

Orlando Bosch - direct  
address and occupation.

THE WITNESS: My name is Orlando Bosch, physician. My address is 297 Northwest 48th Place. My age is forty-two years old.

DIRECT EXAMINATION

BY MR. GREENSPAHN:

Q Dr. Bosch, when did you come to the United States, sir?

A The last time, sir?

Q Yes.

A In 1960. July. Some day in July, 1960.

Q From what place did you come?

A From Cuba, sir.

Q Upon your arrival here, what was your employment? What kind of work did you do?

A Physician.

Q When was the last time you were actively and gainfully employed as a physician?

A In the Hialeah Hospital here in Miami, and in the North Miami General Hospital.

Q Do you have a family?

Bosch - direct

A Yes, sir.

Q Tell us briefly the nature of your family.

A I have a wife and I have five children-- three girls and two boys. The last one was born in this country. The others are Cubans. The three girls are also Cuban.

Q Dr. Bosch, I am going to show you Government's Exhibits 1, 2 and 3. First I show you Government's Exhibit No. 1 and ask you if you have, before coming into the courtroom for this trial, ever seen that exhibit before.

A No, sir. I haven't seen this one.

Q I show you Government's Exhibit No. 2. Have you seen that before, sir?

A I haven't seen that, sir.

Q And finally, Government's Exhibit No. 3?

A I haven't seen this telegram.

Q Dr. Bosch, on June 6, 1968, did you go to 230 North Miami Avenue, to the Western Union office that is located there?

A You asked me about June 6, 1968. You asked if I went to the Western Union?

Bosch - direct

Q At 230 North Miami Avenue.

A No, sir.

Q Dr. Bosch, would you come down off the witness stand, please?

Would you stand over here, sir. I don't mean to cause you any embarrassment, but I think that you have what appears to be a red mark underneath your lower lip.

A Yes, sir.

Q Will you tell us what that is?

A I got that all my life.

Q What is it, sir?

A It is a birthmark. This is a birthmark I have here all around my lower lip and my chin, which is a birthmark, a red birthmark.

Q Doctor, does that condition change in its appearance or does it remain the same from day to day, week to week and year to year?

A It is always the same.

Q Dr. Bosch, when did you first start to wear a moustache?

MR. BIERMAN: I object.

Bosch - direct

THE COURT: It is no longer necessary for you to stand. You may resume the witness stand.

The question, sir, is when did you first start wearing a moustache.

THE WITNESS: I think it was when I was about seventeen years old.

BY MR. GREENSPAHN:

Q Since that time have you consistently and regularly worn a moustache?

A I have. I have used it permanent. I never had it cut off until I was here in jail. They didn't have anything how to fix it, because a moustache needs to be fixed once in a while. And I cut it off here, but I have my passport and I have my county medical certification, and the FBI also has quite a few pictures of me.

THE COURT: I do not want to cut you off, sir, but the answer is he has worn it all the time. Ask your next question.

THE WITNESS: My answer is yes.

BY MR. GREENSPAHN:

Q Doctor, will you identify these

Bosch - direct

documents, sir, this document that I hand you? • What is that?

A This is a document provided to me by the Florida Medical Association, my qualifications for licensing, "Qualification for Licensure as Achieved," where it says I took my internship in Toledo Hospital, Toledo, Ohio, and the date here and the number here.

Q Now, Doctor, there is a picture affixed to that. Is that a picture of you?

A Yes.

MR. GREENSPAHN: I would offer this for the defendant Bosch.

THE COURT: All right, sir. Is there any objection?

MR. BIERMAN: No objection.

THE COURT: All right, sir. It shall be admitted in evidence with leave to substitute a photostatic copy of it.

(Thereupon the document referred to was received in evidence as Defendant Bosch Exhibit No. 3.)

Bosch - direct

BY MR. GREENSPAHN:

Q Dr. Bosch, when did you first become acquainted with Ricardo Morales Navarette?

A As far back, I think, about 1962 I met Morales in some place here in Miami.

Q What was the nature of your meeting at that time, if you recall?

A I think it was casual on 8th Street, and at that time we had a simple conversation which I didn't recall, and it was something about the Cuban situation, as we usually do.

Q Did you have occasion in 1963 and 1964 and 1965 to again see Morales?

A Yes.

Q Was that frequently or seldom?

A In some period it was frequently, some period it was seldom.

Q Before April 25, 1968, did you ever at any time engage in any business transactions with Mr. Morales?

A Before April?

Q Of this year, that's right.

Bosch - direct

A No, sir.

Q Did you have occasion to meet Morales in April of this year?

A Yes, sir.

Q Will you tell us where and under what circumstances?

A In April, the end of April, I think it was the 25th or the 26th--I don't recall exactly the date--I was parking my car in Barbaro Balan's house which is located on 3rd Street in the southwest section between 7th and 8th Avenue. I don't know exactly the number.

When I was parking my car, I was going out, and Morales passed by. He blew the horn and parked in front of me, ahead of me, and came out of his car, and he said, "Orlando, I want to talk with you."

Q What was the nature of his discussion at that time? What did you say to him and what did he say to you?

A At that time he was a little nervous and he said, "Orlando, what a trouble, what a problem

Bosch - direct

I have it."

MR. BIERMAN: Just a minute, your Honor, we will object to any detailed discussion of what problems Mr. Morales had. I think they have been gone into deeply enough beyond the permissible scope. I will object to any further discussion without a proffer at least.

MR. GREENSPAHN: Your Honor, may I approach the Bench?

THE COURT: Yes, sir.

(Thereupon the following sidebar conference was held at the Bench out of the hearing of the jury:)

MR. GREENSPAHN: In the transcript Mr. Morales talked about his conversations with Bosch and the nature of these conversations. I think inasmuch as he was there, we should certainly have the right to elicit that same line of questioning from this witness.

THE COURT: If this witness is going to say that Morales told him that he had a problem, that he had been arrested for a bombing, that is perfectly



Bosch - direct

all right. But I don't think that you should elicit the detail of the things. I assume that probably is what he was going to say.

MR. GREENSPAHN: That's right.

THE COURT: I think that would be consistent with the ruling that I have made. I just do not want to get into the details.

MR. GREENSPAHN: The only problem is that I don't know how far he is going to go in his answer.

THE COURT: We will have to try to stop him if he gets into it.

MR. BIERMAN: I suggest that he be instructed in the question as to how far to answer.

THE COURT: I think that you can control it to some extent by asking specific questions rather than just what did he say and what did you say.

MR. GREENSPAHN: He said now that he had a problem.

THE COURT: I think you can ask him specifically what was the problem, and I am sure that he will probably say that he was arrested, and if he

Bosch - direct

says he was arrested, I think you could ask him did he say what he was arrested for. I think it can be controlled within some limits. It is one of these things that you can't put an iron fence around.

MR. GREENSPAHN: There are going to be other areas that come up in the subsequent conversations where Morales again brings up the name of the witness Valdes, and that conversation I hope can be related, but I will not dwell on it.

THE COURT: Well, as to anything that has been admitted in evidence in those tapes I think you have a right to ask him about.

MR. GREENSPAHN: All right. Thank you.

(Thereupon the sidebar conference was concluded, pursuant to which the following proceedings were had in open Court:)

THE COURT: You were saying, sir, that Mr. Morales came up to you and told you that he had a problem. All right, sir. Go ahead.

BY MR. GREENSPAHN:

Q Specifically what problem did he tell

Bosch - direct

you he had at that time?

A. Well, he started--he began to talk--

THE COURT: No, sir. The question was, what specific problem did he say he had?

THE WITNESS: He said he had a problem pending, a trial pending, because he placed some bombs in Miami.

MR. BIERMAN: Your Honor, this is the exact area that has been proscribed Dr. Bosch was present during all the arguments about that. I think this is improper.

THE COURT: Ladies and gentlemen of the jury, I am going to strike the latter part of the witness's testimony on my own motion, first of all, on the ground that it is not responsive to the question. It goes beyond any proper answer to the question that was asked.

Secondly, I have ruled that in this trial the fact that Mr. Morales had been arrested, had been charged with some bombing and had not been tried is admissible. I have ruled that I am not trying the guilt or the innocence of Mr. Morales. That is a

Bosch - direct

matter for another court to try. It is not something for you as jurors to pass upon. That is entirely outside the purview of this trial. The only reason I have admitted that evidence is because it is a matter which might tend to go toward the credibility and the weight that you might give to Mr. Morales' testimony. Whether or not he is guilty or innocent has nothing whatsoever to do with this trial at all, and it is not to be considered by you in your consideration of the case.

Does everybody on the jury understand that?

(The jury indicates in the affirmative.)

THE COURT: All right. You may proceed.

BY MR. GREENSPAHN:

Q Now, Dr. Bosch, did you have further conversations at that time with Morales about anything other than his problems of the moment?

A Yes, sir. After he conferred with me about his problems, I advised him--he asked me my

Bosch - direct

advice, to say why, and don't do any more of those acts.

MR. BIERMAN: Your Honor, I am going to ask that the entire testimony of this witness be proffered prior to it being given, if this is the manner in which it is going to come out.

MR. GREENSPAHN: Judge, I would like to argue the point before the Court. I don't think that counsel's objection is well founded at this point. But I don't want to conduct myself in a manner at this time that might be inappropriate to the circumstances.

THE COURT: Well, ladies and gentlemen, excuse us for a few minutes. We will talk this over.

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

THE COURT: Dr. Bosch, you are obviously an intelligent man and you understand English very well.

I have ruled about four times in your

Bosch - direct

presence and in your hearing that nothing is to be put into this record regarding Morales, his arrest, except the fact that he was arrested; that he was charged with the bombing, that the trial has been continued and there has not been a trial. I don't want you interjecting gratuitously and voluntarily any thoughts that you might have of his guilt or innocence. You may be doing it perfectly innocently, but when you start out with testimony like "Well, I advised him not to do this any more," it assumes at the very least that he is guilty of what he has been charged with. That is not what you were asked at all. You were asked by counsel did he have any other problems except the arrest and the trial. So then you go on at great length talking about the fact that he asked you for advice and you gave him advice, which is not an answer to the question that you were asked. I don't know what his other problems were. But what you have answered was not responsive to counsel's question.

I want you to pay attention to counsel's question, and I don't want you to interject

Bosch - direct

any more into this trial anything about whether or not Morales is actually guilty or not guilty with respect to this bombing charge that is pending at the present time. Do you understand that?

THE WITNESS: Yes, sir.

THE COURT: All right, sir. I don't want to have to stop you or interrupt you, but I am warning you now that I am going to do it if you do gratuitously interject those things into this testimony.

THE WITNESS: Judge, I understood--

THE COURT: I am not criticizing you. I am just explaining to you and I am telling you so that you will understand precisely what I expect and what the effect of my ruling is.

THE WITNESS: All right.

THE COURT: All right, sir.

Now, gentlemen, do we have any more arguments or anything about it?

MR. BIERMAN: None if it is followed, your Honor.

THE COURT: Well, let's take about a

Bosch - direct

five-minute recess.

And you, Mr. Greenspahn, perhaps may be able to explain to Mr. Bosch a little more what I am talking about and the effect of my ruling.

MR. GREENSPAHN: I will.

THE COURT: And how to answer your questions.

MR. GREENSPAHN: Your Honor, what is the Court's pleasure as far as how long we are going to go today?

THE COURT: Well, to six o'clock.

MR. GREENSPAHN: I don't want to stop in the middle of his testimony.

THE COURT: We have an hour and a half yet.

MR. GREENSPAHN: Because I was going to say there are other things--

THE COURT: And if it is necessary, we can go to seven. It does not make a lot of difference.

