.

24 THE COURT: Any redirect?

25 MR. TABAK: Yes, your Honor.

1 THE COURT: I trust it will be brief.

2 MR. TABAK: Very brief, your Honor.

3 REDIRECT EXAMINATION

4 BY MR. TABAK:

5 Q Agent Wack, you just testified that a tape  
6 of Ignacio Gonzalez with some FBI agents was confiscated.  
7 Is that correct?

8 A Yes.

9 Q Do you know where it was found?

10 A It was found in Miami -- I'm not positive of  
11 one or two places.

12 Q Can you limit it to two possibilities?

13 A Yes.

14 Q What are the two possibilities of which it was  
15 found, one or the other, according to your knowledge?

16 A It was either found in Mr. Arocena's apartment  
17 in Miami where he was apprehended, or it was found in a  
18 Mini-Stor-It warehouse later on in December where we  
19 recovered a lot of items.

20 Q And do you know who rented that Mini-Stor-It  
21 locker?

22 A A. Medina.

23 Q Now, do you know if there is a person whose  
24 legal name is A. Medina, who had rented that locker?

25 A No, our investigation showed that it was not.

1           Q       Now, Agent Wack, I'm going to read from  
2       Government's Exhibit 210-T, in evidence, the transcript  
3       of the July 21, 1983, call.     At the beginning of Page 7,  
4       leaving out what went on the previous page, indicates that  
5       you said:

6                       "Somebody is trying to destroy the whole thing  
7       to make themself look good?"

8                       And Arocena says, "Right."

9                       And then you say, "Is that what you're trying  
10      to say?"

11                      And Arocena says, "Right, that's what I tried  
12      to say."

13                      And then you said, "Well, who is that someone?"

14                      And then it goes on.

15                      Is that your recollection of the way that  
16      conversation went?

17           A       Yes.

18           Q       Now, Agent Wack, could you explain to the jury  
19      the difference between a trap and a trace?

20           A       A trace of the phone call involves an immediate  
21      ongoing situation, where the individual is on the line and  
22      the Telephone Company, through their computer network, is  
23      in the process of tracing that call, something comparable  
24      to kidnaping situation.

25                      THE COURT:   In other words, the person is on the

1 line and the Telephone Company is working back to locate  
2 where the person is calling from?

3 THE WITNESS: Correct.

4 THE COURT: Very well. That's a trace.

5 THE WITNESS: That's a trace.

6 THE COURT: What is a trap?

7 THE WITNESS: A trap is where you have the  
8 number that the suspect is calling in to placed into the  
9 phone company's computer. And when, not knowing the date,  
10 when a phone call is placed to that number through their  
11 computer afterwards, they can tell you where that came  
12 from. It is not an ongoing situation like a trace is.

13 Q Agent Wack, in order to do a trace where it's  
14 the ongoing determination of the number while the call  
15 is going on, do you know whether that's able to be done  
16 by just one Telephone Company employee?

17 A It is not. It's a monumental project, especially  
18 if you believe the call is coming from out of the state.

19 Q Now, can you describe to the jury what is  
20 involved in tracing a call, for example, from Miami to  
21 New Jersey or New York?

22 A To do that, to trace a call from Miami to New  
23 York --

24 THE COURT: No. I think we ought to restrict  
25 ourselves to the period that you are referring to, since

we all know that the Telephone Company has changed its make-up as of early this year. So why don't we just key that in.

In other words, this would be what the AT&T operation was set up to do in 1983. Could you tell us that?

THE WITNESS: Yes, sir.

In order to trade a phone call from Miami to New York, you need the immediate availability of every Telephone Company down the East Coast in an on-line situation with each other. So it involves the co-operation and coordination of every possible phone company that this conversation would go through down the East Coast, not just the New York-New Jersey phone company.

Q Did the phone company agree to do a trace of any of the calls involving Mr. Arocena to you?

A        No.    The phone company's policy is, unless it's an immediate life or death situation, they will not devote the money and the manpower to a trace.

THE COURT: That is as you just described, a call coming in from a purported kidnaper, when the victim is still in the hands of the kidnaper.

THE WITNESS: Yes.

THE COURT: That would be considered by them



1 life or death.

2 THE WITNESS: Absolutely.

3 MR. TABAK: I have no further redirect, your  
4 Honor.

5 (Pause.)

6 MR. FERNANDEZ: No questions, your Honor.

7 THE COURT: You may step down.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 THE COURT: Mr. Green?

11 MR. GREEN: Your Honor, the Government calls  
12 Detective Kenneth Kuhn, K-u-h-n.

13 THE COURT: Agent Wack, would you ask Detective  
14 Kuhn to come in, please?

15 AGENT WACK: Certainly.

16 (Pause.)

17 - -

18 K E N N E T H K U H N , called as a witness by the  
19 Government, being first duly sworn, testified as  
20 follows:

21 DIRECT EXAMINATION

22 BY MR. GREEN:

23 Q Where do you work, Detective Kuhn?

24 A New York City Police Department.

25 Q How long have you been a police officer?