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IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 81-17247

STATE OF FLORIDA,

Plaintiff,

vs.

PART VI

ALFREDO ARIAS, et al,

Defendants.

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State Attorney's Office  
9th Floor  
Metropolitan Justice Building  
Miami, Florida  
April 12, 1982  
2:30 o'clock p.m.

DEPOSITION OF RICARDO MORALES NAVARETTE

Taken before Joycee Wax, Notary Public in  
and for the State of Florida at Large, pursuant to  
Notice of Taking Deposition filed in the above cause.

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B-610  
INDEXED

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1 APPEARANCES:

2 JANET RENO  
 3 State Attorney  
 4 BY: RINA COHAN  
 5 Assistant State Attorney and  
 6 KIERAN FALLON  
 7 Certified Legal Intern  
 8 1351 Northwest 12th Street  
 9 Miami, Florida  
 10 on behalf of the Plaintiff.

11 DOUGLAS L. WILLIAMS, ESQ.  
 12 NATHAN, WILLIAMS & REICHENTHAL  
 13 444 Brickell Avenue  
 14 Miami, Florida  
 15 on behalf of Alfredo Arias, Defendant.

16 ALSO PRESENT:

17 OFFICER D.C. DIAZ  
 18 OFFICER RAUL PUIG

19 I N D E X

20 WITNESS

DIRECT

CROSS

21 RICARDO MORALES NAVARETTE

3

--

22 CERTIFIED QUESTIONS

23 PAGE

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24 14

4

1 MS. COHAN: On the record, previously,  
2 Mr. Williams has had made available to him the edited  
3 version of the transcript of the Atlanta meeting  
4 today prior to the meeting of Mr. Morales' deposition  
5 as ordered by the Court.

6 MR. WILLIAMS: That is correct. I picked  
7 them up from the court ten minutes before I came  
8 upstairs.

9 Thereupon:

10 RICARDO MORALES NAVARETTE  
11 called as a witness on behalf of the Defendants  
12 having been first duly sworn, was examined and testified  
13 on his oath as follows:

14 DIRECT EXAMINATION

15 BY MR. WILLIAMS:

16 Q Mr. Morales, identify yourself again, for  
17 the record, please?

18 A My name is Ricardo Morales Navarette.

19 I'm a human being. A living person with a  
20 lot of feelings.

21 Q Are you the same person who has been  
22 testifying here on deposition for the past week with  
23 Ms. Cohan and me?

24 A Yes, I am.

25 Q We last took testimony from you on

1 Thursday, which would have been April 8th; is that  
2 correct, sir?

3 A When was the last time that we were  
4 together? That was on a Thursday, right. To me,  
5 it was a Thursday.

6 Q So, it would have been you who gave  
7 testimony?

8 A I don't have a calendar.  
9 Do you have a calendar around there?

10 MS. COHAN: It was Thursday.

11 THE WITNESS: Thursday the 8th?

12 MS. COHAN: Yes.

13 THE WITNESS: That is correct.

14 BY MR. WILLIAMS:

15 Q Between the time we recessed your deposition  
16 on Thursday the 8th and the present, tell me the  
17 people with whom you have discussed either the fact  
18 of the deposition, itself, or any substantive parts  
19 pertaining to questions or answers?

20 A God and myself.

21 Q Is that to say, sir, that you have not  
22 discussed either the fact of the deposition or your  
23 testimony with anybody at all between Thursday and  
24 this morning?

25 A I already answered to that question.

1 Q No, you didn't.

2 A Yes, I did.

3 Q Give me a yes or no, Mr. Morales.

4 Have you discussed the deposition with  
5 anybody or not?

6 A No.

7 Q Have you had any contact with Raul Diaz  
8 between Thursday when we recessed and the present?

9 A No.

10 Am I forbidden to make any contacts with  
11 Raul Diaz at all?

12 Q Ask the prosecutor.

13 A I'm asking the prosecutor.

14 Q Well, now is not the time to do it.

15 You are on deposition now. Right now, you are on  
16 deposition. Talk to her afterwards.

17 A That means that I can't pick up whoever  
18 I want to talk to?

19 Q Mr. Morales, have you had any conversation  
20 with a man by the name of Feliz Rodriguez in the past  
21 six months?

22 A Who?

23 Q Felix Rodriguez?

24 A In the past six months?

25 Q Yes.

1           A     I don't know at this point in time  
2 anybody by the name of Feliz Rodriguez.

3           Q     Do you know anybody by the name of Feliz  
4 Rodriguez?

5           A     There could have been 150 Feliz Rodriguez'.

6           Q     Tell me if you know anybody by that name?

7           A     I can't recall right now if I know anybody  
8 by the name of Feliz Rodriguez.

9                     Feliz the cat?

10           MS. COHAN: No.

11           BY MR. WILLIAMS:

12           Q     Do you know now, or have you, at any time,  
13 between 1980 and the present known a man by the name  
14 of Feliz Rodriguez Menduguita?

15           A     What's the name again?

16           Q     Menduguita, Feliz Rodriguez Menduguita?

17           A     I believe I have heard that Menduguita  
18 last name since my childhood days in Cuba.

19                     There was some sort of a minister for, you  
20 know, at the time, the dictatorship, that is right,  
21 running the military dictatorship, that was running  
22 my country. I believe that there was a man Menduguita  
23 that was a minister in some capacity with the generals  
24 who were, you know, tyrannizing my country.

25           Q     Between 1980, the beginning of 1980 and the

1 present, have you known and/or had any communication  
2 of any sort with one Feliz Rodriguez Menduguita?

3 A I don't believe that I know Feliz Rodriguez  
4 Menduguita.

5 Q Have you known any such person in the past  
6 if you don't know him now?

7 A I don't believe, as far as I can recall,  
8 any Feliz Rodriguez Menduguita.

9 Q Do you know some other person with the last  
10 names of Rodriguez Menduguita here in the United  
11 States?

12 A I already answered to that question. I  
13 don't know any Rodriguez Menduguita.

14 Q Do you now know, or have you, at any time,  
15 since January of 1979 known a man by the name of  
16 Rafael Quintero?

17 A From when?

18 Q Between January, 1979 and the present?

19 A January in 1979 and the present?

20 Q Yes.

21 A If I have seen Rafael Quintero?

22 Q Do you know such a man?

23 A Yes, I know who Rafael Quintero is.

24 Q Who do you know him to be?

25 A Chi Chi Quintero.

1 Q What do you know of him in terms of his  
2 function or business or position?

3 A At one point, he was a P.A. for the Central  
4 Intelligence Agency.

5 Q A what?

6 A P.A. That means Principal Agent.

7 Q What else do you know about him?

8 A Nothing else. That was his status many  
9 years ago.

10 Q Have you had contact either in person  
11 or through any other electronic means with the one  
12 whom you known as Chi Chi Quintero between January,  
13 1979 and the present?

14 A No, sir.

15 Q Mr. Morales, do you know a man by the name  
16 of Ricardo Chavez?

17 A I never met him personally.

18 I know -- if you are referring to the same  
19 Ricardo Chavez, also known as the Mexican?

20 Q That is the one.

21 A Time out.

22 Rina, I have to talk to you in private.

23 MS. COHAN: Okay.

24 MR. WILLIAMS: Wait a minute, Mr. Morales.

25 THE WITNESS: No, no way, no. No, no way,



1 no, because you are not going to make me break the  
2 law; okay? No way, no.

3 MR. WILLIAMS: Mr. Morales, you are the  
4 witness here. Remember?

5 THE WITNESS: Wait, no. No, I am getting  
6 upset. Do you know why?

7 MS. COHAN: Just a minute. Stop fighting  
8 until I get off the phone.

9 THE WITNESS: No, no, no, because there is  
10 going to be a law into effect because if you disclose  
11 the identity of any Intelligence Agent, and I don't  
12 know if they still are or will be, you are subject to  
13 prosecution by the Federal government. No, Mr.  
14 Whatever is your name. No, no, no, and no.

15 I would like to confer with you, Ms. Cohan.

16 MS. COHAN: Please, I would be --

17 MR. WILLIAMS: Let's have you remember,  
18 sir, that you are not running this deposition, and  
19 your concern for the violation of the law --

20 THE WITNESS: You are not running my life,  
21 either.

22 MS. COHAN: At this point, we will take  
23 a five minute recess. All parties calm down.

24 THE WITNESS: You are not running my life.

25 MR. WILLIAMS: Don't point your finger at

1 me.

2 THE WITNESS: I don't care what you said.  
3 I don't care. Same way that you don't care about me,  
4 I don't care about you, so let's talk niceties.

5 I took the gloves off the last time that  
6 I talked to you.

7 MR. WILLIAMS: Now, look.

8 THE WITNESS: No, I don't want to look.

9 MR. WILLIAMS: When there is a question  
10 pending, you answer the question. If you want to  
11 get on a God-damn soapbox, then do it with Officer  
12 Diaz or Mr. Puig, and not with me on my deposition.

13 THE WITNESS: You are referring to Mr. Puig  
14 and Mr. Diaz --

15 MR. WILLIAMS: Keep your mouth shut.

16 THE WITNESS: Are you telling me to keep  
17 my mouth shut?

18 MR. WILLIAMS: You're God-damn right.

19 THE WITNESS: God-damn right what?

20 MR. WILLIAMS: You're a little old for me  
21 to pick on, pal. You could push me, and I'll whack you  
22 up beside the head.

23 THE WITNESS: You're going to whack me?  
24 Come on. Come on.

25 OFFICER PUIG: Take it easy. Let's conduct  
this in a professional manner.

1 THE WITNESS: That's what you said --  
2 that you are going to whack me?

3 MR. WILLIAMS: If you give me the opportunity.

4 THE WITNESS: Right now, I'm giving you the  
5 opportunity.

6 OFFICER PUIG: Take it easy. Let's cool  
7 it. Let's cool it off.

8 Ricky, let's take a recess.

9 (Off the record.)

10 BY MR. WILLIAMS:

11 Q Now, the question, Mr. Morales, is whether  
12 you know Ricardo Chavez, who is also known as the  
13 Mexican?

14 A I never met him in my life.

15 Q Where do you know his name?

16 A From former companions from the Congolist  
17 wars.

18 Q Do you know a man by the name of Rolando  
19 Martinez?

20 A Yes, I do.

21 Q Do you know his nickname or street name,  
22 as it were?

23 A Muscolito.

24 Q Do you know any people who are related to  
25 him, either by blood or by marriage?

1 A Yes.

2 Q Of his relatives, either by blood or by  
3 marriage, whom do you know?

4 A Raul Diaz, Lieutenant Raul Diaz.

5 Q How do you know Lieutenant Diaz to be  
6 related to Muscolito?

7 A Lieutenant Diaz' former wife's mother got  
8 married with Mr. Rolando Martinez.

9 Q When did Lieutenant Diaz' marriage to  
10 Mr. Martinez' daughter-in-law terminate?

11 A I don't know.

12 Q Within the last year or two years or five  
13 years?

14 A I don't know.

15 Q When is the last time that you have had  
16 contact, either face to face or through some other  
17 means, with that Rolando Martinez?

18 A Six years.

19 Q Do you know the occupation or profession  
20 of that Rolando Martinez?

21 A I don't.

22 Q Do you know what it was six years ago?

23 A Neither.

24 Q You expressed some concern a while ago  
25 during the exchange between us about violating some

1 law that you thought to exist relative to the  
2 disclosure of names of people who might be working  
3 in sensitive positions for the government presently;  
4 is that correct?