MR. GREENSPAHN: I don't want the Government to study his testimony over the evening and to come back in tomorrow morning. I want to



Bosch - direct  
complete his testimony today, sir.

THE COURT: We will do our very best to complete it, and in that event I will expect cooperation from counsel so that we will not be wasting time. We will move along expeditiously.

We will take about a five-minute recess. And you can talk with Dr. Bosch.

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

THE COURT: You may proceed.

(Thereupon the following proceedings were had in the presence of the jury:)

BY MR. GREENSPAHN:

Q Dr. Bosch, before this meeting of April, 1968, had you had occasion to meet with Ricardo Morales and speak with him during the years 1964 and 1965?

A Yes, sir.

Q Can you describe to us briefly, without going into detail, the place of the meeting and the

Bosch - direct

nature of the conversation as you now recall it?

A It was in Mrs. Miranda's apartment. We were together and he was relating to me and telling me the stories about his experience in the Congo in Africa where he just came from.

Q Did he explain to you what his activities in the Congo had been?

A Yes, sir.

Q What did he tell you?

A He told me that he had gone there--he told me that he went to the Congo for money and because he was needed. And I asked him about how the situation was there, how the people were living, and some more questions, and he said, "Orlando, the situation was terrible, and I killed about a hundred Negroes," and also he said--I asked about the living situation, how the people--

MR. BIERMAN: Your Honor, I don't see any relevance to this.

THE WITNESS: That is what he told me, sir.

MR. BIERMAN: In 1964?

Bosch - direct

THE COURT: Go ahead, sir.

BY MR. GREENSPAHN:

Q Go ahead, Dr. Bosch. Was that about it?

22-1 A No. He said--I kept asking him about the police situation, the morale situation and the economic situation, and he said, "Orlando, look how the thing is there." He just said it to my face-- he said, "It was a woman there--a colored woman that she let me have her daughter for a week for a \$5 American bill."

THE COURT: Well, that is not a great deal different than the situation that was in Cuba at one time, is it?

THE WITNESS: There is a lot of difference, sir. In Cuba we never had that situation.

THE COURT: All right, sir. Go ahead.

Now, let's get off of that subject. We have had enough of that.

THE WITNESS: But you are offending my Cuban people, Judge.

THE COURT: All right, sir. If I

Bosch - direct

offended you, I apologize to you.

BY MR. GREENSPAHN:

Q Doctor, in April, 1968, did you have any further conversation with Morales other than that conversation you have already told us about?

A Yes, sir.

Q Tell us the nature of the conversation that you had.

A About a week or ten days after the first conversation that we had, he called me up by phone and he said, "Orlando, are you there?"

"Yes," I am answering my phone."

He said, "May I see you now?"

"Yes, come over."

He came to my house with a square box about ten feet wide and high. It was a square box. I mean about ten inches. Excuse me. Ten inches wide. It was square. Each side looked like ten or twelve inches. And he said, "Orlando. . ." First, he came out and knocked on the door without the box. He left the box in his car. He told me, "Orlando, I have something for you in my car. I want to get rid of it.

Bosch - direct

It is a war material. A lot of good stuff there."

I said, "All right. Bring it over."

He went to his car, he brought up that box. It had about ten detonators, booby traps, and some little fuses and some other war materials.

Q Did you take them from him?

A Yes, sir, I took it.

Q What other conversation or activities took place at that time?

A After that, in this conversation, we made some comment about the Cuban situation and about Cuban Power. He asked me several questions, and so on. And after that--it was in May when he came to my home, in the beginning of May, and after that we had, in the rest of May, about two or three conversations in the restaurant which is in the southwest section, in First Street and 12th Avenue.

Q What was the nature of those conversations?

A The first conversation we made an appointment by phone for that meeting, and he asked me if I was short of explosives, if I need some

Bosch - direct

detonators, and I said, "Morales, in this fight we are always short of everything until we win."

Q What fighting were you talking about?

A Castro; fighting for liberation, the Cuban liberation.

Q Go ahead.

A And he said, "Orlando, I am pretty short of propaganda in this fighting--anti-Castro fighting--and I have a good plan for that--to make a big noise and to make tremendous propaganda about it."

Q What was the plan that he had?

A I asked him what was the plan. He said, "Orlando, I have a plan to blow up the Russian Embassy in Washington." And he started to detail a lot of things how he can make a long cord with an explosive. He made a picture of how everything can be done, and I refused and I rejected it immediately. I told him, "Morales, this doesn't make any sense. We should fight against Castro and avoiding all the embarrassment that is possible to the United States Government. We will not make any profit for our cause from this sabotage. This is going to put us in

Bosch - direct

a bad spot with the United States Government, and they are going to try to make a big--to try to put us in jail. We are going to lose the American people's sympathy to our cause and in my personal opinion--" I made several statements, I told him that nothing should be done here in the United States territory.

And he argued against my position about what should be done so far, and we had coffee, and after that he promised to me to make some efforts in order to provide me explosives and other material, also.

Q When did you see him again?

A I saw him again in the same restaurant about a week or ten days later.

Q What was the conversation at that time about?

A At that time the conversation was about the explosions that had been happening all over the United States, and I made a comment about, telling him and explaining him that this was wrong; that I feel, as a Cuban leader, very disgusted because this is happening and the impression that we are giving to

Bosch - direct

the American people is that of a terrorist. And also he asked me who the Cuban Powers are, and I said, "I don't know. I have seen statements about some of the war acts that they have done and I know about the Cuban Powers by newspaper, by releases that have been done up to that date."

Q Go ahead.

A After that, he called me up about July--no, the end of June, the end of June. He told me--we had another meeting there. We discussed something about the same thing, and he told me that he had somebody that was going to supply explosives to him, and he said--we made an agreement to meet together the night before he had the explosives, and we did it. And on July 2nd--I think in July--the beginning of July or July 2nd or 3rd or 4th--the beginning of July, we had a meeting. We had an agreement to meet him at his apartment which is located on 5th Street in the northwest section between 9th and 10th Avenue.

Q What was the purpose of that meeting, Dr. Bosch?

A To deliver me a box of explosives.



Bosch - direct

Q Did you meet with him at that time?

A Yes, sir. I was there with Mr. Morejon and myself. We parked in the parking lot for the building where he was living, and he was there and he gave it to us--a box of, I think it's about 50 pounds of explosives, because it is similar to the one that have been shown here which everybody says was 50 pounds.

Q What did you do then?

A Then I took the explosives and with Morejon I drove to 2000 Northwest 35th Street where my sister is living.

Q What happened there?

A I put the explosive there in the closet and I left. I had a conversation with my family. There was a family conversation. And I left.

Q Then what was your next contact with Mr. Morales?

A The next contact was in August. After that we had another coffee, because we never--every week or twelve days he called me up and we have another coffee meeting there in that restaurant that I

Bosch - direct

Q Did you meet with him at that time?

A Yes, sir. I was there with Mr. Morejon and myself. We parked in the parking lot for the building where he was living, and he was there and he gave it to us--a box of, I think it's about 50 pounds of explosives, because it is similar to the one that have been shown here which everybody says was 50 pounds.

Q What did you do then?

A Then I took the explosives and with Morejon I drove to 2000 Northwest 35th Street where my sister is living.

Q What happened there?

A I put the explosive there in the closet and I left. I had a conversation with my family. There was a family conversation. And I left.

Q Then what was your next contact with Mr. Morales?

A The next contact was in August. After that we had another coffee, because we never--every week or twelve days he called me up and we have another coffee meeting there in that restaurant that I

Bosch - direct

mentioned before. And also there we make another arrangement for another delivery. That was in August 11 or 12th or 13th, around there; around the 12th or 13th was that arrangement.

Q Did you meet for the purpose of accepting such a delivery?

A Yes, sir, I did.

Q At what place?

A It was at 1150 Southwest 1st Street, the big parking place there.

Q Dr. Bosch, what was your intended purpose for this explosive that you were receiving from Mr. Morales?

A Will you repeat that?

THE COURT: What did you intend to do with the explosives or what was your intent in receiving this dynamite from Morales?

THE WITNESS: The intent of getting the explosive was for the cause that we were working for.

BY MR. GREENSPAHN:

Q What were you going to do with the

Bosch - direct

explosives, Dr. Bosch?

A Send it down to Cuba.

Q What did you do after you received the second package from Morales?

A In that opportunity I was with Morejon, also. He arrived in his car, I arrived in my car. And he came in about--it was nine or nine-thirty--the exact time I don't remember now--and he came in in his red Corvair Chevrolet. He gave me the--he transferred from his car to my car another box of this explosive, and Morejon took his car, went away, and I took my car, and I brought the explosive to my sister's again, to my sister's home.

Q When is the next time that you saw Morales?

A The next time I saw Morales was in August, at the end of August. I think it was the 27th or 28th.

Q At what place did you see him? Where?

A I think it was at the same place, 1150 Southwest 1st Street, the parking lot there.

Q What transpired at that time? What

Bosch - direct

happened then?

A At that time? In the previous appointment he gave me another, a third box of explosives, and we had a little conversation there, and I took it again to my sister's house, the box, put one on top of the other.

Q Then what happened? When did you see him again?

A Then I saw him on September 10th.

Q At what place did you see him?

A I saw him on September 10th in his apartment, in the morning.

Q What was the nature of the conversation you had with him at that time?

A At that time I told him that this explosive needed to be checked today, because we had an experience before that they send explosives and sometimes they don't work.

Q When you say "send in" where do you mean, sir?

A Cuba. And I told him that this explosive, this material needed to be checked, and I

Bosch - direct

would like that he do it for me. It was about between 9:00 and 10:00 a.m. on September 10. He said, "All right, Orlando. I am going to do it. Let's make an arrangement."

I said, "Listen. Where are we going to test it?"

He said, "In the canal behind the airport."

I said, "All right. I am going to have this in my home, in my car, the three boxes of explosive that you have given to me, and I will also have the detonators and the fuses and we can go there and check it. I will expect you in my home about eight o'clock that date of the 10th of August."

Q Did he come to your home at eight o'clock?

A On the 10th of September. Excuse me. Yes, sir. About eight o'clock he showed up in his car, and I told him, "All right, Morales. Let's go. Let's go in my car where the explosives are placed. You drive because I don't know we are going to take it to test it."

Bosch - direct

He said, "All right." And we went both in the car.

Q Where did you go?

A We drove around behind the airport, and after we were driving about fifteen minutes--ten or fifteen minutes--he said, "Orlando, I have lost the place where I used to test this explosive," and we kept driving and about four or five miles in the dark--a very dark place--no lights--in the canal we came down the cars. He pulled, I think, a piece of a stick from each box. He pulled a stick--he put a detonator with a fuse, lighted it and throw it some place, a little piece. He throw it some place out of there and it didn't work. The detonator exploded but the dynamite didn't do it because the noise--it wasn't a big explosion. It was just the detonator explosion.

Q What did you say to him and what did he say to you at that time and at that place?

A At that time I said, "Oh, this is a shame, Morales. We have a hard time to get this explosive, and now it's not any good."

Bosch - direct

He said, "I cannot explain myself, Orlando. I have got to see the guy that provided this to me and I am going to ask for the \$300 back that I have given him for that, because every delivery that he gave it to me, I gave him \$100." And he said, "I am going to ask for that \$300 and give it to you back."

I told him that I feel mad about it. I said, "Morales, in this black market we have to work. You better don't say anything. Let's see if you can get something better."

And at that time also I started to feel suspicious, started to suspect his honesty working, him working with us.

Q Then what did you do, if anything?

A After that we came back to my home. No. I throw away the three boxes. I said, "Let's throw this. This is not going to work." He was agreeing with me and we threw the three boxes in the canal there some place behind the airport.

