

All right, sir. You may be excused.

(Witness excused)

THE COURT: Ladies and gentlemen, we will take about a fifteen-minute recess. Would you like time to get a cup of coffee?

(The jury indicates in the affirmative.)

THE COURT: Try to make it in about fifteen minutes, if you can. We will be in recess for fifteen minutes.

(Thereupon a short recess was taken, pursuant to which the following proceedings were had:)

THE COURT: Call your next witness, please, sir.

THEREUPON--

JORGE LUIS GUTIERREZ ULLA,
called as a witness in his own behalf, having first been duly sworn, was examined and testified as follows:

THE CLERK: Please state your full name, address and occupation.

THE WITNESS: My name is Jorge Luis

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Gutierrez Ulla. I live at 1029 Southwest 1st Avenue.
I work for Xigulop, Spanish Advertising.

DIRECT EXAMINATION

BY MR. GREENSPAHN:

Q How old are you?

A I am twenty years old.

Q Who is your father?

A My father is Paulino Gutierrez, the
gentleman behind Orlando Bosch.

Q Mr. Gutierrez, how long have you been
acquainted with Orlando Bosch?

A I would say for four years or maybe
more.

Q What has been the nature of your
relationship with Orlando Bosch?

A For all this time I have been a member
of the M.I.R.R.

Q What is the M.I.R.R.?

A Insurrection Movement for Revolutionary
Recovery.

Q What is the purpose of M.I.R.R.?

A The purpose of the M.I.R.R. is to

Ulla - direct

change the conditions in Cuba at this time. The aim is to change the government into a democratic one so that the people can have their own government and do the things that they find proper, not the dictatorship that they have now.

Q Mr. Gutierrez, when did you come to the United States?

A I came to the United States in 1961.

Q What has been your principal occupation or source of employment within the last two or three years?

A After I finished high school, I went to college. Then I engaged in a business activity with Xigulop, Spanish Advertising, in Miami.

Q Where is the Xigulop Spanish Advertising Company office located?

A At the Jose Marti Building, 290 Southwest 8th Street.

Q With whom are you associated in that advertising agency?

A With two other gentlemen--Mr. Miguel Siques (phonetic) and Mr. Pedro Lopez.

Ulla - direct

Q What are your duties in the advertising agency?

A I am in charge of the production department, sir.

Q Mr. Gutierrez, is the office facility of the Xigulop Company shared by any other group or organization or company?

A At this time it is not; it had been previously.

Q When and by whom?

A A few months ago it was shared by the Trans-Caribbean Ship Chandlers of Miami, whose president is Mr. William Jiminez.

Q What was the nature of that business, if you know?

A It is a ship chandlery company.

Q Do you occupy any position by title with the organization known as M.I.R.R.?

A I am the press secretary of the M.I.R.R.

Q Are you, sir, acquainted with Ricardo Morales Navarette?

A Yes, I know Mr. Ricardo Morales

Ulla - direct

Navarette.

Q When did you first become acquainted with him?

A It would be hard for me to recall the exact date, but I think it was more than three years ago.

Q Have you from time to time from that time until May of this year seen Ricardo Morales Navarette in the Miami area?

A Yes, I have seen him.

Q Have you, during the calendar year 1968, had occasion to meet with Ricardo Morales Navarette at your place of employment?

A Yes, sir.

Q On how many occasions, if you can recall, during the calendar year 1968 has such a meeting occurred?

A Between five and three times; maybe three times, maybe four times.

Q Can you recall the first instance of such a meeting? When in this year did you first meet with Morales?

Ulla - direct

A At my place.

Q At your place of employment?

A I cannot recall that, sir.

Q Do you recall any unusual occurrences or events that occurred at the time of any of your three to five meetings with Morales this year?

A Do you mind repeating the question, sir?

Q Let me put it to you this way: Did Ricardo Morales this year come to your office at any time and bring with him any object?

A Yes, sir.