5 A That is correct.

6 Q Is it also correct to say, Mr. Morales,  
7 that you do not generally concern yourself with  
8 whether an act or an incident is or might be against  
9 the laws of this State or of the United States?

10 A I do not understand your question.

11 Q Let me put it to you another way.

12 There have been plenty of occasions upon  
13 which you engaged in acts which you knew to be  
14 violations of the laws either of this State or this  
15 country; isn't that correct?

16 A That is correct. As part of the semantics.

17 Q Then, it sounds as though, correct me if  
18 I am wrong, that when you think it to your advantage  
19 or convenience to do so, you concern yourself with  
20 whether acts are or not violations of the law, but  
21 when it isn't to your advantage to be thus concerned,  
22 then, you disregard that fact; is that accurate?

23 A You are putting words in my mouth.

24 Q I am asking you if it's accurate or not?

25 A You are putting words in my mouth.

1 Q Answer me yes or no, and then, explain.

2 A You are putting words in my mouth.

3 Q Answer yes or no; if you can.

\* 4 A You are putting words in my mouth.

5 MR. WILLIAMS: Certify the witness'  
6 answer, please.

7 Would you like to attempt to answer that  
8 question, or would you prefer not to?

9 A The way that you are putting up the  
10 question to me, it's like you are putting words in  
11 my mouth.

12 If you rephrase it in a different, easy  
13 way for me to answer it to you without putting words  
14 in my mouth, I will be glad to answer it to you.

15 Q Are there times when you concern yourself  
16 with whether a particular act or incident is or might  
17 be a violation of the laws when it goes to your  
18 advantage to have that in mind?

19 A I am not saying about advantage. You know,  
20 you are putting words in my mouth again. You know,  
21 ~~I don't take advantage of anything.~~

22 I am just concerned about violation of the  
23 law right now.

24 Q Can you answer that question for me yes or  
25 no?

1 A Which one?

2 Q The one that I just asked you?

3 A Repeat it again.

4 Q Is it the case that when it is to your  
5 advantage to be concerned with whether or not a  
6 particular act is a violation of the law, that you  
7 then concern yourself with that kind of legality?

8 A No.

9 Q What is different presently than in the  
10 past fourteen years at which time the pattern of  
11 bombings that you described to us commenced that causes  
12 you to be concerned with whether a particular act in  
13 which you are asked to engage is a violation of the  
14 law?

15 A Because whatever I do, I did it -- it was  
16 done by my person, so the people you are asking me  
17 questions now, I don't know where they are now, what  
18 they might have been engaged into, and I am not  
19 privy to disclose anything about them since I don't  
20 know anything about what they might be doing, and  
21 since they were old hands, I don't know if there are  
22 new hands or not, so just -- I believe that you  
23 understand what I am saying now?

24 Q Then, if I understand it, your concern is  
25 for the fact that you might compromise people in the

1 Intelligence community; is that correct?

2 A That is correct, Mr. Williams.

3 Q And those are people about whom you feel  
4 a certain kind of affinity because of the work that  
5 you have done in the past; is that right?

6 A That is right, Mr. Williams.

7 Q Then, it is because of the affinity that  
8 you feel for them?

9 A It is not an affinity.

10 Q Mr. Morales --

11 MS. COHAN: Objection. He is not through  
12 answering.

13 THE WITNESS: It is not the affinity.

14 BY MR. WILLIAMS:

15 Q Now, wait, Mr. Morales.

16 A It is not an affinity. Whatever I might  
17 know could be used, could be used by the enemy,  
18 counterintelligence, to surrogates since these pro-  
19 ceedings are a matter of record, public record.

20 I'm sorry -- let me correct myself -- it  
21 can be used by the enemy counterintelligence, and  
22 might jeopardize the lives of the so-called  
23 individuals with whom I truly have a deep affinity.

24 Q You are, therefore --

25 A I am more concerned about them than with



1 myself.

2 Q You are, therefore, relying upon what you  
3 think to be a provision of the law that allows you  
4 to give strength or effect to your affinity with  
5 these people; is that correct?

6 A What was that? You talking legal matters.  
7 I'm not an attorney.

8 Q Are you relying upon --

9 A Relying upon a what?

10 Q Mr. Morales, if you have a problem with  
11 my language --

12 A With your legal language, definitely,  
13 because I am not an attorney.

14 Q You ask the prosecutor or one of your  
15 companions -- Mr. Diaz and Mr. Puig --

16 A I don't have companions with me. I have  
17 police officers with me.

18 Q (Continuing) -- to straight it out.

19 In the meantime, if you don't have a problem  
20 with the lanugage, then don't interrupt me anymore,  
21 because I'm getting tired of it. I really am.

22 A So am I.

23 MS.COCHAN: Objection. Argumentative.  
24 Harassing.

25 MR. WILLIAMS: I am hardly arguing with

1 the witness.

2 MS. COHAN: Mr. Williams, if you and  
3 Mr. Morales would stop bickering with each other --

4 MR. WILLIAMS: I am tired of the outbursts  
5 by Mr. Morales.

6 THE WITNESS: You are the one with the  
7 outbursts.

8 I am not an attorney. I am a very simple  
9 man who is used to a different kind of language, so  
10 what you might be referring to sugar, I might refer  
11 to as, you know, coconuts.

12 MR. WILLIAMS: I will certainly agree with  
13 part of your last statement, but in any event, the  
14 way a deposition is conducted, and you are familiar  
15 with proceedings in the courts of this State and  
16 Country, is that after a question has been completed,  
17 if there is a part of it you don't understand, tell  
18 me, and if you choose not to tell me, tell it to the  
19 prosecutor. Don't interrupt me anymore in the middle  
20 of a question.

21 THE WITNESS: Don't interrupt me anymore  
22 in the middle of an answer.

23 BY MR. WILLIAMS:

24 Q I have refrained from doing that, sir,  
25 and let me remind you, this deposition is not a

1 soapbox or stage for you to perform to whatever you  
2 conceive your audience to be.

3 A You are the performance so far.

4 Q If I ask you a question that you can answer,  
5 answer it. Save me the speeches.

6 A And the money.

7 Q Yes, that, too.

8 A Sure.

9 Q Now, here's the question: Do I understand  
10 your testimony to be that because you think it will  
11 be helpful to people with whom you have an affinity  
12 or feel you have an affinity, that you are relying  
13 upon what you think the law to be in order to allow  
14 you to give effect to your desire to avoid causing  
15 them a problem? Is that what you are doing --  
16 relying on the law for that?

17 A I am not lying.

18 Q I said, relying on the law for that -- is  
19 that what you are doing -- relying on what you think  
20 the law to be?

21 MS. COHAN: Objection. At this point,  
22 Mr. Morales has not refused to answer any questions.

23 THE WITNESS: I am not refusing to answer  
24 any questions.

25 Why don't you start again, you know, making

1 questions?

2 BY MR. WILLIAMS:

3 Q Here's my question, Mr. Morales --

4 A Oh, Jesus Christ.

5 Q Are you now relying upon what you think the  
6 law to be towards the end of allowing you to help  
7 people with whom you feel you have an affinity? Is  
8 that what you are doing?

9 A No, Mr. Williams. Let's keep on going  
10 with whatever it is.

11 Q The answer to my last question is no?

12 A I already answered it.

13 Q When was the first time you can think of,  
14 Mr. Morales, that you made some statement or gave  
15 some information to somebody connected with law  
16 enforcement in any capacity when the statement that  
17 you made or the information that you gave turned out  
18 not to be true? When was the first such incident that  
19 that occurred?

20 A If it ever occurred, I have no recollection  
21 of it.

22 Q Is it your testimony, sir, that you have  
23 never, in the course of any of your encounters with  
24 anybody from law enforcement, whether a prosecutor  
25 or an agent, ever told any such person anything that

1 you knew at the time not to be true?

2 A Mr. Williams, in the course of my giving  
3 up information, you know, on so many occasions,  
4 you have to rely upon sources. That information will  
5 have to be double checked for veracity, reliability,  
6 or whatever, you know, so I cannot recall, you know,  
7 the times when information that has been received to  
8 me by a source and relayed to my case officers, you  
9 know, would turn out to be, you know, untruthful,  
10 deceptive, or whatever.

11 Q That wasn't my question, Mr. Morales.

12 A That is the way I understood it.

13 Q Well, let me rephrase it for you, then.

14 Has there ever been a time when you have  
15 given information, or for want of a better term,  
16 advices, suggestions, to any law enforcement agent  
17 or anybody else in any way connected with law  
18 enforcement such, for example, as a prosecutor when,  
19 at the time you knew that either what you were saying  
20 was not true, or you knew that if the person relied  
21 upon your advices, it would work in some way to their  
22 disadvantage? Has that ever been the case?

23 A I do not recall ever that having been the  
24 case to the best of my recollection.

25 Q Let's talk for a moment about the matter of

1 one Rolando Otero. Do you know the fellow?

2 A Of course I know the fellow.

3 Q Whom do you know him to be?

4 A 2506 Brigade member, personal friend of  
5 mine, undercover agent for me, mull in a foreign  
6 intelligence service.

7 Q Which one?

8 A D.I.N.A., Chilean D.I.N.A., as a Chilean  
9 Intelligence officer.

10 He infiltrated that organization under  
11 the orders of my superiors in DISIP.

12 Q You also know him to be somebody who was  
13 accused and formally charged, at one point, here in  
14 the United States for several offenses involving the  
15 use, possession, or placing of explosives or explosive  
16 devices; isn't that correct?

17 A That is correct.

18 Q And there came a time at which you were  
19 asked to provide State prosecutors with information  
20 that could be used in order to be able successfully  
21 to prosecute Mr. Otero; isn't that correct?

22 A It was not the State.

23 Q Was there a time when you were asked by  
24 any prosecutorial agency or any prosecuting attorney  
25 to furnish information against Mr. Otero which could

1 be used for the purpose of prosecuting him  
2 successfully?

3 A It was not any State Attorneys or anything  
4 like that. It was a law enforcement agency, govern-  
5 ment law enforcement agency.

6 Q Didn't there come a time, Mr. Morales,  
7 when formal, criminal charges were filed against  
8 Mr. Otero by this same State Attorney's Office here  
9 in Dade County?

10 A Oh, yes.

11 Q And haven't you had communication with  
12 law enforcement agents and/or prosecutors specifically  
13 for the purpose of assisting in Mr. Otero's prosecution?

14 A I was never served with a subpoena.

15 Q I didn't ask you that.

16 A I'm answering you just to make it short. I  
17 was never served a subpoena to testify against  
18 Mr. Otero during Mr. Otero's trial by the State of  
19 Florida.

20 Q I haven't asked you about being served  
21 with subpoenas, Mr. Morales.

22 I asked you whether there was ever a time  
23 when you had any communication with any law enforcement  
24 agent and/or prosecutor for the purpose of assisting  
25 or giving the appearance of assisting in Mr. Otero's

1 prosecution? Yes or no?

2 A Basically, yes.

3 Q And then, there came a time when Mr. Otero,  
4 himself, became a fugitive from the charges that had  
5 been filed against him; isn't that correct?