Q Then what did you do?

A We came back to my home and he took his



Bosch - direct

car. We had a little conversation there and he took the car and he drove it home. And after that, after he left, I went to the East Coast Fisheries parking lot.

Q Why did you go to the East Coast Fisheries parking lot? First, tell us where that is.

A The East Coast Fisheries parking lot is at the river and West Flagler underneath the bridge, the right side of the bridge there coming from the southwest section to downtown.

Q Why did you go there on that occasion?

A Because in that occasion, on the 10th of September, I had a meeting with Ernesto in that parking place.

Q Who is Ernesto, Dr. Bosch? Can you describe him to us?

A Ernesto is the military chief of the Cuban Power. He is a short fellow, about five four or six or--five inches or five and a half, dark as I am, an athletic complexion.

Q How long have you known this Ernesto?

Bosch - direct

A I met him about two years ago in the Anguilla Island in the Bahamas. At that time he was not using the name of Ernesto.

Q Have you seen him between that time and September 10 of 1968?

A Yes, sir.

Q Have you publicly been with him--

A No.

Q --in that period of time?

A No, sir.

Q Dr. Bosch, are you Ernesto?

A No, sir. I am Dr. Orlando Bosch.

Q Do you know, Dr. Bosch, the true name of Ernesto?

A Yes, sir.

Q Will you tell us who it is?

A Do I have to?

Q Yes, sir.

A His name is Pablo Vega.

Q Do you know where Pablo Vega is?

A I don't know, sir. Maybe he's in Cuba, maybe he's in the Bahamas, maybe he's in Mexico. After

Bosch - direct

his last press release here, he left.

Q Let's go back to the night of September 10th. What did you do at the East Coast Fisheries parking lot?

A I told Ernesto, because I received a message from him, that the explosive that I am supposed to give to him that night at 12:00 o'clock p.m. was not any good. We tested it and it wasn't any good. I feel sorry so far. And at that time, also, keeping in the conversation of September 10 midnight, he asked me for a recoilless.

Q For a what?

A For a recoilless 57 millimeter rifle.

Q Go ahead.

A And I also tell him--I asked him, "Do you want it taken down to Cuba?"

He said, "I don't know. I still don't know what I am going to do with this, Orlando, but maybe I am going to need it for propaganda facts, and I would like to use it--I would like you to tell the M.I.R.R. boys that I am going to need them, also.

Q Did he tell you at that time specifically

Bosch - direct

what use it was going to be put to?

A At that time he told me that he had information that Communist ships have been coming to the harbor of Miami and he would like to make a shelling or do a shelling against this ship for propaganda. And also he said, because he is a little bit romantic, "Orlando, somebody has to save the dignity of the freedom wars, and somebody has to punish these Communists for going through the Czechoslovakian territory frontiers, and I am going to do it."

Q Did you have any further conversation at that time?

A At that time I told him, "Ernesto, we have been talking. You were going to appoint me as a political delegate and, you know, we always, you and me, have been opposed or opponents to any terrorist or war or whatever in the United States, and this is going to be embarrassing, especially in my situation."

And he insisted again about the morals, the freedom and to punish the people and so on and so

Bosch - direct

forth.

Q Was that about the conversation that evening?

A That's about all he said.

Q Is that about all of the conversation that evening?

A Yes, sir, just about all the conversation. And also I was not alone with him. There was also another man which is the one that came to my home earlier in the morning on the 10th and he asked me--told me that Ernesto wants explosives at 12:00 o'clock p.m. And when that man came to me with that message, that is why I came to Morales' house about 9:00 or 10:00 o'clock a.m.

Q When was the next time that you either talked to Morales or Ernesto, in sequence? When was the next time you talked to either one of those?

A With Morales, after the third delivery. That was in August or the end of August--August 27, I think. I saw him--maybe I had another cup of coffee in the same restaurant, but I don't know. I don't remember for sure. And also the next time I saw him

Bosch - direct

was when I went to ask him to help fix the cannon.

Q What was the date that that occurrence took place?

A That was about September 15.

Q Now, sir, did you have occasion to go to the home of Aimee Miranda on September 15?

A Yes, sir.

Q At what time of the day or night did you go?

A I went there about--it was over nine o'clock, I think, p.m.

Q And when you arrived at Aimee Miranda's house, who was present?

A Morejon and Balan were there and Aimee was also there.

Q What were Morejon and Balan doing at that time?

A At that time they were working on the cannon there.

Q What was Aimee Miranda doing when you came into her house?

A She was in the bedroom there reading

Bosch - direct

some magazine or I don't know what it was.

Q Had you been to Aimee Miranda's before that?

A Yes, occasionally.

Q What did you do when you got to Aimee Miranda's house?

A I saw Prieto and Balan working on the cannon. And I just put my knee on the floor, also, and started to see what they were doing, and I give them my advice, also. I wasn't very good, but anyway, I got mixed up with the work on the cannon.

Q Did you try to help them in their work on the cannon?

A Yes, sir, I tried to do it.

Q For how long a period of time after you got there did you continue to work on the cannon?

A I think it was more or less an hour or an hour and fifteen minutes.

Q Were you able to repair or fix the cannon yourself?

A We were not able, sir.

Q What did you do?

Bosch - direct

A Then I went to--I told Prieto I'm going to ask--I'm going to see Morales to see if he comes back and fixes it, and Prieto told me, "Orlando, you have told me that you are suspicious about Morales, of his infidelity or his dishonesty with us, acting with us," and I said, "Yes, at least suspicious, but I don't think he is going to hurt us, anyway. The cannon doesn't work."

And I went to see Morales, anyway, and I told him, I asked him, "Take your tools and come with me."

And we came back to Mrs. Miranda's apartment and Prieto and Morejon were still there, and he started to work on the cannon by himself because we have the impression that he is an expert in that.

Q Did Morales at that time make any comments about either the 57 millimeter rifle or about the shell that was to be used in the 57 millimeter rifle?

A Yes, sir.

Q What did he say?



Bosch - direct

A About the 57 millimeter cannon, he said that it was in not good condition; that he could fix it only for one shell, one shoot. And after he was working there, he said that. And also he said, when he took the shell in his hand, he said it was not a good shell; it was a practice shell, a fragmentation shell. And with that shell, whoever is going to use the cannon is not going to do any damage.

I said, "That's all right. That is what the guy is going to use. That's what he wants-- for propaganda--anti-Communist propaganda."

Q Did there come a time then when the 57 millimeter was pronounced by Morales to be ready for use?

A Yes. After he finished he said it was ready for use for one time.

Q Then what happened?

A Then Prieto and Morejon and Balan left in Balan's car; and I left with him to get in my Chevy, in my car--the Chevy '61 or '62--and I went with him to Mr. Paulino Gutierrez, and I told Paulino that I wanted him to accompany us. He didn't ask what

Bosch - direct

for, and we didn't tell him why he was supposed to accompany us. And we went in Paulino's automobile. His is a better automobile--I think it's a '67 or '68--and we went to the Rancho Luna Restaurant.

Q How long did you remain at the Rancho Luna Restaurant?

A We stayed about an hour, I think, because it was late. We were sitting there, and Morales asked for a beer and Paulino asked for another beer. I asked for dinner and he said he has to go to the bathroom.

Q Who said that?

A Morales. And I told Paulino after he went back to the rear of the restaurant, I said, "Paulino, go and check him. I am a little suspicious about him."

Paulino went and he was in the bathroom there and he came back with Paulino. They was with each other.

Q When you left the Rancho Luna Restaurant, where did you go?

A Well, we left the Rancho Luna

Bosch - direct

Restaurant, we went to the MacArthur Causeway.

Q What occurred at the MacArthur Causeway? What did you do?

A At that time we passed by the MacArthur Causeway until the first light. We turned to the left at the light that shows a road that goes to one of the small islands on the left side of MacArthur Causeway, on the north side of MacArthur Causeway. We turned to the left, turned around on MacArthur Causeway, and we were coming back to Miami and we saw this Chevy, an old Chevy--a fifty-some--light green, I think it was, and I say to Balan and Morejon--I saw Balan and Morejon turning there, and I also saw from the rear, from the back seat of the Chevrolet and I saw what I imagine was--

Q Do not imagine anything.

What did you then do?

A So we passed the car, the Chevy that we were talking about, and we parked in the Miami Herald, around the Miami Herald parking.

Q How long did you remain there, if you remember?

Bosch - direct

A We remained there, I would say, an hour and a half or two hours, because I went to sleep. I was really exhausted and tired and I went to sleep. And when I was sleeping, Morales waked me up. The explosion happened. He said, "Orlando, the explosion happened." We left the place.

And Paulino and myself left Morales in his apartment and we came to Paulino's house where my car was, I took my car and went home.

Q Dr. Bosch, when Morales woke you up in the automobile, what did you say, do you recall? Were you excited?

A I don't remember if I was excited or not. He waked me up and he communicated to me that an explosion occurred and we left. I don't remember, sir, if I was excited or not.

Q Did you have occasion to see Morales after that event and before this trial, sir?

A Yes, after that I saw him again.

Q Where?

A Twice. First was at my home where we had a conversation about the shelling, because I was

Bosch - direct

playing phoney with him because he was insisting on asking me if Ernesto was in the place, if Ernesto is the one that shoot the Communist ship, and a lot of questions, but I was suspicious with him. I tried to play with him about what happened and so forth, and I also gave him instructions--to Prieto to do the same thing, try to play around with him.

After that time he was there in my home for several minutes and he came to the M.I.R.R. office, which is in the old Jose Marti Building, and asked me if I could see the man that owns the business where the bomb exploded.

Q What response, if any, did you get?

A I told him I know that the man--the second name of the man was Valdes, I think, and I told him Paulino knows him or is a friend of his. And we were willing to talk with this man and he asked me about who was there in the meeting, and I told him the leaders in the factory where there are numerous Cubans working. And he told me that he had an extension or whatever it is in his trial and I again told him if there is something we could do, let

us know.

Q Was there anything else significant at that conversation?

A No. I saw Prieto talking with him at the Jose Marti Building.

Q Were there any further conversations?

A No. After that last conversation-- I don't remember if we had another conversation until-- after that we were in jail. I don't remember any specific conversation after that.

Q Dr. Bosch, I am going to show you Government's Exhibit No. 20 and ask you if you have seen this before.

A Yes, sir.

Q What is it?

A That is granules that are used for anesthesia and also for a rebreather to go underneath the water. That is what he told me. I know it's for anesthesia.

Q Where did you get it?

A He gave it to me with a rebreather.

Q With a rebreather?

A Yes, sir.

Bosch - direct

Q Did you ever use that rebreather?

A No. We couldn't use it because it was non-functional. It wasn't in any good condition. The rebreather, he told me somebody had stolen it from the CIA when we were working with it. I don't remember anything else.

Q Dr. Bosch, I am going to show you Government's Exhibit No. 73-C and ask you if you have seen that before.

A Yes, sir.

Q What is it?

A It's the Japanese ship, the name is the MIKAGESAN MARU.

Q A photograph of the ship?

A A photograph of the ship.

Q Where did you first see that photograph?

A I used to receive all the press and all the leaders here--the anti-Castro leaders here in Miami--and we used to receive all these press releases and the pictures of all the ships that had been damaged for trading with Castro here.

Bosch - direct

Q How did you receive that picture?

A I received it by mail.

Q I show you Exhibit 73-A, marked (A) and (B)1, but one object. I ask you if that is the envelope in which you received that photograph.

A Yes, sir. We were receiving it in the P. O. box of the M.I.R.R.

Q Was there anything else in that envelope when it was received by you?

A There was a statement and a picture, but I received more than this one.