Q Who was present at the office at that time?

A I cannot recall, but I am sure I was not alone. There were some other people there.

Q Who was employed by the Xigulop Corporation other than yourself and--

A There was a gentleman by the name of Minervino Rojas. He was our cameraman to make commercials. And there was another gentleman, Marcos Rodriguez Ramos, who is a defendant in this trial.

Ulla - direct

Q In what capacity is Marcos Rodriguez Ramos employed?

A He is in the production department at the company.

Q Is he still employed by the company?

A I would say so.

Q When Morales came to your office on the occasion that you referred to, did he bring with him any object?

A Yes.

Q What did he bring with him?

A He brought a New Orleans newspaper, as I recall.

Q Will you tell us what he said to you and what you said to him?

A It was kind of a peculiar meeting with Mr. Morales. He came to the office with this newspaper, and being there for no more than one or two minutes, he looked at me and started to talk about the war situation. It was the time when the Russians were invading Czechoslovakia. He showed me the front page of the New Orleans Item, a newspaper, and

Ulla - direct

he started to make comments on the headlines. I don't recall his words, but I recall the occasion.

Q Did the occasion at that time have any particular significance to you?

A At that time it didn't. At this time it has, definitely.

Q Now, sir, did you at that time place your hands upon the newspaper?

A The question again?

Q Did you at that time place your hands on or did you touch the newspaper?

A I went over the newspaper. I opened up the newspaper. I read in the newspaper, parts of it I checked. I made comments on the newspaper, not on the news.

Q Did Morales tell you his reason for having brought that newspaper with him?

A I remember I asked him, "Why do you have the New Orleans paper?" And he said, "You have to be well informed."

Q What did you say?

A I didn't say anything after that.

Ulla - direct

Q For how long a period of time did that meeting take place?

A Do you mean how long this very meeting lasted?

Q Yes, sir.

A It was a short meeting, but I don't recall. Maybe he stayed there for more than ten minutes or maybe he stayed in the office talking to somebody else, but I don't recall that.

Q I am going to show you Government's Exhibit No. 67. I show you the contents of the large wrapping and of the smaller wrapping and ask you, sir, even though it is in pieces and discolored, to study these contents for a moment and tell me if you can identify or signify what that object is.

A In other words, you want me to go over the paper?

THE COURT: What he wants you to do is look at that paper and tell him whether or not that is the newspaper that Mr. Morales showed you, as you say.

THE WITNESS: Is that it?

Ulla - direct

MR. GREENSPAHN: Yes. Be careful.

It is very fragile and will fall apart.

THE COURT: Look at it and see if you recognize it.

THE WITNESS: This is the Miami Herald.

BY MR. GREENSPAHN:

Q Look through the rest of this and see if there is anything that resembles what you say you saw. Just put what you are done with over on the other side there.

A (Examining paper) There are parts here that belong to the Miami Herald, as I told you, but the other parts are from the New Orleans paper. I remember that paper. I went over it that day. And I think that there are parts here that may be like the paper I read. I mean the lettering and so on. I went through that paper from an advertising angle and I know what letterings are, how papers go, and so on.

Q Now, what disposition was made of the newspaper that was brought by Mr. Morales to your office on that date? What happened to that paper, if

Ulla - direct

you know?

A I don't know, sir.

Q Did the paper remain in the office?

A I cannot recall, sir.

Q Was Mr. Marcos Rodriguez working at the company at the time of this incident that you are telling us about?

A At that time?

Q Yes, sir.

A Yes, sir.

Q Do you have any recollection as to whether he was in or about the office at the time this occurrence happened that you have told us about?

A I don't recall, sir.

Q Mr. Gutierrez, did you have occasion on September 16, 1968, to go on or about the MacArthur Causeway?

A Will you repeat the question again?

Q Did you, on September 15th or September 16th, during the late night hours, go upon the MacArthur Causeway?

A No, sir.