6 A He became -- he was out of the country  
7 before the charges were filed for your own information  
8 in case that you don't have a track record of it.

9 Q Mr. Morales, did there come a time when  
10 mr. Otero became a fugitive from the charges that  
11 have been filed against him?

12 A Yes.

13 Q Pardon me?

14 A Yes.

15 Q Now, what part did you have, Mr. Morales,  
16 in Mr. Otero's departure from the South Florida area  
17 at a time when formal charges were pending against  
18 him?

19 A There were no formal charges pending  
20 against Mr. Otero when he departed the United States  
21 of America.

22 Q What part did you play in the departure  
23 from the United States at or around the time when  
24 formal charges were pending against him?

25 A There were no pending charges against



1 Mr. Otero when he departed the United States of  
2 America.

3 Q Here's my question, Mr. Morales, what part  
4 did you play in Mr. Otero's departure from the United  
5 States at or in the vicinity of the time when there  
6 were formal charges pending against him?

7 A There were no charges pending at or in  
8 the vicinity of Mr. Rolando Otero at the time of his  
9 departure.

10 MS. COHAN: Subsequently, there were.  
11 After he was convicted, he became a fugitive.

12 THE WITNESS: No, Rina.

13 MS. COHAN: That was my understanding.

14 BY MR. WILLIAMS:

15 Q Do you understand the question?

16 A I understand the question perfectly.

17 The one who has the wrong information is  
18 you.

19 Q One more time.

20 A One more time. Ten more times.

21 Q Did you play any part in Mr. Otero's  
22 departure from the United States at a time when he  
23 subsequently became a fugitive?

24 A At the time that Mr. Otero departed from  
25 the United States of America, I was already in

1 Caracus, Venezuela.

2 Q Here's my question, Mr. Morales: Did you  
3 play a part in Mr. Otero's departure from the United  
4 States? Yes or no?

5 A How can I dominate a part? I wasn't here.

6 Q Is that a no?

7 A That's a no.

8 Q All right.

9 A I gave him no transportation to the  
10 airport. Nothing. I don't know what happened. I  
11 wasn't here.

12 Q Did you have any conversation with Mr.  
13 Otero or anybody else concerning Mr. Otero's  
14 departure from the United States?

15 A Yes.

16 Q With whom?

17 A With the F.B.I.

18 Q That was after Mr. Otero departed?

19 A That was before Mr. Otero departed.

20 Q What was your conversation with the F.B.I.  
21 prior to his departure?

22 A I advised the F.B.I. that the Condor  
23 was about to fly.

24 Q The Condor, meaning Mr. Otero?

25 A That is correct.

1           Q     You knew Mr. Otero was on the verge of  
2 leaving at the time that he left?

3           A     Everybody knew that. It was no secret.

4           Q     Had you had any conversation with  
5 Mr. Otero, himself, or anybody on his behalf concerning  
6 his departure for the purpose of lending him any  
7 assistance either directly or indirectly in his  
8 departure?

9           A     Who, me?

10          Q     Yes.

11          A     Yes.

12          Q     With whom?

13          A     Mr. Otero, himself.

14          Q     Prior to his departure?

15          A     Prior to the departure.

16          Q     And that was at a time when you were  
17 regarded as a potential witness against Mr. Otero  
18 in connection with various charges relating to the  
19 places of destruction or explosive devices; isn't  
20 that true?

21          A     That is incollect.

22          Q     What point in time was that, Mr. Morales --  
23 after the trial had already taken place?

24          A     No, sir. You are completely incorrect.  
25 in day and time.

1 Q Suppose you straighten us out. Tell us  
2 the sequence of events.

3 A You asked the questions, and I give you the  
4 answers.

5 Q Describe to me the sequence of events  
6 concerning --

7 A Concerning what?

8 Q Concerning your association with Rolando  
9 Otero and your giving information about or concerning  
10 him to any law enforcement agencies?

11 A I advised the F.B.I. that the Condor was  
12 about to fly out because he request money to buy an  
13 airline ticket for destination for Dominican  
14 REpublic.

15 Q When was that relative to the point in  
16 time that you had furnished information to some  
17 governmental agency concerning his activities with  
18 regard to explosive devices?

19 A Very few.

20 Q When, in point in time, was it that you  
21 advised the F.B.I. that he was going to leave?

22 A That he was going to leave?

23 Q Yes, relative to the time that you had  
24 given information to some governmental agency about  
25 it?

1           A     You've got it wrong completely. You are  
2 way out in left field about the whole issue. Way out  
3 in left field.

4                     You'd better get better sources.

5           Q     Tell me what I have wrong, Mr. Morales.

6           A     Nothing.

7                     He asked me for money for an airline  
8 ticket. I advised the F.B.I. that the Condor was  
9 about to fly out, that he had asked me for money,  
10 and that I was going to give him the money period.

11                    Then I took a plane down to Caracas,  
12 and I don't know what happened afterwards down here  
13 in Miami.

14          Q     Had you given Mr. Otero money?

15          A     Yes, I did give him the money for the  
16 airline ticket.

17          Q     Was that before or after charges had been  
18 filed against him?

19          A     Oh, long before.

20          Q     Was it before or after you had given other  
21 information to law enforcement concerning his  
22 activities with explosive devices?

23          A     Just about the same time, we, myself.

24          Q     So, at about the same time you informed  
25 against Mr. Otero and --

1 A I was not informing against Mr. Otero.

2 Q You gave information about him; didn't you?

3 A I was giving information.

4 Q Was the information that was consistent  
5 with his innocence or was it information that tended  
6 to indicate his guilt of some criminal activity?

7 A At the time, it was an information that  
8 was being developed. It was not a positive information.  
9 It was not hardcore information.

10 It was an information that was being  
11 developed. It was an information that was being  
12 worked upon.

13 Q Information that tended to implicate him in  
14 the commission of a crime; is that correct?

15 A Information that was intended to  
16 corroborate whatever information was in the hands of  
17 the Federal Bureau of Investigations at that time.

18 Q Information indicating his involvement in  
19 the commission of a crime, Mr. Morales?

20 A Indication indicating that he might be a  
21 suspect in the commission of those alleged crimes  
22 that you are mentioning.

23 Q So, clearly, then, the information that you  
24 were giving to law enforcement was for the purpose of  
25 assisting law enforcement in its investigation

1 of Mr. Otero; correct?

2 A It was requested from me.

3 Q Is that correct?

4 A It was requested from me.

5 Q Give me a yes or no, please, sir?

6 A Not in the way that you are putting  
7 the words in my mouth. That is not the way it  
8 developed. You don't have the slightest sense of what  
9 information is to start with.

10 Q The question is, Mr. Morales, whether the  
11 information that you had furnished to whatever law  
12 enforcement agency it was, was for the purpose of  
13 aiding that law enforcement agency in developing  
14 a prosecution against Mr. Otero? If it's yes, say  
15 yes. If it's no, say no.

16 A Wait, wait, wait, wait, wait, with that yes  
17 and no crap, Mr. Williams.

18 Okay. Let me explain it to you.

19 I was on vacation down here in Miami from  
20 Caracas, Venezuela, and as usual, you know, I call  
21 up everybody that I knew down here in Miami just to  
22 advise them that I was in town for vacations; right?

23 Now, the F.B.I. asked me, "What about,  
24 Ricardo, if you send the word out to all your  
25 sources, because we want to verify information that

1 we have received that Mr. Rolando Otero might be the  
2 suspect, or whatever they want to call it; okay"  
3 and whatever happened here at the time that I was  
4 not even here, and I sent out word to my sources  
5 out there, that they pointed out to me that Otero  
6 was likely the suspect in those bombings, which I  
7 relayed back to the F.B.I.

8 Q It was after that that Mr. Otero came to  
9 you and asked for help getting out of the country;  
10 is that correct?

11 A What?

12 Q I said, it was after that Mr. Otero came  
13 to you and asked you for help getting out of the  
14 country; is that correct?

15 A I can't hear you.

16 MR. WILLIAMS: Read the question back to  
17 him, Ms. Wax.

18 (Whereupon, the question referred to was  
19 read into the record by the court reporter.)

20 THE WITNESS: Mr. Otero was asking for  
21 that kind of a help from half the town, and nobody  
22 was helping him.

23 BY MR. WILLIAMS:

24 Q Does that include you, Mr. Morales?

25 A That includes me.



1 Q And you gave him help getting out of the  
2 country; is that correct?

3 A I gave him what he asked for me, that it was  
4 money to buy an airline ticket.

5 Q After Mr. Otero left the country, then,  
6 as I understand it, formal charges were filed against  
7 him; is that correct?

8 A I have no knowledge. I hope so. I mean,  
9 I believe so.

10 Q Weren't you then contacted by people in  
11 law enforcement asking for your assistance and  
12 procuring Mr. Otero's return?

13 A Nope.

14 Q Did you have contact with Mr. Otero then  
15 some place on the South American continent?

16 A Yes.

17 Q As a result of your contacts with  
18 Mr. Otero, he came, once again, to be in the country  
19 of Chile; didn't he?

20 A Huh?

21 Q I said, as a result of your contacts with  
22 Mr. Otero, didn't he then come to be in the Country  
23 of Chile once again?

24 A As a result of Mr. Otero's contacts  
25 with the DISIP.

1 Q You, at the time, were in the employ of  
2 DISIP; weren't you, sir?

3 A At the time, I was in the employ of the  
4 Foreign Ministry and of DISIP.

5 Q Did you, or did you not have anything to  
6 do with Otero's going to Chile?

7 A My government, the Venezuelan government,  
8 at the time, was the one who had to do with him.

9 Q Did you have anything to do with it, your-  
10 self, Mr. Morales?

11 A I was his handler.

12 Q That's a yes; isn't it, sir?

13 A Yes.

14 Q And after you had sent him off to Chile,  
15 didn't you then have some participation in his  
16 eventually being taken into custody down there?

17 A No, sir.

18 Q Did you have any part in his eventually  
19 being returned to the United States?

20 A No, sir.

21 Q None, whatsoever?

22 A None, whatsoever.

23 Q Where is he today; do you know?

24 A Beats me.

25 Q You have no idea at all where he is?

1 A No, sir.

2 Q Do you know whether he is in custody  
3 in the United States?

4 A Huh?

5 Q Do you know whether he is in custody in the  
6 United States?

7 A I don't know that.

8 Q Do you have any knowledge, whatsoever,  
9 concerning his whereabouts?

10 A I read in the papers that he is a fugitive.

11 Q How many different times were you contacted  
12 between the time you first had involvement with  
13 Mr. Otero and the time when he last became a fugitive?  
14 How many times were you contacted by anybody  
15 connected with law enforcement or with government in  
16 an attempt to either take Mr. Otero into custody or  
17 determine his whereabouts?

18 A You mean, now, that either a fugitive or  
19 the other time?

20 Q The last time when he was on the verge of  
21 being charged and he was asking your help in getting  
22 out of the country? How many times were you in touch  
23 with law enforcement in their efforts to find out where  
24 he is, and possibly, to get him back?

25 A I was never contacted with the purpose

1 of having Mr. Otero returned to the United States.

2 Q Were you ever contacted for the purpose  
3 of finding out where he was?

4 A That was a matter of disclosure in the  
5 press. Everybody knew he was being followed by  
6 newspapers, you know, during all his trials.