Q I show you Government's Exhibit 73-D and ask you if you have seen that before.

A I have seen this before, sir.

Q Where have you seen it?

A When I received it by mail, because I recognize here--the Ernesto sign.

Q Do you know who else would receive copies of the things that you have identified as Exhibit 73-A, B and C?

A Yes, sir. All the leaders, all the revolutionary group, all the press. A lot of people



Bosch - direct

received this picture and this statement.

Q Dr. Bosch, have you made any public expression dealing with the use of force and violence and bombings in the Miami area? Do you understand my question?

A If I have done any bombing or if I have done some--

THE COURT: No, sir, that's not the question. He didn't ask you if you have done any. He asked you if you have made any public statements regarding such activities in the Miami area.

THE WITNESS: Yes, sir, we have made some.

BY MR. GREENSPAHN:

Q I show you what purports to be the Miami Herald of Wednesday, September 25, 1968, Page 19-A, and ask you if the statement indicated with the red pen is a true recapitulation of your words. Could you say to me what does "rapped" mean here? "Bosch also rapped." Rapped, r-a-p-p-e-d.

A What does that mean?

Q In other words, you spoke against. Is

Bosch - direct

that a fair statement?

A Yes, sir.

Q Does that fairly state it, Dr. Bosch, without reading the whole article?

A Yes, sir.

MR. GREENSPAHN: Mr. Clerk, will you kindly mark this for identification?

BY MR. GREENSPAHN:

Q I show you a copy of the paper PATRIA dated September 25 and ask you if the article underlined in red fairly states your position.

THE COURT: Is that a statement of his position by some third person or is it a statement purported to be made by him as to his position?

MR. GREENSPAHN: It purports to be a direct quote of Dr. Bosch.

THE COURT: All right.

BY MR. GREENSPAHN:

Q That is a direct quote, isn't it?

MR. BIERMAN: Your Honor, I am going to object to both this exhibit and that as being hearsay. The mere fact that it is printed in a

Bosch - direct

newspaper doesn't change it from hearsay. There was nobody present who was reporting it.

If he wants to tell us what his position is on local bombings, I'll be glad to hear it, but what he said about it before is neither relevant nor proper.

MR. GREENSPAHN: Your Honor, I think that is an excellent argument. He made it when he offered the very same kind of evidence.

MR. BIERMAN: When I offered it, your Honor, it was an admission. When he offers it, it's hearsay.

MR. GREENSPAHN: Mr. Clerk, will you mark this along with that other article?

THE COURT: Well, let's get them marked and then we will have it offered and then we will rule on it.

MR. GREENSPAHN: I would ask that Exhibits for Identification 4 and 5 be received in evidence either individually or as a composite exhibit.

THE COURT: All right. Let me look at

Bosch - direct

them.

Gentlemen, I am going to sustain the Government's objection to the two articles.

BY MR. GREENSPAHN:

Q Dr. Bosch, have you ever participated in or in any way connected yourself with any acts involving any of the local terrorist activities in Miami?

A No.

MR. BIERMAN: Your Honor, I am going to object to the question. I will stipulate that he is not charged with this crime. We have not attempted to prove the crime that is being set out and then being torn down.

THE COURT: Well, first of all, your objection is too late. And if for no other reason, I would overrule it, but I am going to overrule it, anyhow.

BY MR. GREENSPAHN:

Q Dr. Bosch, are you acquainted with Special Agent George Evans Davis of the Federal Bureau of Investigation?

Bosch - direct

A Yes, sir.

Q For how long a period of time have you known Mr. Davis?

A Quite a few years. I think about seven years.

Q Without going into each and every meeting and without taking the time to go into great detail, are there any significant events that you recall with regard to Agent Davis that have occurred in meetings with him over the last several years?

A Yes.

Q If so, will you start with the one that, in terms of time that is furthest removed from the present time. What was the first significant event that you recall?

A The first significant event was several months after we came from Cuba we published some pictures, pictures of guerrillas there, and we made a statement to the Miami Herald. And he went to my home and he asked me some information about what was going on down there. I related to him a great deal of the information and we had some other

Bosch - direct

conversation which is nothing important about the situation down there.

MR. BIERMAN: I apologize for repeating the objection, but I do not see any relevancy to this meeting with Mr. Davis.

THE COURT: I cannot tell the particular relevancy. I assume counsel is probably intending to show that there is bias or prejudice or hostility of some kind with respect to that particular person. I don't know.

MR. GREENSPAHN: That is quite right, sir.

THE COURT: All right. Go ahead.

BY MR. GREENSPAHN:

Q Now, Dr. Bosch, I don't want to belabor this and I don't want to go into great detail, but will you tell us of any instances when something unusual or significant occurred in your relationship with Mr. Davis.

A All right, sir. In one occasion some air raids, I think, were done in Cuba. Mr. Davis came to my office and we had a rough conversation at

Bosch - direct

that time. At that time he threatened to jail me and I answered in the proper manner, and he left the office.

Another occasion was when he installed-- I asked him--we discovered an electronic microphone in the wall, inside the wall of the M.I.R.R. And he came to the--he passed by the office to ask me something and I refused to answer because of that discovery. We found that microphone, and I was complaining about him of that. I took a picture of that microphone and I make a press release.

And also after the last trial that we had the judge ordered him to return to me my address book and all the property that he had, that I had on me when I was arrested in Hartford, Connecticut. And he came to the office there and he said, "Here are your things. I want you to know that we have not ended with you, and I will put you in jail, anyway."

Q Since that time have you had contact with him?

A I have seen him and all of the agents for the last six or eight months behind me and following

Bosch - direct

me, but I haven't talked to him until he arrested me in my home.

MR. GREENSPAHN: May I have one minute, your Honor?

THE COURT: Yes, sir.

BY MR. GREENSPAHN:

Q Of your own knowledge are you aware of any acts on the part of Agent Davis toward any of the other members of the M.I.R.R. that are intimidating or threatening in nature?

A Will you repeat the question?

Q Are you aware, sir, personally of any acts by Mr. Davis toward any other members of your organization that were of a threatening nature?

A Yes, he has done that. Mr. Garcia--

MR. BIERMAN: I will object to that because that has got to be hearsay.

MR. GREENSPAHN: I asked him if it was personal.

THE COURT: I am going to sustain the objection because, first of all, this is not the best evidence. Secondly, it calls for an opinion and



Bosch - direct

conclusion of this witness and the mental processes of both the other participants and, therefore, I think it is highly objectionable and I will sustain the objection to it.

MR. GREENSPAHN: Now, your Honor, I propose, with the Court's permission, to publish Exhibit 89-A. However, I will be more than happy to wait and do it after the cross examination is completed.

THE COURT: It is perfectly all right. If you desire to do that, you may do it now. I will leave it up to you.

MR. GREENSPAHN: I was going to do it in the interest of time. I don't know how long cross examination is going to take. This is a four-page item.

THE COURT: You can do it after the examination of the witness has been concluded.

MR. GREENSPAHN: I believe that will be the only exhibit that I will wish to publish. However, I would reserve the right, although I doubt if I will do it, to publish Exhibit 75 as well.

Bosch - direct

THE COURT: All right, sir.

MR. GREENSPAHN: Your witness.

CROSS EXAMINATION

BY MR. BIERMAN:

Q You are no doubt familiar with what has been marked as Government's Exhibit No. 75, are you not, sir?

A Yes. This was about four or five years ago.

Q About four or five years ago?

A Yes, sir.

Q And you are the same Dr. Orlando Bosch that signed that?

A Yes, sir.

Q All right.

A That was given to the Cuban Committee or the committee for the Cuban Liberation that has a place in Connecticut. They asked for a plan of the Cuban liberation, and we just gave that to them about four or five years ago.

Q And this that you typed, did you, sir, type this portion "Attack on Vessels Trading with

Bosch - direct

Communist Cuba"?

A Yes, sir.

Q Was that one of the goals of the  
M.I.R.R.?

A Among the others, it was.

Q And you said, sir, in your testimony,  
that you completely rejected the proposal of Ricardo  
Morales to bomb the Russian Embassy because you  
did not want to commit any acts to embarrass the  
United States, is that right, sir?

A Absolutely right, sir.

Q Were you on MacArthur Causeway on the  
night that the POLANICA was fired upon?

A Yes, sir.

Q You are aware--

A I was aware, sir.

Q You were aware that this was a vessel  
in a United States port?

A Yes, sir.

Q And you were aware that it was going  
to be fired on?

A Yes, sir.

Bosch - cross

MR. GREENSPAHN: If it please the Court, this is argumentative.

THE WITNESS: And I was aware and I did--

MR. GREENSPAHN: May I have a ruling before you continue, sir?

THE COURT: Well, I think you have proceeded far enough.

BY MR. BIERMAN:

Q How many boxes of dynamite did you receive from Ricardo Morales?

A Three boxes.

Q Do you recall, sir, that on July 2nd he gave you two boxes of 100 pounds?

A On July 2nd he gave me one box, sir.

Q And when was the next time that he gave it to you?

A The next time was August. I think I said here before August, around the 11th or the 12th.

Q At the 1150 Building in Miami, is that right, or where was it?

A At the 1150 Building in Miami.

Bosch - cross

Q When was the next?

A It was August, about the 26th or the 27th he gave me the third box.

Q What about the night afterward, sir?

A The night after what?

Q After the second delivery, did you not return to the 1150 Building and receive another 50 pounds?

A No, sir.

Q You did not?

A I did not.

Q On April 25, when you met Mr. Morales on the street, who was with you? Who was driving your car?

A I was driving my car.

Q Was Mr. Gonzalez with you? Wasn't he driving your car that day?

A At that time? I don't know. I don't recall he was with me or not, because he used to go with me almost every day, but I don't recall if he was with me or not. In front of us were Balan and Morejon, across the street where Balan lived.

Bosch - cross

Q Who made up the signal to whistle on the telephone when Morales was going to contact you?

A I don't recall whether it was him or me.

Q But that did occur?

A Yes, sir.

Q Did you tell Morales that you were, in fact, Ernesto?

A I didn't tell him, because I was not.

Q Just answer my question.

A I didn't tell him that I was Ernesto.

Q Did you tell him that you were waiting for some more explosions so that you could make your grand entrance?

A What is the last word?

Q So that you could make your announcement of being appointed by Ernesto?

A No, I didn't tell him anything about that.

Q Do you recall, sir, on the evening of September 16th, the early morning hours, when Mr. Morales awakened you and told you that the shelling had

Bosch - cross

been completed, do you recall saying, "I hope we killed some Poles"?

A I didn't say that, sir.

Q What were you doing with all these explosives all this time?

A The three boxes that he gave to me, I have told here that I have kept them in my sister's house, and I was going to give it to Ernesto at 10:00 or 12:00 p.m. at the East Coast Fisheries.

Q Do you mean the dynamite which you received in July you were going to give to Ernesto on September 12th at midnight?

A When you are going to deliver dynamite or any kind of explosive or war material, you cannot do it box by box. You have to wait until you have some kind of an amount to make it worth to make the trip down to Cuba. That is why I was holding the three boxes.

Q Do you have any idea, sir, how these eleven sticks of dynamite marked as Government's Exhibit 45-A came into what is marked Government's Exhibit 45, which is this canister, the rusty canister?

Bosch - cross

A. I don't have any idea, because I didn't check anything, neither before or after.

Q. You had no idea when you were first receiving it that it was dummy dynamite, did you?

A. I didn't have any idea about that.

Q. And you were to supply it to Ernesto, is that correct?

A. Yes, sir.

Q. Had you previously read any press releases allegedly signed by Ernesto claiming credit for bombing ships?

A. If I have done? No.

Q. Have you read them?

A. I have read that, yes, sir.

Q. You read Cuban newspapers?

A. Yes, I have read it.

Q. Did you believe them or did you disbelieve them?

A. If I believe?

MR. GREENSPAHN: If the Court please, this calls for a conclusion on the part of the witness.