Ulla - direct

Q Did you have any indication or knowledge that anything was going to occur on either of those dates on the MacArthur Causeway?

A I did not, sir.

Q Have you, sir, ever been on, at or near the motor vessel LANCASTRIAN PRINCE?

A No, sir.

MR. GREENSPAHN: Your witness.

CROSS EXAMINATION

BY MR. BIERMAN:

Q As the press secretary, Mr. Gutierrez, of the M.I.R.R., did you have anything to do with the preparation of this document which is marked Government's Exhibit No. 75?

A I did not, sir.

Q Didn't you do most of the preparation of all of the releases and documents that Mr. Bosch released?

A Yes, sir.

Q But you didn't do this particular one?

A That is not a document. That is a proposal, done by the M.I.R.R. to be given, as it says

Ulla - direct/cross

there, to American people, to potential American people to help the Cuban cause.

Q You didn't help write it?

A I did not help write that.

Q Did you write press releases for Ernesto?

A No, sir.

Q Referring to this mysterious time that Ricardo Morales came to your office with the New Orleans States-Item, around when was that, sir?

A I would place it this way, because I do not recall dates: I do not go by dates. I remember it was during the time of the Czechoslovakian crisis.

Q It was during the time of the Czechoslovakian crisis?

A Yes, sir.

Q And you don't know when that was?

A I don't recall, sir.

Q Was it after the Russian troops had gone into Czechoslovakia or was it around then?

A I think the Russian troops had gone

Ulla - direct/cross

into Czechoslovakia.

Q Was it after the Republican Convention or before the Republican Convention?

A I cannot establish a relation. As I recall, between the Republican Convention and the Czechoslovakian crisis.

Q How about the Democratic Convention?

A I cannot, either, sir.

Q Did you not travel to New Orleans with somebody else and go to the port and the dock there?

A No, sir.

Q What kind of car do you have, Mr. Gutierrez?

A I have a Renault 1966.

Q Do you also drive another car sometimes?

A Yes, sir.

Q What kind of car is that?

A Well, it depends. If you are referring to a specific car, my father has a car and my fiancée has a car.

Q Your fiancée's car? What kind of car

Ulla - direct/cross

is that?

A. She has got a Dodge Dart 1965.

Q. Didn't you, in fact, drive that car to the MacArthur Causeway on the night of September 16 and have a discussion with your father and Dr. Orlando Bosch parked next to the Miami Herald?

A. I did not, sir.

Q. You did not park that car? You did not drive by there with that car?

A. I didn't, sir.

Q. Do you recall being arrested by the Federal Bureau of Investigation?

A. Yes, sir.

Q. Do you recall making a comment to the agent who arrested you?

A. No, sir.

Q. Did you make any comments to him in regard to driving automobiles on the night of September 16th?

A. Who is "them"?

Q. The special agents of the Federal Bureau of Investigation who placed you under arrest.

Ulla - direct/cross

A I do not recall, sir.

MR. BIERMAN: Your Honor, we have some testimony to proffer.

THE COURT: All right, sir.

Ladies and gentlemen of the jury, we will have to ask you to excuse us for a few minutes while we go over this matter.

(Thereupon the jury was excused, pursuant to which the following proceedings were had out of the presence of the jury:)

MR. BIERMAN: Your Honor, the next question that I would ask--and I will ask it, if I could, first, and then go into the proffer.

THE COURT: All right, sir.

BY MR. BIERMAN:

Q Mr. Gutierrez, do you recall stating to Agent Stickney and Agent Jellison, "I was not involved. All I did was drive the car"?

A I was informed of that report of the FBI by my attorney Melvyn Greenspahn. I did not say what Mr. Stickney reported in the FBI report.

Ulla - direct/cross

Q Then you are denying making that statement?

A Yes, sir.

THE COURT: Then we will just put that on in rebuttal.

MR. BIERMAN: I was going to ask about it.