7 I still remember that, on the front page  
8 of the Miami Herald, you know, they ran an article  
9 saying, "The flight of the Condor," and then, a map  
10 of the Western Hemisphere showing Mr. Otero's flight  
11 from Miami to the Dominican Republic, from the  
12 Dominican Republic to Caracas, Venezuela, and from  
13 Caracas, Venezuela, to Santiago, Chile. It was on  
14 the front page of the papers.

15 Q Did anybody connected with law enforcement  
16 at any level, ever ask you for assistance in determin-  
17 ing Otero's whereabouts?

18 A Nope.

19 Q While he was a fugitive?

20 A Nope.

21 Everybody knew where he was, and what he  
22 was doing among law enforcement agencies, counter-  
23 intelligence agencies.

24 Q Let me make sure that I have an answer  
25 clear in here, so there is no question about that.

1                   Is it your testimony that, at no time  
2                   between Mr. Otero's last known departure from Miami  
3                   in which you assisted in his having become a fugitive  
4                   following his arrival in Santiago, Chile, that  
5                   anybody connected with law enforcement ever asked you  
6                   for assistance in determining his whereabouts; is  
7                   that what you are saying?

8                   A       To start with, don't put words in my mouth.

9                   Q       Is that what you are saying?

10                  A       No, no. Don't put words in my mouth.

11                  Q       If the answer is no --

12                  A       Don't put words in my mouth.

13                       The only assistance I gave him was money  
14                   to buy an airline ticket, which I never knew it was  
15                   intended to be used by them.

16                       Later on, about his whereabouts, I had  
17                   the government on top of me, and whatever inquiries  
18                   were made about Mr. Otero's whereabouts were put up  
19                   to my immediate superiors in the Foreign Ministry or  
20                   in the Interior Ministry of Venezuela.

21                       They are the ones that have to answer for  
22                   questions. I was just receiving orders from them.

23                       MR. WILLIAMS: All right. I'm going to  
24                   recess the deposition long enough to go down before  
25                   Judge Kogan, and see if we can't get the matter of

1 these either deceptive or inappropriate answers on  
2 Mr.Morales' part straightened out.

3 It was cute the first couple of days.  
4 It has long since ceased to be cute.

5 We'll just sit there and have the reporter  
6 read several of Mr. Morales' answers back to the  
7 Court, because I'm sure the Judge would like  
8 Mr. Morales to be told that the time for his  
9 version of the Gong Show is over with, and he can now  
10 answer questions as they are put to him.

11 I am not going to waste my time with this  
12 nonsense.

13 MS. COHAN: It is my understanding that is  
14 what Mr. Morales is doing.

15 MR. WILLIAMS: Well, then, we will just  
16 have to rely upon the state of the record.

17 MS. COHAN: That is accurate.

18 OFFICER DIAZ: Are we going downstairs?

19 MR. WILLIAMS: Yes.

20 MS. COHAN: Apparently.

21 (Off the record.)

22 (Whereupon, the following proceedings  
23 were had before the Honorable Gerald Kogan in  
24 chambers:)

25 MS. COHAN: Obviously, we have run into a

1 personality problem between Mr. Morales and Mr.  
2 Williams, where Mr. Williams asks leading questions,  
3 which Mr. Morales does not feel he can answer yes or  
4 no.

5 Mr. Williams and Mr. Morales don't get  
6 along. Mr. Williams has been calling Mr. Morales  
7 "Monkey"; and inviting him to leave if he does not  
8 like it.

9 It has become a three-ring circus.

10 MR. WILLIAMS: Starring the Monkey.

11 We are down here on my Motion, I think,  
12 Judge, and I really don't know what technically to  
13 call it.

14 THE COURT: Well, do you have any questions  
15 that Mr. Morales was asked that he didn't answer?

16 MS. COHAN: No.

17 MR. WILLIAMS: Yes, Judge, we do. We have  
18 a series of questions, and what finally caused me  
19 to spare being able to conduct an orderly deposition,  
20 and instead, electing to come down here and get your  
21 help, is that the fellow who obviously thinks that he  
22 is the star of some show and here to posture and  
23 entertain and perform, generally declines to answer  
24 a question that is put to him, but rather, wanders  
25 off on what frequently are fairly extensive and always

1 rambling semi-coherent dialogues to the extent that,  
2 on a couple of occasions, when I have tried to cut him  
3 off and bring him back to the question, things have  
4 gotten a little bit explosive.

5 THE COURT: Well, for example?

6 MR. WILLIAMS: Well, I will ask the court  
7 reporter to read back a couple of things, but it  
8 is really a pattern that has been taking place over  
9 the past couple of days now; meaning, today and last  
10 Thursday, and to a lesser extent, on Wednesday, and  
11 what I really want, Judge, is -- I don't know if the  
12 prosecutor can control the fellow or not.

13 So far, she seems to be able to at her  
14 will, but I'd like the man told, as I have told him  
15 constantly throughout the course of the deposition,  
16 that if I ask a question that can be answered with a  
17 yes or no, that he do it that way, and then, if his  
18 answer needs an explanation, to proceed to explain  
19 it. I have told him that.

20 MS. COHAN: That is the difficulty.

21 MR. WILLIAMS: I have told him that  
22 incessantly, and I've put to him questions that are  
23 susceptible of, and as a matter of fact, require  
24 yes or no answers with, you know, the --

25 THE COURT: I appreciate what the problem



1 is, but obviously, I cannot be present during the  
2 deposition, and unfortunately, during the deposition,  
3 you are going to have to put up with some of it or  
4 put up with a great deal of it.

5 MR. WILLIAMS: I've been putting up with a  
6 lot of it.

7 THE COURT: You may have to.

8 I'm not going to have you come down on  
9 every single question.

10 MR. WILLIAMS: We haven't done that, but  
11 it's gotten to the spot now where the man really,  
12 either as an exercise in whimsy or self-protection  
13 or a combination of those things, thinks that it is  
14 cute to play word games, and when one undertakes to  
15 remind that that isn't his function, then, drawing  
16 whatever occurred --

17 THE COURT: Your example of a word game?

18 MR. WILLIAMS: I asked him at one point --  
19 well, let me just ask the reporter read some passages  
20 back.

21 THE COURT: Rather than that, why don't  
22 you just tell me?

23 MS. COHAN: Rather than that, let me  
24 indicate to the Court, Mr. Morales has been  
25 instructed that he may answer any question yes, no,

1 or I don't know, and if his answer requires an  
2 explanation, then he will be permitted to give it.

3 However, Mr. Williams, being the way he is,  
4 Mr. Morales, being the way he is, neither of them,  
5 it seems, can allow the other one to finish their  
6 respective question or answer.

7 MR. WILLIAMS: Well, that is not quite  
8 the case, your Honor.

9 I have never interrupted the witness in  
10 the course of an answer.

11 THE COURT: Here's what I am going to do.  
12 I am going to bring the witness in, and tell the witness  
13 he is first to answer that question yes or no, or  
14 I don't know if he doesn't know, but first, yes or  
15 no, and then, if he has to give an explanation, he can  
16 give an explanation.

17 MR. WILLIAMS: That is all I am asking.

18 THE COURT: Now, in the event it should  
19 develop somewhere along the line that he should get  
20 to be rambling, and sometimes, we have rambling  
21 witnesses, and it just becomes impossible to control  
22 the situation, then, bring it down, but I want to  
23 hear what the ramblings are.

24 MR. WILLIAMS: Well, Judge, I am happy to  
25 have the reporter read several examples now.

1 THE COURT: I don't want it.

2 If it's going to happen in the future  
3 after I instruct him, we will go from there, and then,  
4 we will decide what I am going to do.

5 Secondly, are you calling him Monkey?

6 MR. WILLIAMS: Not on deposition.

7 When we walked in the door on deposition,  
8 I was calling him Mr. Morales or Monkey or sir at his  
9 invitation. When he walked in the door, I made some  
10 comment about the fact that the monkeys came.

11 MS. COHAN: And his keepers.

12 THE COURT: Here's what I recommend.  
13 Don't call him Monkey, because apparently, it is  
14 antagonizing the individual.

15 MR. WILLIAMS: Judge, sometimes the truth  
16 does hurt.

17 THE COURT: Call him Mr. Witness or  
18 Mr. Morales.

19 MS. COHAN: Or Ricardo or Ricky.

20 THE COURT: Whatever it is he wants to  
21 be called.

22 Don't call him Monkey. Don't make any  
23 comments about the Monkey, because it's not going to  
24 help any of us get this deposition finished.

25 MS. COHAN: I will also indicate that

1 Detective Diaz and Puig are not his companions, body-  
2 guards, or any other thing of that nature.

3 MR. WILLIAMS: In that case, what the hell  
4 are they doing here?

5 MS. COHAN: Mr. Morales is their source.

6 THE COURT: It's unnecessary.

7 MR. WILLIAMS: If they're not his body-  
8 guards, then, can we get them out of the deposition?

9 THE COURT: Obviously, they are there to  
10 protect Mr. Morales.

11 In any event, let's do this. Don't even  
12 refer to Mr. Diaz or whoever else is with him.

13 MS. COHAN: Puig.

14 THE COURT: Mr. Puig.

15 Don't refer to them. Call him Mr. Morales,  
16 Mr. Witness. Don't call him Monkey. Don't refer to  
17 his bodyguards, or whatever else, and let's just  
18 proceed with the deposition.

19 Let's bring in Mr. Morales.

20 (Whereupon, Officer Puig, Officer Diaz,  
21 and the witness entered chambers.)

22 THE COURT: All right, Mr. Morales.  
23 Listen. Whenever the questions are asked of you,  
24 they call for an answer first, yes or no or if you  
25 don't know, you say I don't know.

1           If you have to explain, or you want to  
2 explain your answer, you can explain the answer, but  
3 first, answer it yes or no; all right, or I don't  
4 know, if you don't know.

5           Now, only answer the question that is  
6 being asked of you, and keep your answers limited to  
7 the question that is being asked. In other words,  
8 if you are asked now, "What happened when you met with  
9 Sam Smith on such and such a day," you just answer,  
10 "This is what happened when I met with Sam Smith on  
11 such and such a day."

12           Don't tell them what happened with Sam  
13 Smith on some other day; okay? Do I make myself  
14 clear?

15           THE WITNESS: Yes, your Honor.

16           I want to point it out to you that I had  
17 a chain of command throughout my whole life, and I  
18 was receiving orders and I carried those orders,  
19 so Mr. Williams is trying to put me in a position  
20 where I was the one making the decision, which I  
21 didn't.

22           THE COURT: Well, obviously, you are  
23 referring to some line of questioning that I am  
24 unaware of.

25           MS. COHAN: A specific line of questioning

1 before we came down.

2 THE COURT: Whatever it is, the important  
3 thing is that you answer the question that is being  
4 asked, and that is it.

5 If you feel that it needs an explanation,  
6 explain it, but don't, you know, make long, long  
7 explanations about matters that really don't relate  
8 to that particular question at that time.

9 When you are finished with Mr. Williams'  
10 questions, then, Ms. Cohan will have a chance to ask  
11 you questions to clear up anything that she feels  
12 may need further explanation, so it's not like nobody  
13 is going to ask you anything.