THE COURT: I am going to overrule the



Bosch - cross

objection.

THE WITNESS: Make the question again?

THE COURT: The question was, did you believe or disbelieve the articles which you had read in the Cuban newspapers in which Ernesto claimed credit for bombing the Communist ships?

THE WITNESS: I believed because besides his statements, official reports came in. I have seen in the newspaper official reports.

BY MR. BIERMAN:

Q So then, sir, after having read these releases which you believed, you agreed to supply to him additional explosives, is that right?

A I think--yes. I will say yes. Everybody that does anything against our enemy I will supply all war material on that. I won't deny that in any place--in the United States, in the world, because I think that is my duty to do it.

Q That would include Great Britain, Japan and Poland, is that right?

A Whoever it is. Whoever is Castro's ally is not our friend, and we don't have to have any

Bosch - cross

consideration with them. And also we are doing this because we have within the United States Government making a lot of diplomatic push against those countries and they didn't pay any attention and that is why I sympathize with that and I didn't do anything with those facts. I just sympathized with those.

Q When did you last see your friend Pablo Vega?

A When?

Q When?

A The last or first or how many times?

Q The last time you saw your friend Pablo Vega.

A That was about a week before I held a press conference where I accepted the political delegate. That was September 27, so it must have been around the 18th or the 20th of September.

Q Has he gotten in touch with you since you have been arrested?

A No, sir.

Q I show you Government's Exhibit 79, Doctor, and ask you what this is.

Bosch - cross

A This looks like a hood.

Q That was in your automobile. Do you recall that?

A I am sure it was not in my automobile, but I am not going to deny this. I had eleven, not two. This was not in my automobile, because I searched my automobile every day, because frequently I saw the FBI agents going into my automobile from the last part to the front part.

Q This was not in your automobile?

A No, sir.

Q Nor was this one?

A No, sir.

Q Where did you keep your eleven of these that you had?

A I am going to tell you: One time in August Ernesto was in the Bahamas and received a message that something that was planning down in the islands, and I sent a message to him that Mr. Bert Quint, Q-u-i-n-t, is in charge of the CBA for Latin America, and this guy approached to me through Mr. Purcell, which is an American gentleman, president of



Bosch - cross

the American Committee for Cuban Liberation.

MR. GREENSPAHN: Excuse me for interrupting. I think it is incumbent upon me to say that the doctor said CBA, and I know what the answer to this is. I think he is unfamiliar to some extent with our language and it requires me to say what he is thinking of. I know what he said.

THE WITNESS: The Columbia Broadcasting System.

MR. GREENSPAHN: That is not the CBA.

BY MR. BIERMAN:

Q CBS?

A CBS. Excuse me.

THE COURT: All right, sir.

THE WITNESS: And I sent a message to him. This man wants to take a picture of him, take a statement, take pictures of some of his people doing something.

BY MR. BIERMAN:

Q Could you answer my question first, directly, and then explain it--where these hoods were?

Bosch - cross

A This one?

Q Yes.

A I don't know where that was. I see it here.

Q You said you had eleven hoods. Where were they?

A Let me continue.

Q Would you answer and then explain?

A Where they were?

Q Yes.

A I think I have it in my home, those eleven.

Q Do you still have them?

A No, I don't have it, because I went to the press conference and I sent them with some of the boys, whoever went down to meet him, with this press man, eleven of those, but they didn't return it to me. I didn't have any of those. I had eleven, not two, but I didn't have one in my car, because every day they searched my car. Every single night the FBI car was sleeping even in the corner, in front of my house or behind my house, and I was not going to be so

Bosch - cross

stupid to have anything in my car.

Q These hoods, then, your testimony is, were not in your automobile?

A Absolutely sure, sir.

Q And they were not in your house?

A Absolutely sure. If I had eleven, I don't have to deny it.

Q What were they for?

A These eleven I mailed down to Ernesto, I told you, in the Bahamas.

Q Were any of the eleven that you mailed to Ernesto black?

A No; they were blue. Lighter than this, I think.

Q Do you recall, sir, your discussion with Mr. Morales in reference to the MIKAGESAN MARU in which he asked you why you had not previously claimed credit for it?

A If he asked me I didn't answer anything, because I talked with him about all those sabotages to shipping, just in general comment. I didn't tell him anything. I didn't answer. If he asked me, I

didn't answer anything.

Q Let me get one thing straight, Mr. Bosch. Your objection to local bombings means in stores, is that right, in the general community?

A Anywhere, sir, in the United States.

Q But it doesn't involve--

A Even that shelling that I didn't approve of, but he was symbolic and he did it and he accepted it.

Q You did not approve of it?

A I didn't approve it, but I don't command Ernesto.

Q Do you recall, sir, a conversation with Mr. Morales in your home that you previously testified to?

A Some general conversation, but you can recall to me and I will say yes or no.

Q Do you recall saying to him, "Well, boy, well, when you have these things before the people, the reaction varies, but in general there is sympathy. Many deeds, Morales. We have hit very hard. One ship and another ship and another ship and another ship"--and then some unintelligible words--



"and the explosion. And the hit there and the hit here, I believe that we have worked intelligently. I believe that we have developed this matter intelligently."

A May I read that in my own language, please?

Q Surely.

A I think in general I told him, but the only thing--here, when I say "we hit very hard one ship and another ship," when any Cuban exile does an action against Castro he is lying. All the Cubans say "we." It's like a common expression we have.

Q It wasn't you? Just the Cuban exile community?

A Not the community. Cuban Power.

Q Cuban Power meaning the organization known as Cuban Power?

A Yes, sir.

Q What connection, sir, did the M.I.R.R. have with Cuban Power?

A No connection.

Q When you accepted the instructions of Ernesto to supply two boys from the M.I.R.R., did you

give him access to your people?

A That does not mean any access. It is a revolutionary favor. He asked me, but these boys didn't have any relation. They didn't belong to any Cuban Power. He just gave an instruction to the M.I.R.R., to the boys to go where he was with the cannon.

Q Did you, sir, on August 22, go to the home of Barbaro Balan and receive a package of dynamite there?

A I went to Barbaro Balan about August--the middle of August--and he told me he and Benitez and Marcos told me that Morales was there with a box of explosive, but they didn't accept it, and they told him to take it away because we have a car of the FBI in the parking lot there and we have another car of the FBI there in the corner, as usual.

Q So then--

A They didn't accept the box. That is what they told me.

Q Then they did not bring it into the house since they didn't accept it, is that right?

A I don't know if they did or not, but

Bosch - cross

they told me that they didn't accept it. That means they didn't get it into the house, I imagine.

THE COURT: Gentlemen, I am going to call a recess for just a few minutes.

We are going to be in recess for about five minutes. During the recess, of course, the same instructions are still applicable.

We will be in recess for about five minutes.

(Thereupon a short recess was taken, pursuant to which the following proceedings were had at the Bench out of the hearing of the jury as follows:)

THE COURT: Mr. Gutierrez, I have been advised by Mr. Greenspahn, your attorney, that your parents have just come in and that you want me to excuse you from being in the courtroom so that you can visit with them in the outside courtroom. Is that correct, sir?

MR. GUTIERREZ: Yes, sir.

THE COURT: Are you willing to waive

Bosch - cross

your presence in the courtroom during the period of this trial knowing that you have the absolute right to be here if you so desire, in order to visit with your parents?

MR. GUTIERREZ: Yes, sir.

THE COURT: So that the record will be complete, does counsel approve of that?

MR. GREENSPAHN: Yes, sir. Thank you.

THE COURT: All right, Mr. Bierman. You may proceed.

(Thereupon the following proceedings were had in open Court in the presence of the jury:)

BY MR. BIERMAN:

Q Dr. Bosch, you testified that you always saw agents in and about your car. Did you ever see anybody take anything out or put anything in?

A I don't know, because I seen that at midnight. I have seen that at midnight and the time in the time usually after twelve o'clock. And I don't know if they put anything in or took anything out.

Bosch - cross

Q Did you ever find anything in there in the morning when you searched it? You searched the car every morning, you said, sir?

A Yes.

Q What did you find?

A When I searched? No, I didn't find anything.

Q So then, to your knowledge, nothing was either put in or taken out of your car by the FBI?

A Yes, but the morning that my car was searched, I couldn't search before, because they just arrested me in my home that morning. I couldn't go to my car. I don't know if the night before they put that hood there.

Q But on the other nights and mornings that you searched, you never found anything extra in your car, did you?

A I never found anything in my car.

Q So it was just a thought on your behalf?

A Not a thought. If I see somebody

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Bosch - cross

working on my car, in the trunk, I have to search to see what happened.

Q Was there something? Were they opening your trunk?

A Yes, all the time. I saw twice.

Q You don't lock your car, sir?

A My car is broken. It's a two-door Chevy and the two doors don't go up but even if I lock--I lock the trunk, and I have seen them opening, because it doesn't make any difference.

Q How do you know they are FBI men?

A Because one time I saw Mr. Davis in the trunk of the car, and one time I saw another agent--and I don't know his name--but if you show me, I can tell you who it was.

Q Did you file a complaint with the police or did you file a complaint with the FBI?

A I have too many things to do, sir, to lose my time in that.

Q It wasn't important enough to do that?

A Practically, maybe. According with the law it would be right to do it, but practically I

Bosch - cross

know nothing was going to happen.

Q You didn't wait out there and take any pictures of it or anything, did you?

A No, I didn't want any friction with the authorities and I didn't want any friction with the FBI.

Q You like to keep a cordial relationship with the FBI?

A Not cordial. Just normal, to avoid friction with them. I had enough trouble with them to make friction.

Q Do you ever recall telling Mr. Morales that you were sorry that the ASAKA MARU exploded in Tampa Harbor, because you would rather it sunk at sea and you could see the Japanese swimming around and going "Eeee eeee eeee eeee."

A No, I didn't tell Morales anything about any specific ship.

Q Nothing about any specific ships?

A No. I make a general comment that I sympathize with all the ships that had been trading with Cuba, but I don't think I went into any

Bosch - cross

conversation about any "Eeee éee eee."

Q Do you recall telling him that you were going to claim credit for the LANCASTRIAN PRINCE because you heard that the authority in New Orleans said that the anti-Castro movement was moving there?

A No, sir, I didn't tell him anything.

Q You didn't?

A No, because I always have a little suspicion about him, and I didn't tell him. I didn't make any comment with him strictly about any particular ship.

Q Do you recall making plans to meet him at his apartment to pick up a case of dynamite?

A The first time I went to his apartment to pick up a case of dynamite.

Q How about in August?

A What time in August?

Q Late August.

A Late August? He gave me--I said before late August he gave me the third box of dynamite in the 1150 Southwest 1st Street in the southwest section. I've told you that.



Bosch - cross

Q There may be some confusion, Dr.

Bosch, between your late August and mine. You said around the middle of August you got a box at the 1150 Building, is that right?

A I said the second box was about the 11th or 12th of August, and the third box was about the 27th or 28th of August.

Q Where was that?

A At the parking lot. The first box was given to me in his apartment at the parking lot, and the other two boxes were given to me in the same place--1150.

Q The 1150 Building?

A 1150, one box at a time, which makes a total of three boxes.

Q But not one day after another? You didn't get one on, you can't remember the exact date, but let's say the 13th and the 14th and another one on the 14th?

A No, I didn't receive any boxes one day after the other.