THE COURT: At the present time I am not sure that, out of the presence of the jury, you have laid a particular foundation. But before that statement--

Do you have any objection to that question?

MR. GREENSPAHN: I object to the question and the answer.

THE COURT: Do you object to the question "Did you on a specific date say to the FBI agents so-and-so and such-and-such, in effect, I did not have anything to do with it. All I did was drive the car"?

MR. GREENSPAHN: Well, the man denies it and he will, of course, give the same answer. I am

Ulla - direct/cross

not objecting to the asking of the question.

THE COURT: There are all kinds of reasons if you want to object--Miranda and all the rest.

MR. GREENSPAHN: I have been supplied with the report by Mr. Bierman, and I confronted Mr. Gutierrez with it. I don't know about Miranda. I don't know what predicate has been laid and I don't know what, if anything, was given by way of advice.

THE COURT: The only way I know that you can lay a predicate is to specifically ask him whether or not at a particular time and place he stated certain things to a named individual. If he says yes, that's the end of it. If he says no, then, of course, it would be proper rebuttal to bring that individual and place him under oath and have him say that that conversation did take place. I think that would be the proper procedure normally.

MR. GREENSPAHN: The thing that concerns me is procedure and procedure only, really, in this regard as to this proffer: I presume the question will be asked and the same answer will be

Ulla - direct/cross

elicited.

MR. BIERMAN: I will rephrase the question a little bit different to state that after a discussion with regard to a 1964 Dodge Dart registered to Mr. Gutierrez's girl friend's father, he made the statement "I was not involved. All I did was drive the car."

THE COURT: At a particular time and to a particular person.

MR. BIERMAN: At the time of his arrest. And let me get the question exactly as I am going to ask it for the record, if I could, your Honor. I will ask him whether or not he made the statement to Special Agents Jellison and Stickney, while driving to the Miami FBI office after being arrested and after being informed by one of the agents that a 1964 Dodge Dart registered to his girl friend's father had been observed on MacArthur Causeway, at the time the Polish ship POLANICA was fired on, whether or not he said, "I was not involved. All I did was drive the car."

MR. GREENSPAHN: Well, I think the

Ulla - direct/cross

predicate has to be--

THE COURT: All right, sir. I will permit you to ask the question then as a predicate for impeaching or rebuttal evidence, depending, of course, on what the witness answers.

All right, Mr. Marshal. Will you please bring the jury back in?

(Thereupon the jury was returned to the courtroom, pursuant to which the following proceedings were had:)

THE COURT: All right, sir.

BY MR. BIERMAN:

Q Mr. Gutierrez, do you recall, sir, at the time that you were arrested for this offense and while en route to the FBI office, making a comment to Special Agents Jellison and Stickney of the FBI, after having been informed that your girl friend's father's car, a 1964 Dodge Dart, was observed on the MacArthur Causeway at the time that the Polish ship POLANICA was fired on, do you recall, sir, stating to them, "I was not involved. All I did

Ulla - direct/cross

was drive the car"?

A I am sure, sir, that I did not say those words, but I would like to ask the Judge if I can add more to it in this situation.

THE COURT: If you have anything to explain or amplify for your answer, you may give it.

THE WITNESS: First of all, one of the agents that you mentioned there--I don't recall him--the other agent (Mr. Stickney) I recall him, and I recall that he spoke to me all the time--he talked to me all the time in Spanish and I talked to him in Spanish. He is versed in Spanish. He was never at that time--he was not taking notes. I don't know if he was taping. Maybe he had a tape recorder on him, but I couldn't see it. I remember he was not taking notes. He was talking to me in Spanish. He was very nervous. All he said was--the most important thing to me that he said was when I asked him, "Why are you so nervous? You look like a wreck."

He said, "Listen. I hate to do this. This is the worse task I ever have been assigned to."

So I think under these conditions

Ulla - direct/cross

nobody could recall such a statement. If it was made, it was made in Spanish, and it wasn't, sir.