14 If Ms. Cohan feels it is appropriate,  
15 then, she will ask you questions later on; all right?

16 THE WITNESS: I will do my best.

17 THE COURT: Okay, because I want to move  
18 this along. I want to finish this as soon as we can.

19 THE WITNESS: So do I, sir.

20 THE COURT: All right.

21 Let me say this: This is difficult for  
22 everybody. It is difficult for you, it is difficult  
23 for Mr. Williams, Ms. Cohan -- everybody, and all you  
24 do is just answer a question, and let's stay away  
25 from personalities, everybody, and we'll all get along

1 fine that way.

2 Okay. Go upstairs and finish.

3 MR. WILLIAMS: Thank you, Judge.

4 (Whereupon, a short recess was taken after  
5 which the following proceedings were had in the  
6 deposition:)

7 MR. WILLIAMS: Before we get back to the  
8 line of questioning that we have been treating,  
9 Ms. Cohan, in our little dialogue with the Court before  
10 the witness was brought into the room, you made it a  
11 point in telling the Court that Mr. Diaz and Mr. Puig  
12 were not Mr. Morales' bodyguards.

13 MS. COHAN: That is correct.

14 MR. WILLIAMS: What is the purpose of their  
15 presence?

16 MS. COHAN: Sir, I am not being deposed.  
17 If you would like to get on with the questioning of  
18 Mr. Morales, you may do so.

19 MR. WILLIAMS: All right.

20 If you feel that Mr. Puig and Mr. Diaz have  
21 to be here for any police purpose that pertains to  
22 Mr. Morales' well-being, then let them sit outside  
23 the doors.

24 I don't want them present for any more  
25 of the deposition. There is no reason for their being

1 here.

2 MS. COHAN: The Court has already indicated  
3 they may be present.

4 If you want to go down on another certified  
5 question, we may do so.

6 They are also here as much for my well-being  
7 as Mr. Morales'.

8 MR. WILLIAMS: Do you harbor any fear of  
9 me at this time?

10 MS. COHAN: Mr. Williams, Mr. Diaz and  
11 Mr. Puig are permitted to be here by the Court, and  
12 they will continue to be here.

13 MR. WILLIAMS: Well, Rina, they have no more  
14 function to serve sitting inside these doorways than  
15 they do immediately outside the doorways to your  
16 office.

17 MS. COHAN: Does their presence bother  
18 you for some reason?

19 MR. WILLIAMS: Yes.

20 MS. COHAN: Do they intimidate you?

21 MR. WILLIAMS: Not a bit.

22 MS. COHAN: Then, why does it bother you?

23 MR. WILLIAMS: Because they are both  
24 witnesses in the case, and I am about to get into  
25 some sensitive issues with which one is about to be



1       interrogated, and in the same way I want all the  
2       other witnesses sequestered one from the other, I  
3       want these witnesses sequestered one from the others.

4               MS. COHAN: In terms of Mr. Puig, I can  
5       understand your fears. However, Mr. Morales' state-  
6       ment is going to be available to him, in any event.

7               MR. WILLIAMS: Fine.

8               I am now specifically requesting that you  
9       have Mr. Diaz sit on the other side of that door  
10      (indicating), and Mr. Puig sit on the other side of  
11      that door (indicating), or vice-versa.

12              MS. COHAN: No.

13              MR. WILLIAMS: Back down.

14              OFFICER DIAZ: I will stay here. I have  
15      got to write a report.

16              MR. WILLIAMS: D.C., I think you might  
17      want to come along because the Judge might want to  
18      ask you some questions, and I might want to ask you  
19      some questions in front of him.

20              OFFICER DIAZ: Sure. No problem.

21              Do you want Ricardo down there, too?

22              MR. WILLIAMS: No, we don't need him.

23              OFFICER DIAZ: Do you want Puig down there?

24              MR. WILLIAMS: No, you can talk for the  
25      two of you.

1 OFFICER DIAZ: No, I don't talk for  
2 anybody.

3 MR. WILLIAMS: Oh, come on.

4 OFFICER DIAZ: You are getting obnoxious  
5 now.

6 (Whereupon, the following proceedings  
7 were had before the Honorable Gerald Kogan in  
8 chambers:)

9 THE COURT: What's the problem?

10 MR. WILLIAMS: I am trying to disinvite  
11 Mr. Puig and Mr. Diaz from further attendance inside  
12 the deposition.

13 I am about to get into some areas that are  
14 very material and very critical.

15 We are back in Ms. Cohan's office. I  
16 don't know if you've ever had the pleasure of being  
17 in there. It's back in the corner of the State  
18 Attorney's Office. It has two entrance doors. It  
19 is virtually inaccessible to anybody because of the  
20 job her secretaries do at the front, but in terms of  
21 security for Mr. Morales, there is no reason why  
22 Mr. Puig can't be outside one door, and Mr. Diaz  
23 outside another door.

24 They don't need him inside.

25 THE COURT: Who is inside the room now?

1 MR. WILLIAMS: Mr. Morales, Mr. Puig,  
2 Mr. Diaz, Ms. Cohan, the court reporter, and myself.

3 THE COURT: That's all? We don't have any  
4 of the defendants at this time?

5 MR. WILLIAMS: If any of the defendants  
6 are there, I have no problem with their being there  
7 because then, I can see a legitimate concern, at  
8 least for their presence.

9 MS. COHAN: Judge, I really and truly don't  
10 feel comfortable with Mr. Morales without a police  
11 officer present.

12 THE COURT: Here's what we can do.

13 MR. WILLIAMS: I am not the least bit  
14 afraid.

15 THE COURT: You are now getting into  
16 testimony which Mr. Diaz and Mr. Puig might have  
17 been involved in?

18 MS. COHAN: He has been deposed.

19 THE COURT: I know that, but the issue  
20 is severed from that.

21 I can understand Mr. Morales being in  
22 there with a police officer. Can you get another  
23 police officer in there?

24 MR. WILLIAMS: Judge, she has no reason to  
25 fear Mr. Morales.

1 MS. COHAN: It's not that I fear Mr. Morales.  
2 Your Honor, there is an alleged contract  
3 out for me as well.

4 MR. WILLIAMS: Oh, shit.

5 Well, Judge, Mr. Diaz can be right outside  
6 one door, and Mr. Puig can be right outside the other  
7 door, and there is no way on earth that somebody can  
8 get into that office unless they are Spiderman.

9 THE COURT: She also wants somebody in there  
10 with her.

11 MR. WILLIAMS: Judge, there is no need for  
12 it. There really isn't, Judge.

13 If D.C. Diaz can't stop somebody from  
14 coming through the door, then, he ain't going to be  
15 able to stop them once he gets inside.

16 THE COURT: I can understand Officer  
17 Diaz and Officer Puig not being in there, because you  
18 may be touching upon material that may be necessary  
19 to call them concerning it. I can understand that  
20 part, but if she wants somebody in there with her,  
21 she is entitled to have some police officer in there.

22 MR. WILLIAMS: If Mr. Cohan is legitimately  
23 concerned for her well-being, and this is the first  
24 I have ever heard about any "contract on her life,"  
25 then, I have no quarrel on that.

1           Let her get somebody from Public Safety  
2           Liaison or City of Miami or one of the State Attorney's  
3           investigators to sit there with a gun. I don't care  
4           about that, but there certainly is no need for either  
5           of these men to be inside, and from the point of  
6           view of security, if I were concerned for my well-being,  
7           I would rather have people posted at the entry points  
8           outside rather than inside, because there is no other  
9           way in.

10           MS. COHAN: In terms of Detective Puig  
11           being in the room next door, I have no trouble with  
12           that, because he has not been deposed by anyone in  
13           this case.

14           In terms of Detective Diaz, on the other  
15           hand, we had a nine day deposition. He is of record  
16           already concerning all matters on Ricardo Morales,  
17           and I would suggest, at this point, he is unlikely to  
18           change his testimony because of anything he hears  
19           Mr. Morales say, which is public anyway.

20           MR. WILLIAMS: Your Honor well knows why  
21           there are reasons for Mr. Diaz being outside.

22           THE COURT: All right. If you are going  
23           into those areas that Officer Diaz may, in fact,  
24           have knowledge about or may have to testify about,  
25           despite the fact you have already taken his deposition,

1 then, during that portion, he may remain outside the  
2 door.

3 However, Ms. Cohan is entitled to have  
4 an armed deputy or two armed duties inside that  
5 particular room with her, so those are the arrangements  
6 we will make.

7 MR. WILLIAMS: That certainly isn't my  
8 complaint.

9 If she thinks it's necessary, I am quite  
10 content to sit with as many armed police officers as  
11 would make her feel comfortable, and I am sure that  
12 the State Attorney's chief investigator can furnish  
13 them just like that (indicating a snap of the fingers).

14 MS. COHAN: That is inaccurate.

15 THE COURT: It's up to whoever she wants.  
16 She can choose whatever officers she wants in there  
17 with her at the time, and Mr. Diaz and Mr. Puig  
18 can stay outside the doors during that period of time.

19 MR. WILLIAMS: I would just want the  
20 people of Ms. Cohan's choice not to be folks who have  
21 any significant connection with the case from here  
22 on out, so, you know, if it's Raul Martinez, that is  
23 just about the same degree of evil.

24 MS. COHAN: Your Honor, we probably have  
25 a good two weeks left of Ricardo Morales' deposition.

1 MR. WILLIAMS: No. I am taking the  
2 deposition, and I know we don't have two weeks left.

3 THE COURT: He says he doesn't have two  
4 weeks left. A week and a half?

5 MR. WILLIAMS: No, sir.

6 MS. COHAN: There is a limit as to how many  
7 people I can tie up in court or in my office on his  
8 deposition, and we are about reaching that limit.

9 MR. WILLIAMS: Well, then, let Mr. Diaz  
10 and Mr. Puig go about their business, and let's have  
11 two other equally competent, if there are, and maybe  
12 there aren't, but let's have two other law enforce-  
13 ment officers who will attempt to be the same degree  
14 of competence for security.

15 THE COURT: That will be my ruling. You  
16 can have two other officers in there if you want to  
17 that are armed, so you all work it out with yourselves.

18 MS. COHAN: Your Honor, Mr. Morales is  
19 Mr. Diaz' source. He is a control for Mr. Morales,  
20 and as such --

21 THE COURT: I realize that, and what will  
22 happen is when Mr. Morales is finished testifying,  
23 the guards will stay with him there until Mr. Diaz  
24 comes to get him, so Mr. Morales doesn't have to  
25 leave your office without Mr. Diaz being with him.

1 MR. WILLIAMS: Thank you.

2 THE COURT: So, let's work it that way.

3 MS. COHAN: Thank you.

4 (Thereupon, a short recess was taken  
5 after which the following proceedings were had in the  
6 deposition:)

7 MS. COHAN: In terms of today, there are  
8 no defendants here, and I have no problem proceeding.

9 (Officer Diaz and Officer Puig left the  
10 room.)

11 BY MR. WILLIAMS:

12 Q Mr. Morales, did there come a time when you  
13 met and spoke with a man by the name of John  
14 Rothchild, a writer, or at least, a person who wrote  
15 an article for Harper's Magazine?

16 A Yes.

17 Q Did you, as a matter of fact, give Mr.  
18 Rothchild information of any sort to assist him in the  
19 writing of an article that appeared in Harper's  
20 Magazine in the January, 1982 issue?