Q Do you ever recall asking Mr. Morales

Bosch - cross

whether it was dangerous to have it and him throwing down a box and saying it won't explode without the detonator?

A The first time when he gave us the first delivery, I asked him about is it dangerous or not, because there is some different kinds of explosives, and he said no. He said, "There isn't any danger, Orlando." He threw it on the floor of his parking lot.

Q How many boxes?

A One box, sir. I told you four times.

Q Who was with you?

A Prieto.

Q Tony Prieto?

A Morejon.

Q Not Gonzalez?

A No, nobody else was with us. Also he referred that I was with Prieto.

Q On the night, sir, that you were in front or near the Miami Herald Building on September 16th of this year, who was driving the car?

A Mr. Gutierrez.

Q Paulino Gutierrez?

A Paulino Gutierrez.

Q Do you recall whether or not Jorge Gutierrez drove by around midnight?

A No, sir. I was sleeping most of the time. How could I recall it?

Q Do you recall following the wrong car?

A Following the wrong car?

Q Do you recall leaving that spot, circling around Miami, the southwest section, Aimee's house, Tony Prieto's house, and then returning to your spot?

A I think that we did that.

Q For what reason did you do that?

A Because I was sleeping and Morales said--I think it was that way--Morales said the car, the green car that we have been referring to--was parked there passed by, and then we went to all the places and we came back to there.

Q Then did you go back to the spot on the causeway?

A Yes, sir.

Bosch - cross

Q Where you had previously seen Balan and Prieto?

A I don't think we went to him or not. But anyway, we knew they were there.

Q I don't want to put it anyway. I want you to answer my question.

A I don't think we passed by. I think we came back to the spot, but they must be there. You want to know that.

Q Let me call your attention back to Page 23, to the conversation with Morales at your house on the night of the 30th, I believe it was--the 26th, excuse me. September 26. Do you recall saying the following:

"They know that our goal is sincere, that there is nothing false about it. Dammit. But what does not please them is the other, for the other is big. Paul Bethel told me the diplomatic pressure of (obscene) was put on by Spain and Japan in Washington (another obscene) really (obscene) notice that Poland

Bosch - cross

protested greatly, but Japan and Spain did not protest because they are submissive to these people. They are under the boot of Yankee Imperialism. Call me in two or three days so that we can check."

A Yes, sir, at the restaurant--I would like to review--about Yankee Imperialism. That is a common expression that we all Latins have when we talk about this. It doesn't mean anything. About the United States people. It is a common expression for a lot of Latin Americans. It does not mean like Castro says Yankee Imperialism. It is not the same meaning, sir, if you want to know that.

Q As a student and as a leader of anti-Communist activity, you have studied Communist jargon, too, have you not?

A No. At that time when I was a leader in the students, we didn't have any Communism in Cuba, and the spirit what I have is what I am living for, and I cannot talk bad of this country, because part of my life is in this country because I have a child that was born here. I am not going to hurt my

Bosch - cross

own people, my own descendants.

Q "Yankee Imperialism" is a common expression?

A In the Latins, when we talk privately. But whenever we say it in public, that is different.

Q Did you say "Yankee Imperialism" in public or in private?

A What I have told the United States Government I have told in public quite a few times. They are mistaken, they are in error. I have told them many times in many public statements--I have been sincere with the United States Government in telling all those truths, but I don't hide that mystery in my heart about Yankee Imperialism. Never you will read a statement done by me offending the United States, the people of the United States. I don't have any reason for that. In private comment I repeat we say that very often without any offending meaning.

Q You say you went to school in Cuba, is that right, sir?

A Yes, sir.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Bosch - cross

Q Weren't you called "Ernesto" on the campus when you went to school? Wasn't that a name that you used at that time?

A No. I never used a nickname.

Q You never used the name "Ernesto"?

A There was no reason for that, because at that time we had a democratic government.

Q Was the Batista government a democratic government?

A No. It was a dictatorship.

I was a student, when Batista was here, taking my internship in Toledo General Hospital, and after that I went to Memphis, and after that I went to Cuba and Batista was still in power there.

Q When, sir, was the last time that you practiced medicine as a doctor in the United States?

A I am going to tell you, sir.

Q I don't want you to tell me the reason. I want you to tell me the last time that you practiced as a doctor in the United States.

A The last time I practice as a medical in the United States is when I completed the five years

Bosch - cross

that the American Medical Association--the Florida Medical Association gave foreign doctors to work as a house physician.

When I completed my five years in 1966, I think, I believe, I couldn't work as a doctor or a house physician, and after that I have been dedicated to another honorable job, which is the liberation of my country. And if you want to know more, I can tell you why I have to quit; why I didn't complete the two months.

Q Other than the use of the term "Yankee Imperialism," what protests to Japan, Spain and Poland were you referring to?

A I imagine it was referring to the sabotages to the ships.

Q Do you recall, sir, on the occasion that you questioned Mr. Morales about how good the dynamite was, going to Aimee Miranda's house?

A No, sir, I don't recall that.

Q How about a week prior to that? Did you go there and examine some other explosives which Aimee Miranda had in her possession?



Bosch - cross

where the shell was to be aimed at the POLANICA?

A If I recall, the shell was going to hit the POLANICA?

Q Yes. Where was it going to be aimed?

A I think it was in the ship. No particular place. I don't recall that.

23-2 Q You don't recall? Do you recall saying it was funny in the morning when the Coast Guard was fired for not detecting that?

A I don't recall that, sir.

Q Did you see the Coast Guard boats cruising back and forth?

A I passed there one time, if I recall, and I saw the Coast Guard not going back and forward, because I saw the Coast Guard parking beside the ship, because every time a Communist ship comes here, they have a Coast Guard to watch, to protect it.

Q Do you believe the United States is wrong in trading with Poland?

A No, sir, I don't understand the Government's position, especially when it's a leader. I don't think it's wrong.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Bosch - cross

Q Do you recall having a discussion with Jorge Gutierrez about where he circled the Polish ship to convince you that the United States really had Communist ships coming here?

A What is that? Make that again?

Q Do you recall having a discussion with Jorge Gutierrez in which he argued with you and insisted that Polish ships come to the United States?

A He made that statement, "Look here. A Communist ship is coming here." That was maybe several times, I suppose, or one occasion.

Q Did you ever have a detonator in your car?

A If I had a detonator in my car? If I had, I didn't know it.

Q You didn't know it?

A If I had, I didn't know it.

Q But you searched your car each morning?

A Yes, sir.

Q So if it was there, it would have to have been put in between the last search and the time of the FBI search?

Bosch - cross

A It could be under one of the seats.  
I don't deny it, that I have been having detonators.

Q Did you ever discuss with Morales the bomb failures on certain ships?

A The bomb?

Q The bomb failures, bombs which did not explode?

A No, I don't think so.

Q You don't recall discussing with him the failure on a ship called the MEREGHAN?

A No, I don't remember discussing anything with him.

Q When you, sir, accepted the designation as political designate of Cuban Power, having been appointed by Ernesto, did you accept or denounce his previous actions?

A I accepted the political delegation of Cuban Power.

Q What about the previous activities of Ernesto for which you said you previously believed that he was bombing ships?

A If I accepted?

Bosch - cross

Q Did you approve of it?

MR. GREENSPAHN: If it please the Court, this is irrelevant and immaterial as far as these charges are concerned.

MR. BIERMAN: Your Honor, that conference occurred during the period of the conspiracy.

THE COURT: I think I will overrule the objection.

The question, in substance, is, upon accepting this position with Cuban Power, did you accept, along with that position, the activities it had been engaged in in the past?

THE WITNESS: I sympathized and I accepted, all the attacks or whatever it is that is done not only by Cuban Power but all the Cubans against Castro and against those who trade with Castro and who is maintaining him also in power.

BY MR. BIERMAN:

Q One last question, Dr. Bosch: Did this mysterious Ernesto give you the three telegrams which are in evidence as Government's Exhibits 1, 2

Bosch - cross

and 3 for you to deliver to anybody?

A He didn't give me a telegram and I didn't give any telegrams.

MR. BIERMAN: I have nothing further.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. GREENSPAHN:

Q Dr. Bosch, Mr. Bierman went into Government's Exhibit No. 75 with you. I don't want to go into detail at this time on this exhibit, but I would ask you, sir, when this document was prepared by you.

A I told him it was about four or five years ago. Here in this clip is a lot of years you can see it is rusty.

Q Was that before or after the Bay of Pigs invasion?

A After that.

Q Was that before or after the blockade of Cuba and the missile crisis?

A I think it was also after that.

Q Dr. Bosch, amplify if you will and

Bosch - redirect

explain if you will your answer to Mr. Bierman's question as to why you stopped practicing medicine.

A Why?

Q Why did you stop practicing medicine?

MR. BIERMAN: I am going to object to this, other than his own personal reasons. If he gives any opinions about anyone else, which I heard him do on previous occasions, that is why I made the objection.

MR. GREENSPAHN: I doubt that.

THE COURT: Well, both of you gentlemen have the advantage over me and the jury.

I will permit him to testify as to any personal reasons that he may have had. I will not permit him to testify as to any opinions or statements by other people.

BY MR. GREENSPAHN:

Q Dr. Bosch, confine your testimony, please, to the facts, not opinions. Answer the question.

A All right. I didn't want to--I don't know if this is an opinion, Judge, or not. If it is,

Bosch - redirect

just stop me.

THE COURT: It is your own personal reason for why you did it, not what somebody else thinks or what somebody else said.

THE WITNESS: I didn't want to answer the answer I was going to give to you now, because this hurts in some way the authority and the power of the United States.

I had two months left to complete the chance that they give to foreign doctors in the Florida Medical Association. I had two months left. Agents--federal agents--

MR. BIERMAN: Your Honor--

THE WITNESS: When the--

MR. BIERMAN: Hold it just a minute. He is reciting facts, your Honor.

MR. BIERMAN: He cannot recite any facts that would not be hearsay in regard to this.

THE COURT: What is he talking about? What somebody else did?

MR. BIERMAN: What somebody else did, that's correct, your Honor.

Bosch - redirect

THE COURT: Gentlemen, I think we are getting pretty far afield.

First of all, I don't know how material or how relevant it would be in this case with respect to why this gentleman didn't continue in the practice of medicine. But I don't want to get into a whole lot of actions or statements or things said by other people. I said that I would permit him to testify as to what his personal reasons were. And if he had such personal reasons, of course, what I had in mind was that he wanted to pursue other objectives or other ideas or that he was no longer interested in practicing medicine or that he had a more lucrative job or had some personal reason for doing it and not because of what somebody else may have said or may have done. I am not in the least bit interested in going into any lengthy discourse as to what may have motivated or created a situation on his part where he felt it no longer desirable to practice medicine.

Frankly, I don't see that it has a great deal to do with the case at all, to begin with. What is the real materiality of it?



Bosch - redirect

So far as I know, he himself testified on direct with respect to his medical activities and showed this card, along with other things with relation, at that point, as to whether or not he was wearing a moustache, but still going into the fact that it was connected with his medical activities.

Then the only thing that I know of after that is that counsel for the Government asked him when is the last time that he practiced, and he answered that. Frankly, I don't know what relevancy the reasons are why he quit practicing.

I am certainly willing to permit a generous amount of latitude, but I don't want to go into a lot of things outside the scope of this particular case.

MR. GREENSPAHN: I think, your Honor, by two questions I can meet the Court's concern in this regard.

MR. BIERMAN: Your Honor, I would object.

THE COURT: You cannot object to him asking a question. You can object to him after he

Bosch - redirect

asked the question and let me rule.

MR. BIERMAN: Could I request that it be proffered? Asking a question is often as prejudicial as the answer.