BY MR. BIERMAN:

Q Other than the cause of their extreme nervousness, do you recall making that statement?

A I do not recall making that statement, sir.

Q You were calm, is that right?

A Yes, sir. Very much indeed.

Q Now, this M.I.R.R. that you are a member of, what exactly is its purpose?

THE COURT: He has already testified to that. Let's not repeat it.

BY MR. BIERMAN:

Q What have you done to accomplish its goal?

THE COURT: You may answer that.

THE WITNESS: Could I have the question again?

THE COURT: He asked you first what the purpose of the M.I.R.R. was; you have already answered that and you said what the purposes were.

Ulla - direct/cross

He is now asking you what, if anything, have you done to accomplish the objectives of the M.I.R.R.

THE WITNESS: I think to go into militant activity will get to be more personal than anything. It will not harm me personally or the world, but I don't think it is proper to--

BY MR. BIERMAN:

Q Give me the nature of the activities that you have gone into.

A I have been working, sir, with the democratic organization composed of Cuban exiles who aim to fight for their country, to give their country, their fatherland, a democratic government.

Q Inside the country or in the United States?

A I have been inside the United States because I am exiled--a political exile, sir.

Q Mr. Gutierrez, did your attorney show you the pictures of your fingerprints on the New Orleans States-Item?

A Yes, he did, sir.

Q Did he show you the ones where it says

Ulla - direct/cross

"Exile Efforts Checked"? Do you recall seeing that?

A Yes.

Q Is that perhaps, sir, what put into your mind that this was around the time of the Russian invasion of Czechoslovakia?

A Will you ask that question again?

Q Was the fact that you looked at these pictures that mentioned--

A No, sir.

Q I show you Government's Exhibit 71-A, which is a list of shipping with certain ships circled and underlined. Was this in your office, sir?

A Yes, sir.

Q What was it doing there?

A I don't remember if I testified before that my office was shared by a ship chandlery company. Did I?

Q Yes, you said that.

A Mr. William Jiminez, who has the office there, he used to receive these in the mail every day--the daily dock report and sometimes about a year ago, maybe, I used to go with him to Dodge

Ulla - direct/cross

Island. In fact, I became familiarized with the name at that time. Afterward, I saw it in my bond; I cannot go to that place now. But I remember he used to get this in the mail every day.

Q Okay. What time was it that this Mr. Jiminez shared your office space with you? What date was that, sir?

A I don't recall the exact date, sir.

Q Around what time of the year?

A He has been with us since the beginning, and then he separated.

Q When did he separate?

A He separated a while ago. I don't remember.

Q How long in relation to this Czechoslovakian crisis? When was it?

A I wouldn't go into the politics. I will go into the papers and check in my office for accuracy.

Q Do you recognize these markings, including the circle around the name "POLANICA" and "Pole"?

Ulla - direct/cross

A Yes, sir.

Q Who placed those markings on there?

A I did, sir.

Q You placed them on there?

A Yes.

Q For what reason did you place them on there?

A I recall that many times I went over those papers with Mr. Jiminez, and I remember that specific paper that you have there. This paper didn't remain in the possession of Mr. Jiminez. This paper was used for a comment that we had.

THE COURT: For what?

THE WITNESS: For a comment that we had. There were other people in my office. Dr. Orlando Bosch was in my office and other members of the M.I.R.R. We were talking about commerce, trade with the Castro government.

And I recall that I pointed out to them that Communist vessels were coming into the United States, and they said, "No, we don't believe that."

And I said to them, "Look. It says

Ulla - direct/cross

'Pole' and I presume this is Poland, which is a Communist country."

Q How about the other markings on there?

A The other Xs and circles are only scratches for me now.

Q Well, who put that in there?

A From my recollection, I placed them there.

Q Were you also pointing out then there were other vessels coming in?

A No, sir.

Q Why were these placed on there?