21 A That is incorrect. I never spoke with  
22 Mr. Rothchild with regard to that article, and the  
23 time that I have a contact, personal contact, with  
24 Mr. Rothchild was in Caracas, Venezuela, and I was  
25 doing the talking way back in 1976.



1 Q Did you, Mr. Morales, speak with anybody,  
2 having in mind the fact that your information or your  
3 information or your conversations were to play any  
4 part at all, any part at all, in the writing of the  
5 article attributed to Mr. Rothchild in the January,  
6 1982 issue of Harper's?

7 A No, sir.

8 Q Have you had any communication with Mr.  
9 Rothchild or Harper's Magazine, itself, their  
10 editorial staff, since the article was published in  
11 middle or late December of 1981?

12 A Yes, with Mr. Rothchild before the article  
13 came out.

14 Q What was the purpose of that conversation?

15 A Just to say hello to him.

16 Q Did you see any of the galleys or proofs  
17 of the article before it was published?

18 A No, sir.

19 Q Did anybody read any portion of it to you?

20 A No, sir.

21 Q Did you have any advance knowledge, from  
22 any source, whatsoever, concerning any of the contents  
23 of the article written by Mr. Rothchild?

24 A Nope.

25 Q Have you read the article?

1 A Yes.

2 MS. COHAN: An it is rather inaccurate.

3 BY MR. WILLIAMS:

4 Q I'd like to read you a couple of lines  
5 from the article, line by line, or phrase by phrase.

6 A Let me know what you are reading.

7 Q Yes, and then, after I read it to you,  
8 I'd like to have you tell me whether --

9 A What page?

10 Q After I read it, I would like to have you  
11 tell me whether the article --

12 A What page?

13 Q After I read it to you, I would like to  
14 have you tell me whether the portions that I read to  
15 you are true or untrue, and if untrue, in what  
16 particular, and now, I am starting on Page 32.

17 A 32.

18 Q In the right hand column, the second full  
19 paragraph, the paragraph starts with the language,  
20 "Otero was another anti-Castro zealot," and I am not  
21 concerned with the truth or not of that.

22 Tell me whether this content of the article  
23 is true?

24 A When?

25 Q "In 1979, he -- referring to Otero -- and

1 Morales were such good friends, that Morales had  
2 his own key to Otero's apartment."

3 Is that true or not?

4 A That is incorrect.

5 Q What about it is incorrect, sir? Is it  
6 incorrect that you were good friends, or is it  
7 incorrect that you had a key to his apartment or both?

8 A It is incorrect that I had a key to his  
9 apartment.

10 Q Did he have a key to your apartment?

11 A Of course not.

12 Q At the end of that same paragraph are  
13 these sentences: "Once again, the Monkey came to the  
14 aid of law enforcement and declared that Otero was  
15 their bomber. This was in December, 1975."

16 Is that correct or incorrect?

17 A I already answered to that question.

18 Q Answer the question, as I put it to you,  
19 please, sir?

20 MS. COHAN: Are you adopting your previous  
21 answer?

22 THE WITNESS: I am adopting the previous  
23 answer.

24 MS. COHAN: And that answer was no.

25 MR. WILLIAMS: Well, no. If he is going

1 to rely on his answer, then, we will stay with the  
2 record, but that is not the same question that I  
3 am asking.

4 THE WITNESS: I never declared that  
5 Otero was the bomber. How can we go to something that  
6 is completely incorrect, Rina?

7 MS. COHAN: At this time, I would request  
8 that Mr. Williams mark a copy of the Harper's Magazine  
9 article for the record and attach it thereto as  
10 an exhibit since we are referring to it as a matter  
11 of record.

12 MR. WILLIAMS: I have no problem with that.

13 The only copy I have with me has my notations  
14 and highlights with it.

15 The copy that Mr. Morales has that he got  
16 from you or your desk, is apparently a clean copy,  
17 so if you want to mark that one, I have no problem  
18 with that.

19 MS. COHAN: I'll make another copy of that  
20 because I intend to mark it.

21 (Whereupon, the document referred to was  
22 marked Defendant's Exhibit No. 1 for Identification.)  
23 BY MR. WILLIAMS:

24 Q The next paragraph begins: "Having  
25 informed on his friend, Morales went back to Otero

1 with some useful advice: Leave the country."

2 Is that sentence correct or incorrect?

3 A It is incorrect. I never told Mr. Otero  
4 to leave the country, which I already answered to  
5 that question extensively.

6 Q Next sentence reads: "Otero took it."

7 Do you have any personal knowledge whether  
8 that is correct or incorrect?

9 A No.

10 MS. COHAN: Objection, as far as it being  
11 based on an inaccurate assumption.

12 He just said he didn't tell him to leave  
13 the country.

14 BY MR. WILLIAMS:

15 Q The next sentence reads: Then, Morales  
16 told the understandably upset police that the leak  
17 to Otero had come from F.B.I. Agent Ball."

18 True or untrue?

19 A Untrue.

20 Q I'm sorry?

21 A Untrue.

22 Q Did you, sir, ever advise anybody that  
23 either Agent Ball or any other F.B.I. Agent had had  
24 anything to do with Otero's departure from the  
25 country?

1           A     No, sir.

2           Q     Did you have any conversation with any  
3 law enforcement agency at all that pertained to the  
4 fact that Otero had left the country and why?

5           A     I already told you that I got in touch  
6 with the F.B.I., and I told them that the Condor was  
7 about to flight, and that was it.

8           Q     Do you have any knowledge whether Agent  
9 Joe Ball from the F.B.I. did, in fact, execute an  
10 affidavit denying that he had anything to do with  
11 Otero's flight?

12          A     No personal knowledge.

13          Q     Have you heard anything about it?

14          A     Somewhere along those lines in this  
15 article, there is some reference to that.

16          Q     Yes, it's right there.

17          A     It's right there.

18          Q     Right in the next couple of sentences.

19                My question is, whether, exclusive of  
20 the article, outside of the article, you ever heard  
21 that Ball did, in fact, execute an affidavit denying  
22 any part in Otero's departure?

23          A     I have no personal knowledge of anything  
24 like that.

25          Q     Did you hear it from anywhere?

1 A In here.

2 MS. COHAN: Indicating the article.

3 MR. WILLIAMS: Indicating, for the record,  
4 the Harper's article.

5 Is that the only place you heard it?

6 THE WITNESS: Yes, I already answered  
7 to you that question.

8 BY MR. WILLIAMS:

9 Q Is that the only source from which you  
10 heard it, sir, or did you hear it from any other  
11 source?

12 A This article (indicating).

13 Q The article says further on down in the  
14 same sequence, "By February, 1976, Morales had hired  
15 him in Venezuela and sent him to Chile on some  
16 DISIP mission."

17 Is that true or not?

18 A It says, "By February of 1976, two months  
19 after informing on him, Morales had hired him in  
20 Venezuela, and sent him to Chile on some DISIP  
21 mission."

22 Q All right. Now, you have already said  
23 that you didn't inform on him, so we are just  
24 excising that phrase.

25 The question is, whether it is true that,

1 by February of 1976, you had hired Otero in Venezuela,  
2 and had sent him to Chile on some DISIP mission?

3 A I didn't recruit Rolando Otero for that  
4 mission.

5 Q One of your superiors did?

6 A My immediate superior.

7 Q Did you have anything at all to do with  
8 Otero's being given that mission? Anything at all?

9 A It was my superiors, the ones who outlined  
10 the whole procedure.

11 Q Here's my question to you: Did you have  
12 anything at all to do with Otero's being sent on the  
13 mission to Chile?

14 A I was carrying orders from my superior  
15 to expedite his mission to Chile.

16 Q Did you discuss the mission with your  
17 superiors?

18 A Yes, of course.

19 Q Did you discuss the mission with Otero?

20 A We discussed it all along.

21 Q Is that a yes, sir, that you discussed  
22 it with Otero?

23 A Yes, Otero, my superior, and myself.

24 Q Were you then actively involved in the  
25 chain of circumstances that gave rise to Otero's



going to Chile?

A It was part of the chain of command.

Q I'll take that as a yes.

Did you ever promise any American authorities that you would return to Miami to testify against Otero?

MS. COHAN: Are you referring to a line in the article?

MR. WILLIAMS: Well, there is a line to that effect in the article, but it doesn't make any difference.

BY MR. WILLIAMS:

Q Did there ever come a time, whether you want to read it from the article or not, when you told anybody connected with law enforcement in the South Florida area that you would come to the South Florida area to appear in court to testify against Rolando Otero?

A That's not the way it happened.

If you don't mind, can I tell you the way it happened?

Q Okay.

A Came up the time when the American authorities put up a request to the Venezuelan government that, in the event that Mr. Otero would

1 be apprehended and returned to the United States,  
2 that they will make a request for me to be present to  
3 testify in his trial.

4 Take it that way. That' s the way it  
5 happened.

6 Q Here's my question to you --

7 A And that's my answer.

8 I am telling you the way it happened.

9 Q Listen to my question, Mr. Morales.

10 Did you, yourself, ever engage in conver-  
11 sation with anybody connected with law enforcement in  
12 the United States, either at the State or Federal  
13 level, in the course of which you said you would be  
14 available to testify against Otero? Now, that calls  
15 for a yes or no. Either you talked to some such  
16 person, or you didn't talk to some such person.

17 A After, after, after -- the F.B.I., I let  
18 my superior officer in the Foreign Ministry and  
19 DISIP, there came a time when I did have conversations,  
20 you know, with regard to my future appearance in the  
21 Otero trial as a witness.

22 Q With whom did you have such conversations  
23 on behalf of?

24 A The F.B.I.

25 Q With whom, please, sir?

1 A Agent Joe Ball.

2 Q In the course of that conversation or  
3 those conversations, did you tell Agent Joe Ball that  
4 you would be available and would be willing to  
5 testify against Otero?

6 A That was preposterous at the time that  
7 we were discussing that because --

8 MS. COHAN: Yes, no, you don't know?

9 BY MR. WILLIAMS:

10 Q Did you tell Agent Joe Ball from the  
11 F.B.I. that you would be available and willing to  
12 testify against Otero in proceedings in any court  
13 in the United States?

14 A With the approval of the Venezuelan  
15 government.

16 Q Is that a yes, sir?

17 A Is that a yes with the approval of the  
18 Venezuelan government.

19 Q Did you, thereafter, for any reason at  
20 all, not appear at the time when there was some  
21 proceeding against Otero in any court in the United  
22 States at which your testimony had been requested?

23 A When Otero was in trial in Jacksonville?

24 Q At any time, at any place.

25 Was there a time when there was a proceeding

1 at which your testimony was sought when you did not  
2 appear there?

3 A Of course I wasn't there. I was never  
4 subpoenaed.

5 MS. COHAN: Mr. Williams, he has answered  
6 the question yes.

7 BY MR. WILLIAMS:

8 Q Then, it is true that there was a time  
9 when you had told some American law enforcement  
10 authorities that you would appear to testify against  
11 Otero, and then, subsequently, did not appear; isn't  
12 that correct?

13 A In the sense that you are putting up the  
14 question, the answer is yes.

15 Q Were you still friendly with Rolando Otero?

16 A When?

17 Q Let me ask it to you another way, then.

18 Did there come a time when your friendship  
19 with Otero discontinued?

20 A Well, there was a time I didn't see Otero  
21 for quite a long time, but the friendship was never  
22 discontinued.