(Thereupon the following sidebar conference was held at the Bench out of the hearing of the jury:)

MR. GREENSPAHN: The only reason I bring this up is the inference in the jury's mind, by reason of the question he asked on cross examination, is Dr. Bosch quit the practice of medicine so he could be a full-time revolutionary or a full-time terrorist, and the thought that I want to put into their mind is that Dr. Bosch will testify, if permitted to testify--and I have reason to believe that by reason of efforts made by the Federal authorities, no hospital in Dade County will hire him. It is as simple as that. I think I can rectify the situation by asking one question: "Dr. Bosch, if you are allowed to, would you be practicing medicine today?"

MR. BIERMAN: I don't think that is exactly what I am objecting to.

Bosch - redirect

THE COURT: I am not going to permit him to testify that due to the Federal agents or due to Federal efforts he cannot practice medicine. I will permit him to testify that no hospital in this area will accept him if he wants to do that. But I am not going to permit him to testify it was due to federal activity that no hospital will accept him, because that is not--

MR. GREENSPAHN: All right. I will not pursue it any further.

THE COURT: Frankly, I think we are getting kind of far afield, anyhow.

MR. GREENSPAHN: What I would like to do, Judge--

THE COURT: I will ask the Government: Do you intend to make the argument that counsel has said that you might make--that he quit practicing medicine in order to devote full time to terrorist activity?

MR. BIERMAN: No, sir.

THE COURT: I am going to sustain the objection to the proffer as it is now made. I do not

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Bosch - redirect

think it is proper. I think it calls for an opinion and conclusion of the witness. And it necessarily has to be based largely on hearsay, and it is a matter that, so far as the Government is concerned, would be impossible for the Government to rebut--a statement of opinion of that nature. So I will sustain the objection to the proffer as made.

MR. GREENSPAHN: Your Honor, I am going to be done with my redirect in one second. It may be that I may already be done, but I do want to publish certainly one document. I would suggest, after what happened, sir, in the last few minutes, perhaps it might be advisable to permit me to publish these documents in the morning.

THE COURT: That will be perfectly all right. I thought you had requested that we conclude his examination, and that was the only reason why I was going late, so that we could conclude it.

MR. GREENSPAHN: If I can do that in the morning?

THE COURT: If the document is in evidence, you can publish it in the morning.

Bosch - redirect

MR. GREENSPAHN: Fine.

(Thereupon the sidebar conference was concluded, pursuant to which the following proceedings were had:)

MR. GREENSPAHN: I have no further questions.

THE COURT: Ladies and gentlemen, we are going to recess now until nine o'clock tomorrow morning.

I would appreciate it if you gentlemen would again see that these ladies get to their cars. I am sorry to have kept you as late as I have, but in order to get some continuity with respect to this testimony, I thought it was best to finish the testimony of this witness rather than quit and have to come back and pick up again in the morning.

So I want to again re-emphasize my instructions to you and re-emphasize the necessity and importance of compliance with them. They are still in force and effect. And I will not repeat them to you because I believe each of you understand them. So you

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

may be excused until nine o'clock in the morning.

Gentlemen, Court will be recessed until  
nine o'clock tomorrow morning.

(Thereupon at 6:21 p.m., the  
hearing was recessed to recon-  
vene on November 14, 1968,  
commencing at 9:00 o'clock a.m.)

. . . . .

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

24-1

MIAMI, FLORIDA

Thursday, November 14, 1968

(The hearing reconvened, pursuant  
to prior recess, at 9:00 o'clock  
a.m.)

THE COURT: Good morning, ladies and  
gentlemen.

Good morning, Mr. Greenspahn. Are you  
ready to proceed?

MR. GREENSPAHN: Yes, sir.

THE COURT: You may.

MR. GREENSPAHN: Your Honor, at this  
time in behalf of the defendant Bosch, we would  
publish Exhibit No. 89-A.

THE COURT: All right, sir.

(Thereupon Government's Exhibit  
No. 89-A was published by  
Mr. Greenspahn to the jury as  
follows:)

"MIRR-COMANDOS L

"ALLIANCE

"P.O. Box 322, Riverside Station,  
Miami 35, Florida

"1661 W. Flager Street No. 7, Miami,  
Florida

"STATEMENTS BY DR. ORLANDO BOSCH

"I feel honored at being designated  
POLITICAL DELEGATE OF CUBAN POWER. I  
accept the designation. There can be no  
greater honor for me nor can there be any  
greater satisfaction to me as a sincere  
fighter than that of having had my  
revolutionary brothers inside and outside  
the Island think of my humble person to  
occupy such a revolutionary position. I  
shall not be filling a mere position but  
rather I shall begin a new march. A goal  
of great dimensions is presented to us and  
we shall not rest until we have reached it.  
For this opportunity of gallantry, for this  
occasion of facing greater dangers, for  
this situation of advancing in greater war  
plans, for this door which my Fatherland  
opens for me, I say 'Thank you' to the men  
of Cuban Power.

"I have communicated to the Central



Junta of Cuban Power in Cuba, through its General Delegate, Ernesto, my decision which has been approved by the National Direction of the 'MIRR-Comandos L Alliance.'

"I have accepted this glorious mission because I know the course of these valiant men with profound democratic principles, lovers of Liberty, desirous of the best fate for Cuba.

"I met Ernesto many years ago. He is an old fighter, a tireless gladiator, and especially, a revolutionary who places the Fatherland above all. As time passed, the Nation again found itself in a position of danger, and the fighting brother returned to the battlefield. Much time had elapsed and we had not met again. In 1966, on board the launch Olympia, we came together again a few miles from Cuban territory.

"On later occasions, Ernesto made contact with men of our Movement and there have been several occasions when we have exchanged impressions outside of Cuba.

"Last August, I saw Comrade Ernesto again.

"On that occasion, I served as a liaison between him and Mr. Bert Quint of CBS for a report on Cuban Power which this news agency filmed.

"On September 17, eve of my public designation, I conferred with Ernesto in the city of Perrine, Florida, where we deliberated for many hours, and reached specific conclusions about ideological and strategic questions in regard to the liberation of our Fatherland.

"In order to prevent the failure of this great effort of the Cuban revolutionaries, I have accepted, because I believe that it is essential to have immediately a spokesman supported by the people, who would be relentless toward the enemy, inflexible in his purpose of indicating the way toward liberation, and who would face all the dangers and consequences which arise along the way from the conspiracy of powerful

interests. I know that this mission is hard and I am not the best qualified man to carry it out, but I have faith in the people of Cuba, confidence in the exiles and serene awareness of the strength of our cause. I take this opportunity to warn the Cubans who are engaged in purposeless terrorism in Miami and other places, and to hold them responsible for furnishing arguments which are used by the conspirators and enemies of the Cuban revolution in order to confuse public opinion, to discourage the Cubans themselves and finally, to present us in the gangster image, worthy of the chronicles of legendary Chicago.

"May our guiding hand help those who are motivated by patriotic purposes in these activities, but who are confused and badly guided, may our guiding hand help them to participate in more fruitful missions. Furthermore, to those evil-doers, thugs, evil-intentioned individuals and hidden Communists who use terrorism as an

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

advantageous tool for their extortions or for the purpose of hurting the image of the exiles, may there go our accusing finger and a sharp blow on their heads without conscience.

"We Cubans must be respected by the peoples.

"In order to be respected, we must come to respect even the very right of the Cubans, themselves, to refuse to cooperate in the liberation of their own Fatherland. That is why we ask those who try to make the people serve by force to cease in their intentions; when men continually use violent methods and procedures, they are responding to frustration, and a picture of such procedures becomes fixed in their minds, and on some future day, when those same people do not respond to their equivocal appeals, they will use tanks and bayonets.

"In regard to my immediate work, it is included in the following ten points:

"Firstly: To unify the exiles.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

"Secondly: To organize the drive 'THE MILLION OF LIBERATION.'

"Thirdly: To encourage the participation of the exiles in every kind of fight.

"Fourthly: To work for the Movement of National Regeneration, characterized by the identification of the Cubans with national values.

"Fifthly: To inform once more the United States Government and the Organization of American States (OAS) of the decision of the Cuban people, inside and outside the island, a decision which is this time inalterably in effect, that we will not permit the United States and the USSR to gamble again with our national destiny, and of our firm intention to resist any attempt to trample on our right to fight for Liberty.

"Sixthly: To obtain the support of the free governments, institutions, organizations and peoples of the world for the cause of the Cuban people.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

"Seventhly: To express to the Cuban Revolutionary Organizations, patriotically and sincerely, the need for a change in strategy, after analyzing these years of fighting which have produced no great results. This change includes the strategy of 'invasion,' 'commando attacks,' and other methods which some of our groups in exile have been using. These various types of strategy, isolated from their propelling source, void of objectivity and historically outmoded, are worthy contributions of the past, but their ineffectiveness requires rectifications.

"Eighthly: To work for the realization of plans in order to create conditions of mobility, security and positive action by activists inside Cuba by furnishing them the means to fight.

"Ninthly: To encourage actions throughout the world by the Cuban revolutionaries, in order to blockade commerce with the tyranny, and by deeds to raise the image of the Cuban fighters for

Liberty.

"Tenthly: To diffuse these concepts to the general public by the means within our reach.

"Miami, September 24, 1968

"Dr. O. BOSCH (signed)

"Dr. ORLANDO BOSCH, Political Delegate of Cuban Power.

"With honor, ideals and Cuban resources

"WE WILL BE FREE!

"Insurrectional Movement of Revolutionary Recovery-Commandos L."

Your Honor, I propose to read a portion of Exhibit No. 75.

THE COURT: All right, sir.

MR. GREENSPAHN: It is a lengthy exhibit, and I don't think it is necessary to read the entirety of it.

(Thereupon Government's Exhibit No. 75 was published by Mr. Greenspahn to the jury as follows:)

"F O R E W O R D

"The proposal contained in the following pages, which you are requested to read but that cannot remain in your possession for security reasons, is to be reviewed by a very small group of loyal Americans - you among them - who have manifested concern regarding the insurgency plan presently being carried out by the Internationale (International Communist Bureau). As an added requirement, those exposed to this plan must hold such positions within the private enterprise system so as to be able to plan an extraordinary and important role as citizens of this free country in the financing arrangements necessary to offset the ever-increasing danger of communist subversion. This communist threat is now coming as a direct threat to the national security of the United States of America specifically, through infiltration in university campuses and the civil rights movement. This proposal is partly designed



to counteract this.

"We have qualified you as a patriotic American. Now you will have the practical opportunity - while remaining in your home and in your present occupation - to effectively combat Communism, helping those who utilize the only tactic that has successfully defeated Communism: direct action. Direct action against the promoters of hemispheric subversive terror and strike, who now direct it from Cuba. Direct action which, as history has proved in Guatemala, Venezuela, Turkey, Greece and Lebanon, has turned the tide against Communism.

"Let us clearly state it - this is not a propaganda plan; a headline, publicity-seeking proposal. This is a confidential outline of an all-out war of attrition to be waged until total victory is in sight against Castro and his hemispheric Viet Nam in Cuba has been eliminated. Only then will peace and self-determination be assured not only in Latin America but in Africa and the

US proper.

"If you think this over carefully, can there be a better security for you and your family than to invest a small amount in order to check and turn back these forces of evil, of religious persecution and the loss of every single, basic right of the individual? Is this security not comparable to a 'blue chip' investment when at stake is - through socialization and ever-increasing State control, ultimate goal of Communism - that you lose everything you now hold and for which you have worked for so many years? This is not Utopia; this has happened to other businessmen, only 90 miles away.