A I said that, to the best of my recollection, I cannot tell you why.

Q You cannot tell me what?

A At that time I didn't have anything to do with the Communist movement.

Q When did you first hear of the vessel POLANICA other than circling it on there in May?

A I beg your pardon?

Q When did you first hear about the vessel POLANICA other than circling it on this list in

Ulla - direct/cross

May?

A Well, you showed me that exhibit. I didn't know and I didn't read if it was the POLANICA. I went to the part where it says "Pole." There may be other ships.

Q The question was, when did you first hear of the vessel POLANICA other than the time that you saw it here in May?

A Well, if I saw it in May, it was not the POLANICA, because it says "POLANCIA" which is a different name. What I saw in the papers afterwards was the POLANICA, which is a different name. Although it may be the same ship, it's a different spelling.

Q On this date that Mr. Morales came to your office and had you examine the New Orleans States-Item, you say you thought it was a bit peculiar at that time?

A No, sir, not at that time.

Q You thought it was--

A Well, on that time I asked him, "Why do you read the New Orleans paper?"

And he said, "You have to be well."

Ulla - direct/cross

informed," or something like that.

Q How do you read a newspaper, sir?
How did you read this newspaper?

A I didn't read this newspaper, sir.
I went over it.

Q How did you come to touch it?

A With my hands.

Q With your hands? Show me if you would.

A I don't have a paper here.

Q If this were a newspaper, show me how
you would do it.

A I don't know if this will demonstrate
it.

Q Well, we will try.

MR. GREENSPAHN: If it please the
Court, I don't think it has been established that
Mr. Gutierrez has yet recalled the specific and
particular manner in which he touched the newspaper.
I don't think any of us would. If he is asking for
him to do it, it is not indicative of anything as to
what may have been when the other event occurred.

THE COURT: Well, I do not think that

Ulla - direct/cross

he has so far in his testimony, but I think counsel is entitled to go into the manner in which he held the paper and how it was when he read it. So I will permit the question.

THE WITNESS: May I answer?

THE COURT: Yes, you may.

THE WITNESS: There are many different ways for a person to read a newspaper. You can read it down on the floor or you can lay down on the floor or you can--

THE COURT: Yes, sir. He didn't ask how people could read newspapers. He asked you how you read this particular paper that Morales had that day he showed it to you.

THE WITNESS: I think that the occasion on which I read this newspaper I was standing up, because I am kind of a short fellow, and when I read big newspapers, I usually stand up.

BY MR. BIERMAN:

Q Now, show me. You can stand up here and show me from a standing position how you read a newspaper.

Ulla - direct/cross

A Something like this, putting it on some desk or something.

Q You put it on a desk?

A And I lift it.

Q And you take it by the side of the page, like a normal person does and you turn the pages?

A (No response)

Q And all the pages of the States-Item are large like a newspaper?

A I cannot recall that, sir.

Q As an advertising man who makes layouts, don't you quite often thumb through a newspaper, hold it by the top, and just move it with your two fingers looking for a layout that you have made?

A I don't know if I have that tendency, sir.

Q You do not recall leaning down upon this newspaper, do you, sir?

A No, sir.

Q Is Mr. William Jiminez still in the Miami area?

Ulla - direct

A Yes, sir, I think so.

Q Is he at that address? Is he still sharing space with you?

A No.

Q But he is in the Miami area?

A Yes, sir. I don't know if he is in the Miami area. I think so.

THE COURT: All right, sir. He said he thinks he is. He does not know for certain.

MR. BIERMAN: I have nothing further.

THE COURT: Redirect, please?

MR. GREENSPAHN: No further questions at this time.

THE COURT: You may step down.

(Witness excused)

THE COURT: Call your next witness, please, sir.

THEREUPON--

ORLANDO BOSCH AVILA,
a defendant herein, having first been duly sworn,
was examined and testified as follows:

THE CLERK: Please state your full name,