23 Q As the result of your conversations with  
24 Agent Ball concerning your appearance and testimony  
25 in any trial of Otero, didn't Ball let you know that

1 your testimony was regarded as being necessary in  
2 order to obtain a conviction? Didn't he let you  
3 know that?

4 A Not necessarily because they have four  
5 more witnesses against Mr. Otero.

6 Q Didn't Mr. Ball tell you that he and the  
7 prosecutors thought that your appearance and testimony  
8 was indispensable to a conviction?

9 A No, sir, that is not the word he used.

10 Q What was the word that he used to  
11 describe the need that the government had for your  
12 testimony?

13 A They got four witnesses, and I was going  
14 to be the fifth.

15 Q Didn't Mr. Ball make it apparent to you  
16 that he thought it important that you be there?

17 A Of course. All prosecutors are, you know,  
18 whatever, think that having a witness is important.

19 Q When you told Mr. Ball that you were going  
20 to appear --

21 A That I was going to what?

22 Q Appear at Otero's trial, were you trying  
23 to deceive him?

24 A Who?

25 Q Ball?

1           A     There was not even a trial date set.  
2     Otero was still at large.

3           Q     My question was --

4           A     No is the answer.

5           Q     You weren't trying to deceive him? Thank  
6     you.

7                     Was it your intention when you told Ball  
8     that you would appear and testify, that he believe  
9     you and rely upon what you said?

10          A     He has to make a request, a formal request  
11     to the Venezuelan government. I don't know what  
12     Mr. Ball thought.

13          Q     Here's my question: Was it your intention  
14     when you told him that you would be there --

15          A     To comply with my orders.

16          Q     Now, listen to my questions, Mr. Morales.

17          A     Listen to my answers, for the fun of it.

18          Q     Who else did it with you? Who else  
19     was with you?

20          A     Oh, Francisco Rodriguez Tomayo, also known  
21     as Panchita Jabon Candado.

22     BY MR. WILLIAMS:

23          Q     You can answer it.

24          A     Vague.

25                     MS. COHAN: Did you mean it when you told

1 him?

2 BY MR. WILLIAMS:

3 Q When you told Mr. Ball that you would  
4 appear and testify for the government, did you say it  
5 to him intending that he believe you, or did you say  
6 it to him intending that he not believe you?

7 A I said it to him that I will follow the  
8 orders of my superiors, and he knew that, that I have  
9 a government on top of him -- top of me, and it was  
10 extensively discussed.

11 Q When you told him that you were going to  
12 be there to testify, were you trying to mislead him?

13 A No, sir.

14 Q Were you trying to deceive him?

15 A No.

16 Q Were you trying to get him to rely upon  
17 your word for the purpose of being disadvantaged?

18 A It was not my word. It was orders from my  
19 superiors, and I was not trying to deceive Mr. Ball  
20 or to play a game or do a number on Mr. Ball.

21 Q So, you said it to him intending that he  
22 believe you; is that correct?

23 MS. COHAN: Objection. Asked and answered.

24 MR. WILLIAMS: It hasn't been answered.

25 THE WITNESS: I didn't intend anything.

1 The word intend might have a meaning for you in your  
2 business, but the word intend in my business at the  
3 time has a different meaning.

4 The word intend -- you know, counts  
5 nothing. I have a chain of command. I have to follow  
6 orders.

7 They have a long procedure a head of  
8 Otero was not in custody. There was not even a day  
9 for trial or whatever.

10 MS. COHAN: No more?

11 THE WITNESS: Are we through with the  
12 garbage?

13 BY MR. WILLIAMS:

14 Q After you had shot and killed Eladio  
15 Luis, were you ever interviewed by any police  
16 officers to determine whether you had any part in  
17 that episode?

18 MS. COHAN: I'm sorry. I didn't hear  
19 the question. Can you hold on one second, and let  
20 me get a phone call?

21 (Off the record.)

22 THE WITNESS: There is a question pending.

23 MS. COHAN: Yes, there is.

24 Can you read it back, because I was on  
25 the phone? There is a pending question.



1 (Whereupon, the question referred to was  
2 read into the record by the court reporter.)

3 MS. COHAN: Come on.

4 THE WITNESS: The same -- no, I can answer  
5 to that. It's no problem with that.

6 MS. COHAN: I know.

7 THE WITNESS: The same day that Mr. Eladio  
8 Luis pass away, I surrendered myself in the company  
9 of my two attorneys, and we went down to the City of  
10 Miami Police Department.

11 BY MR. WILLIAMS:

12 Q Who interviewed you?

13 A Huh?

14 Q Who interviewed you? Who were the police  
15 officers?

16 A I don't recall. There was a bunch of people  
17 there.

18 Q Was a police officer Walter Martinez one  
19 of them?

20 A I don't recall.

21 Q Do you remember a police officer Joe  
22 Diaz?

23 A I don't recall.

24 Q Did the one whom we now know as Lieutenant  
25 Raul Diaz, whatever his rank was at the time, subse-

1       quently appear at the police station?

2           A       He wasn't there.

3           Q       Did any of the police officers interrogate  
4       you about your involvement in the episode?

5           A       As far as I can recall, under the advise  
6       of my attorneys, and they took the deposition or  
7       whatever they want to call it, whatever it was.

8           Q       Statement?

9           A       You can call it whatever you want.

10          Q       They asked you questions about whether  
11       you had anything to do with the killing; correct?

12          A       Yes.

13          Q       Did you tell them that you had?

14          A       I was under advise of my attorneys.

15          Q       My question to you, sir, is whether you  
16       told them that you had been involved in the killing,  
17       or did you deny involvement in the killing?

18          A       I was under the advise of my attorneys.

19          Q       Yes, sir, and what is your answer to my  
20       question?

21                   MS. COHAN: Did you assert the 5th  
22       Amendment?

23                   THE WITNESS: No.

24                   MR. WILLIAMS: Sorry.

25                   MS. COHAN: It didn't work.

1 BY MR. WILLIAMS:

2 Q Now, did you admit your part in the killing?

3 A Of course not.

4 Q But, when you denied your involvement in  
5 the killing, that wasn't true; was it?

6 MS. COHAN: Objection. There has been no  
7 testimony he denied his involvement in the killing.  
8 He said he didn't admit.

9 BY MR. WILLIAMS:

10 Q Did you deny that you had any part in the  
11 killing?

12 A Of course.

13 Q When you denied your part in the killing,  
14 that wasn't true; was it?

15 A Yes.

16 Q It was true?

17 A It was true what?

18 Q What I'm asking you is, whether, when you  
19 denied your part in the killing of Eladio Ruiz, you  
20 were telling the truth?

21 A Of course not, Douglas. You know that.

22 Q That clearly, then, would be one occasion  
23 upon which you gave information to the police --

24 A I was not giving information to anybody  
25 on that occasion.

1 Q Now, let me finish my question, Mr. Morales.

2 That would be one occasion upon which you  
3 made some factual statement to the police that was  
4 false when you knew it to be false, and you intended  
5 that the police rely upon the falseness; correct?

6 A I had two attorneys present at the time.

7 Q You can tell me yes or no first, and then,  
8 explain it.

9 A I have two attorneys -- yes. I have  
10 two attorneys present, and I was, you know, whatever  
11 I said there was under the advice of my attorneys,  
12 and you now are the defense attorney, and you should  
13 know better.

14 Q Did your attorneys tell you to lie,  
15 Mr. Morales?

16 MS. COHAN: Objection to any --

17 MR. WILLIAMS: You can't raise that.

18 Now, you just leave him alone.

19 BY MR. WILLIAMS:

20 Q Did your attorneys tell you to lie?

21 MS. COHAN: I will not raise it. However,  
22 I will inform the witness.

23 MR. WILLIAMS: You do not have to give him  
24 any advices.

25 Come on, Rina. Be a little bit fair today.

1 MS. COHAN: There is a privilege against  
2 disclosing any conversations that you and your attorneys  
3 had in the course of their representation of you.

4 THE WITNESS: Of course. I know that.

5 You know, at least, you know, I know that  
6 those are my rights now that you are trying to violate  
7 now.

8 It is confidential between my attorneys  
9 and myself.

10 You should show a little more respect, you  
11 know, from members of your own Bar, for Christ's  
12 sake. I mean, you are too much.

13 BY MR. WILLIAMS:

14 Q Are you now asserting your attorney-client  
15 privilege, Mr. Morales?

16 A In that case, of course, and you know that.  
17 My God, you know -- I mean, you are going  
18 to burn in hell badly.

19 I won't be there. I won't be there to  
20 listen to your bickering.

21 MR. WILLIAMS: Like Kenny Loggins says,  
22 Ricky, "Keep the fires burning."

23 BY MR. WILLIAMS:

24 Q During 1978, Mr. Morales, were you then  
25 providing police with or any law enforcement agency

1 with intelligence or with information concerning the  
2 criminal activities of anybody in the South Florida  
3 area?

4 MS. COHAN: I'm sorry -- 1968 or 1978?

5 MR. WILLIAMS: 1978.

6 THE WITNESS: 1978?

7 BY MR. WILLIAMS:

8 Q Yes.

9 A I can't recall. I spent part of 1978 in  
10 jail, you know.

11 I just don't recall. I was too busy  
12 trying to get out of there.

13 Q Did you have contact with any law  
14 enforcement officers for any purpose in advance of  
15 your arrest?

16 A In advance of my arrest?

17 Q Yes, in 1978.

18 A F.B.I. paid me a visit.

19 Q Who was the agent?

20 A I don't recall. There were a couple of  
21 Mexicans.

22 Q Were you, during the early part of 1978  
23 or at any time since your return from Venezuela  
24 up until April of 1978, from time to time, providing  
25 any law enforcement officer at the State or Federal

1 level or any intelligence officer with regard to any  
2 information of the sort they normally got from you?

3 A No, no, no.

4 Q As I understand it, then, between your  
5 return to South Florida from Venezuela and the time  
6 you were arrested in 1978, you weren't giving infor-  
7 mation to anybody?

8 A No. I was interviewed by the F.B.I.  
9 with regard to what happened in Venezuela that I took  
10 off from there, and that was it.

11 Q When you were providing information to  
12 the police during the late sixties and early  
13 seventies before your departure for Venezuela, was  
14 that statement that you were engaged in the various  
15 bombing incidents or episodes that you described to  
16 us before?

17 A If you go to the record, you will see, you  
18 know, the times that I was involved in bombings,  
19 that, you know, I have stop all kind of activities  
20 with a couple of exceptions.

21 One was that 1973 -- you know, hand grenade  
22 thrower, and I was not engaged in any kind of  
23 criminal activities, as you want to put it out, at  
24 the time that I was in the employ of the Federal  
25 Bureau of Investigations, the Central Intelligence

1 Agency, or the Drug Enforcement Administration.

2 If you are going to include any bar fights,  
3 you know, or things like that, happens very commonly  
4 in life, in daily life. You know, I can't help it.  
5 Barroom fights, you know, brawls, and things like that  
6 like, you know, we almost got today -- you and me.

7 MS. COHAN: Referring to Mr. Williams;  
8 not the court reporter.

9 BY MR. WILLIAMS:

10 Q Mr. Morales, is there some time within  
11 the past three and a half years, let's say, between  
12 the present and January of 1978 --

13 A So, let's put it backwards. It would be,  
14 you know, much better for me to answer you that  
15 question.

16 Q Let's say, January, 1979.

17 That will be better.

18 A January, 1979?

19 Q Between January, 1979 and the present.

20 A The present day today? Okay.

21 Q When you were arrested or otherwise taken into  
22 custody in the country of Brazil and charged with  
23 any violations of the laws of that country?

24 A I have never been in Brazil in my life,  
25 so I have never been arrested in Brazil, my friend.



1                   You should buy the right papers.

2                   Q     Have you been arrested in any, or otherwise  
3 taken into custody in any South or Central American  
4 country within the past three and a half years?

5                   A     No, sir. Never in my life have I ever  
6 been arrested in any country in the world except the  
7 United States of America.

8                   Q     Have you, at any point in the past three  
9 years, been interrogated, or to your knowledge,  
10 investigated for anything having to do with the  
11 possession or distribution or sale or receipt of  
12 any contraband drug?

13                  A     Do you want to describe it?

14                  Q     Aside from the United States, of course?

15                  A     No.

16                  Q     Just to make sure we have all of the  
17 bases covered, have you, at any time, been either  
18 detained or interrogated, or to your knowledge,  
19 investigated in any South or Central American  
20 country with regard to any matters pertaining to any  
21 disposition of or contact with any contraband drug  
22 other than in the United States?

23                  A     No, sir.

24                             (Off the record.)

25                   MR. WILLIAMS: Rina, there are just a

1 couple more isolated little dillies, and then, we  
2 will start off tomorrow morning with Carlos Quesada.

3 MS. COHAN: All right. However, tomorrow  
4 morning, as you may or may not be aware, at 9:00  
5 o'clock, I have to finish up the Rule to Show Cause.

6 This doesn't have to be on.

7 (Off the record.)

8 BY MR. WILLIAMS:

9 Q Mr. Morales, was it your understanding  
10 when you were accepted into the United States Marshall  
11 Witness Protection Program that the formal request  
12 for inclusion in that program had to be made by some  
13 Department of Justice attorney either out of Main  
14 Justice or United States Attorney's Office or the  
15 Strike Force?

16 A No.

17 Q Do you know who the prosecutor was, if,  
18 in fact, there was one?

19 A No.

20 Q (Continuing) -- who requested or  
21 sponsored your participation in the Marshall's  
22 Program?

23 A I believe I already answered to that  
24 question with regard to an agent by the name of  
25 Raul DeArmas from I.R.S.

1           Q     My question is whether you had any  
2           conversations with any government lawyer, prosecutor  
3           pertaining to your inclusion in the program?

4           A     Well, I did talk to a lot of Assistant  
5           U.S. Attorneys.

6           Q     Did you talk to any of them about getting  
7           into the Marshall's Program?

8           A     I believe that Mr. Rosenthal was aware of  
9           it, and I do believe that Mr. Smargon was aware of it.

10          Q     Did you specifically ask either Mr. Rosenthal  
11          or Mr. Smargon to take any official steps to effect  
12          your inclusion into the program?

13          A     I do believe so.

14          Q     Which one?

15          A     I believe that the two of them.

16          Q     Did either Mr. Smargon or Mr. Rosenthal  
17          interrogate you for the purpose of acquiring any  
18          personal information to be included in any documenta-  
19          tion relative to your getting into the Marshall's  
20          Program?

21          A     No, sir.

22          Q     Did any other government lawyer make that  
23          inquiry of you?

24          A     No, sir.

25          Q     Did any government lawyer present any

1 papers to you for your signature?

2 A No, sir.

3 Q (Continuing) -- in connection with  
4 getting into the program?

5 A No, sir.

6 Q Then, your testimony is that, as you sit  
7 here now, you don't have any knowledge, based upon  
8 communications with any government agent or law  
9 lawyer as to whether any particular government  
10 lawyer was responsible for your inclusion in the  
11 Program, and if so, who it was; is that correct?

12 A Someone would have been responsible.  
13 The thing is that I only know about Raul DeArmas.

14 Q Here's my question: As you sit here --

15 A Here's my answer, William.

16 We will go back again, you know, to  
17 square one.

18 MS. COHAN: All right, gentlemen.

19 BY MR. WILLIAMS:

20 Q As you sit here now, Mr. Morales --

21 A -- Such incompetence in asking questions.

22 God.

23 BY MR. WILLIAMS:

24 Q Is it your testimony that you have no  
25 knowledge whether any particular government lawyer

1 was instrumental in obtaining your inclusion in the  
2 program?

3 MS. COHAN: Objection. Asked and answered.

4 You may tell him again.

5 THE WITNESS: I don't know. I don't know.  
6 There must have been one, at least has to be.

7 It's part of the procedure. I don't know  
8 which one.

9 BY MR. WILLIAMS:

10 Q You don't know who?

11 A I don't know which one.

12 Q Just one of the two so far as you know?

13 A Just one of the two, or the two together,  
14 or maybe they delegate a third one. Maybe there were  
15 three. Maybe there were a hundred. Maybe all of  
16 them all the way up to Washington.

17 Somebody up there loves me.

18 MS. COHAN: That's why they sent you  
19 there.

20 THE WITNESS: For sure.

21 BY MR. WILLIAMS:

22 Q Will you please recount to me, if you  
23 are able, Mr. Morales, the various occasions during  
24 your experience as either a police informant or an  
25 intelligence operative to which you have --

1           A       I would like to be referred as my last  
2 position in the counterintelligence service, which  
3 I hold the rank there, so I don't feel downgraded  
4 since you are an attorney, you know, and I refer to  
5 you as an attorney, counselor, whatever, you know,  
6 I would like to be referred as a former commissar  
7 or commissar or the equivalent, which is major.

8           Q       (Continuing) -- in which you have been  
9 asked or attempted to infiltrate in an undercover  
10 capacity any group or organization? How many times  
11 has that happened?

12                   You wouldn't have as much trouble with  
13 the question if the witness hadn't interrupted it.

14                   Here's the question, Mr. Morales: Tell me,  
15 please, sir, to the best of your recollection, how  
16 many different times, either while functioning as  
17 a police informant or an intelligence operative,  
18 you have infiltrated or attempted to infiltrate, but  
19 not succeeded, some organization or group or  
20 combination or gathering of people consistently  
21 with the purposes of your work?

22                   MS. COHAN: I'm going to object in terms  
23 of specific instances, but not in terms of the number  
24 of times he has infiltrated, which is I believe what  
25 the question calls for.

1 MR. WILLIAMS: I don't understand your  
2 objection. I don't know that he does either, but you  
3 can go ahead and answer that question.

4 MS. COHAN: He understands.

5 THE WITNESS: Okay. The answer is yes.

6 BY MR. WILLIAMS:

7 Q How many different times?

8 A Successfully, let's say, the Orlando  
9 Bosch Organization, two cases that I was a witness  
10 for the Drug Enforcement Administration.

11 Q For what?

12 A I was a witness, I was an informant, I  
13 was the one to infiltrate two different narcotics  
14 organizations in 1972, which, you know, that those  
15 three cases resulted in me, you know, testifying in  
16 open court, in Federal Court, which were, you know,  
17 extremely successful.

18 Q Those two organizations that you just  
19 referred to, were they here in the United States?

20 A There were three. I said three.

21 Q Orlando Bosch we have.

22 A The Cuban power. Then, you have another  
23 narcotics organization in 1972.

24 Q Here in the United States?

25 A Here in the United States, and another

1 narcotics organization either at the end of 1972,  
2 too, or around.

3 Q Are those the only three?

4 A And on both occasions, that I come out  
5 publicly, yes. I always succeed in my life, you know.

6 I am a winner, Williams, and I am not a  
7 loser.

8 Q Are there other occasions upon which, sir,  
9 you have, in the course of applying your trade either  
10 as an intelligence operative or as a police informant --

11 A I have never been a police informant,  
12 Mr. Williams. I was a Federal paid informant. I  
13 have never been a police informant.

14 Q Are there other occasions upon which, sir,  
15 besides the three that you have described to us,  
16 perhaps, while working abroad or while working for  
17 DISIP or while working for the Cubans when you did,  
18 infiltrated in an undercover or covert fashion some  
19 other organization or grouping of people for the  
20 purpose of gathering information?

21 A No, sir, because, you know, I'm a very  
22 well-known person, you know, and Ricardo Morales,  
23 you know, unless you are so stupid, you know, to let  
24 me get to the bottom of your organization, you know,  
25 you are calling for suicide.



1 Q Is the answer to my last question no,  
2 Mr. Morales?

3 A No.

4 Q Had there ever been occasions upon which  
5 you have failed in attempting to infiltrate?

6 A I never fail in my life of job, Mr. Williams.  
7 Never. There is no room for failures there.

8 Q Do I understand it, then, that during the  
9 time that you were doing intelligence gathering work --

10 A I'm not being modest about it.

11 Q Do I understand, then, that at the time  
12 that you were doing intelligence gathering work,  
13 apart from the three episodes that you have described  
14 to us involving Mr. Bosch's Cuban Power, and the two  
15 narcotics organizations here in the United States,  
16 you've never had to infiltrate yourself into --

17 A Myself?

18 MS. COHAN: Let him finish the question.

19 BY MR. WILLIAMS:

20 Q (Continuing) -- into an organization of  
21 people for the purpose of getting information about  
22 them without their knowing about it?

23 A No.

24 Q Never had to do that?

25 A (Nodding in the negative.)

1 MS. COHAN: Answer out loud. She can't  
2 take that down.

3 THE WITNESS: Nope.

4 BY MR. WILLIAMS:

5 Q What are the two agencies of or two law  
6 enforcement agencies in the United States for whom you  
7 did this undercover infiltration work involving the  
8 narcotics ventures in 1972 and 1973?

9 MS. COHAN: Objection. Asked and answered.  
10 He said D.E.A.

11 MR. WILLIAMS: I didn't hear him.  
12 Is that what you said -- D.E.A.?

13 THE WITNESS: Yes.

14 BY MR. WILLIAMS:

15 Q Who was or were the case agent or agents?

16 A What?

17 Q Who was or were the case agent or agents  
18 in those D.E.A. undercover investigations?

19 A I don't recall the name of the case agents.  
20 I don't remember.

21 I can tell you the name of the attorneys  
22 for the drug defendants.

23 MR. WILLIAMS: All right. We will stop  
24 for the day.

25 MS. COHAN: Yes.

1 (Whereupon, at 5:20 o'clock p.m.,  
2 the deposition was recessed until Tuesday, April 13th,  
3 at 1:00 o'clock p.m.)  
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CERTIFICATE

STATE OF FLORIDA :

SS.

COUNTY OF DADE :

I, JOYCEE WAX, Shorthand Reporter and  
Notary Public in and for the State of Florida at Large,  
do hereby certify that the foregoing deposition of  
RICARDO MORALES NAVARETTE, by me duly sworn, was taken  
at the time and place herein set forth; that the  
deposition was recorded stenographically by me and  
reduced to typewritten form under my personal  
supervision; that the foregoing is a true and correct  
record of the deposition, and that I am in no way  
interested in the event of the cause.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my official seal in the City of  
Miami, County of Dade, State of Florida, this \_\_\_\_  
day of April, 1982.

JOYCEE WAX

Notary Public in and for the  
State of Florida at Large.

My Commission expires:  
March 2, 1985.