"Increased Direct Action against Communism as an outgrowth of this proposal is mainly guaranteed by our record of five years of bitter struggle - not at a typewriter, or a microphone, but in the fields of battle. Five years of warfare with no US government financial support; mostly with just dime, quarter, and \$1-bill

contributions from our own countrymen show conclusively that we have accomplished just as much as the rest of the revolutionary organizations in this field - including some which are mere 'fronts' for the US government. How have we accomplished such a record with limited funds? Lack of bureaucracy resistance to easy money and official pressures to direct us, dedication and unswerving committal to carry out our ideals without armchair directives is, to a great extent, the reason.

"Now, the task we have presently embarked ourselves in cannot be carried out with just dimes, quarters and \$1-bills. This is why we now knock at your door.

"We will fight and we will win - because we have absolute trust in God and of final victory over Communism. Help us to help you spare yourself what we have already been through; help us bring Cuba back to democracy and self-determination - rather than keep that unsinkable aircraft carrier

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

of subversion which through radio and other types of propaganda, and as base of guerrilla training, will soon send hundreds of subversives to the United States instead of the limited few of the Black Liberation Front. Help us preserve the Jefferson Memorial and the Statue of Liberty! Better still, help us preserve your present way of life.

"Dr. Orlando Bosch, Coordinator -  
MIRR."

Your Honor, the defendant would call  
Oscar Angulo.

(Thereupon, Oscar Angulo, called  
as a witness and not having  
responded to the call, failed to  
appear.)

MR. GREENSPAHN: Your Honor, the witness  
is not here.

THE COURT: Has he been subpoenaed?

MR. GREENSPAHN: Yes, sir. We were  
told he would be here in the beginning of the  
morning session. I do not wish to embarrass the

witness in order to have the Court's powers employed in this regard. He is not here.

MR. BIERMAN: If we could have a brief proffer of his testimony, we could save time. We have an idea of what it relates to, and we would object to it.

THE COURT: Do you have another witness that you can use?

MR. GREENSPAHN: No, sir. I plan to probably rest my case after him.

THE COURT: All right, sir. Do you want to make a proffer in the presence of the jury?

MR. GREENSPAHN: I will be glad to make it out of the presence of the jury.

THE COURT: Will you excuse us for a few minutes, ladies and gentlemen?

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

MR. GREENSPAHN: Your Honor, the nature of the testimony to be presented by this witness is as follows: Oscar Angulo is a newsman for Radio Station WQBA, a local radio station which serves the

Cuban community. The day after Mr. Morales testified-- and I had alluded to this before the Court before-- Mr. Angulo, while driving down to the courthouse in the morning for the purpose of covering this trial for his radio station was forced to the side of the road by Mr. Morales and another gentleman who, I believe, can be identified. His work notes were taken, destroyed, threats were made to him by Mr. Morales directly.

This goes to the type of person Mr. Morales is, the type of credibility, if any, that he should be accorded. This, essentially, would be what his testimony would be.

He was under subpoena by the Government as well, I understand, but, of course, they didn't choose to bring him in.

MR. KLEIN: Who was?

MR. GREENSPAHN: Angulo. I may be misinformed, but that is the information I had.

MR. KLEIN: There is a dispute as to the facts, but having taken things in that light, that is just not material. It is something that a witness does in the way of a threat, if he does it, and it is

just something that does not bear upon his credibility. To try to show some act of misconduct, either prior or later, is just not the proper way.

I think that the furthest scope of any kind of misconduct that can be gone into to attack the credibility of the witness would be what we have had on the stand and in the way of showing this man's arrest and the purpose of that arrest. But any further than that, whether or not he beats his wife or makes a threat or anything else is not material.

THE COURT: The question is whether or not he tried to intimidate or coerce or influence another witness.

MR. KLEIN: That man was not a witness.

MR. BIERMAN: He was not a witness at that time. He was called afterwards to discuss this particular threat. The incident arose over the fact that the radio station that he represents--and Mr. Morales believes it was his--called Mr. Morales a "chivato" over the air and said, "All good Cubans should spit in his face," and I don't know what happened. They did confront each other. The

additional facts of the confrontation I don't know, but this can in no way relate to his truth and veracity in his testimony prior to this, if he has a temper which flared up afterwards and he confronted this man.

MR. GREENSPAHN: I might add this, your Honor, for the knowledge of the Court: On the Sunday before this trial began, I spent an hour and a half with Mr. Angulo, because I did contemplate his possible use as a witness in this proceeding. As it is, I don't feel that necessarily relevant at this time that he testify to the things that I thought he might do, but he understood that he would be called.

THE COURT: Let me ask you this: Forgetting the incident for the time being, what testimony, if any, that would be relevant or material to this case could this proposed witness give?

MR. GREENSPAHN: Your Honor, I don't know what testimony he would give or that I would want him to give. I didn't intend at this late stage of the trial to put him on for any purpose than this, but there is other testimony. As I understand it,



he was at the supposed meeting involving the black hood, and it was my principal purpose in talking to him.

THE COURT: That would just be cumulative. What he would testify to about that particular meeting would be merely cumulative. That is as to what both sides have put in with respect to this, because there is no conflict with respect to what took place.

MR. GREENSPAHN: I agree with your Honor.

THE COURT: What I am concerned about is this: If the man had no relevant or material testimony with respect to the merits of this case and that testimony was not attempted to be intimidated or if the witness was not attempted to be intimidated from giving that testimony, which, of course, would be a violation of a federal statute to begin with on the commission of an offense, I would not be concerned with any personal encounters that these witnesses might engage in, no more than I would be concerned nor would I permit--and I don't suggest that--but suppose the Government would want to come

in in rebuttal and attack Dr. Bosch's testimony by saying that he testified on the stand that he has a wife and children and everything, but we have witnesses to prove that he beats his wife on Saturday nights. I wouldn't permit that. It would be an act entirely unrelated to this particular matter.

If this particular witness and Morales have some personal argument or some disagreement among themselves, I would not be concerned with that, no more than I would, for example, if you proposed to prove that Morales got into a fight last night and beat some fellow up in an argument. But I am concerned and I would be concerned if there was any attempt on the part of Morales to make this man change his testimony which would be material or relevant to this case or to prevent him from testifying as to any matter which would be material or relevant in this case or which would in any way contradict Morales' testimony. I would take the position then that that would be admissible; and in addition to that, it would be the commission of a felony by Mr. Morales.

MR. GREENSPAHN: Exactly.

MR. KLEIN: We have heard of incidents from both ends, including Mr. Angulo and Mr. Morales, and it did not relate to any testimony. It related to newspaper editorializing, radio editorializing about the character of Morales.

MR. GREENSPAHN: The fact is, Judge, when this happened, there was a very distinct probability that Angulo's testimony might be of value to the defendant.

As you say, at this posture of the proceeding, it becomes cumulative, because we had anticipated that the Government might bring in or attempt to show, as has been shown, anything further than that one meeting. But at this time his testimony as a witness is relevant and material and not cumulative.

Now, of course, because of the several days that have passed since that event, it is a different story. Now his testimony is cumulative and I didn't intend to call him for that purpose, because I felt it would add nothing to it, but that decision on my part has been made in the last day or two.

MR. MORRIS: The question is that the confrontation had nothing to do with the testimony.

THE COURT: I prefer, before passing on this thing, if possible, to get this witness here and have him put on the stand, put under oath and see what the situation is directly by virtue of proffered testimony, and then I will pass on it. I do not want to do it, but with the state of the record as it is now--for that purpose, Mr. Greenspahn, I am perfectly willing for the Marshal, at your request, to try to communicate with this man. If he cannot find him, I am perfectly willing to continue the trial and issue a warrant for his arrest and bring him in here.

THE MARSHAL: I contacted this man on his home phone but he is not home. I contacted his place of employment--he is a newspaperman. He has not appeared there as yet today.

MR. GREENSPAHN: I believe he is on his way here. It was my understanding that he would be down here.

THE COURT: Suppose we do this: I prefer actually to have an actual record made rather

than a proffer and a possible difference of opinion as to what the situation is, because at this point or at that point I would be in a better position to pass upon the matter than just the statements of counsel; because, first of all, you gentlemen, while I am sure you are both sincere, you don't interpret it quite the same way. I don't want to be in the position of accepting the evaluation of the situation by one or the other. I would prefer to have the witness.

We will recess for a little while and see if he comes up here. Let's take a recess and we will wait.

You have said or you have indicated that after this you are going to rest?

MR. GREENSPAHN: Yes, sir. It appears that I will. I am relatively sure that I will.

THE COURT: Well, I will tell you what I will do: We will take a recess for ten or fifteen minutes or so, and if he shows up--if he is going to show up, he certainly ought to be here by a quarter to ten.

MR. GREENSPAHN: I think so. And we

can find him, I am sure, in the interim.

THE COURT: Good enough. We will take a recess for a short time and see if we can locate this man, and if he doesn't appear in the meantime after a reasonable time, if he doesn't show up, we will go ahead and discuss what further procedures we should take. In the meantime the Court will take a short recess.

You might tell the jury, if counsel do not have any objection, Mr. Marshal, that they can go across the street and get a cup of coffee. We will take at least fifteen or twenty minutes.

MR. GREENSPAHN: Fine.

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

THE COURT: Ladies and gentlemen of the jury, some matters have come up which will make it impossible for me to continue taking testimony between now and noon. Therefore, I am going to excuse you until one o'clock. During that recess the same instructions I have given you, of course, will

still be applicable. You may be excused until one o'clock. I hope we will be able to get started again by then.

(Thereupon a short recess was taken, pursuant to which a conference on charges having been held, the Court reconvened, pursuant to which the following proceedings were had out of the presence of the jury:)

THE COURT: Gentlemen, I have been advised by Mr. Greenspahn that he has a prospective witness who cannot be here until one-thirty. So far as the Court is concerned, I am, of course, disposed to wait, if the witness is able to be here.

Now, with respect to the other witness who has not appeared, a warrant was issued by me for his arrest. A diligent effort has been made by the Government to locate him; and in the course of their efforts to locate him, they advised me that they communicated with his employer who stated to them that he and this employee of his (the prospective witness) had a long conversation regarding his appearing today,

and as a result of that conversation it was decided that he would not appear today, would not be available as a witness; that he (the editor) does not know the man's present whereabouts, but that he believes that he left the city early this morning and was en route to Key West.

The Marshal's office has circulated a notice for his arrest and apprehension. If he should be in Key West, I have no doubt but that he will be picked up and will be arrested. If that be true, I have no way of knowing--he may be going to Jacksonville instead of Key West--but if that be true, even if he were apprehended within the next hour, it would be three to four hours before he could be returned to Miami.

So that there will be no misunderstanding, so far as I am concerned, this warrant for his arrest is outstanding and will continue to be outstanding whether he is called as a witness in this case or not, whether this case is concluded or not. Because, so far as I am concerned, the witness has committed a deliberate contempt of Court, and I propose to have him before me and have him or give him



an opportunity to show cause why he should not be subjected to the penalties for contempt and for willful disobedience of the subpoena.

However, we have this situation: I prefer to have the witness' testimony, if it is possible to do it. However, I do not intend to continue this case indefinitely in order to wait until such time as he is apprehended and brought here.

I have concluded from the proffer that had been made to me by counsel and by the statements of the Government that if called as a witness this man would testify to some altercation which occurred between him and the witness Morales concerning some notes or some reports that he was making with a view to publishing something in the paper.

I don't find in what has been said before me at this time any attempt to intimidate this witness from giving any testimony with respect to any relevant or material knowledge that he may have concerning the merits of this case; nor do I find any attempt to purposely prevent him from testifying or to get him to change his testimony.

In view of my conception of the proffer that has been made before me, I will rule that the purpose for which the witness is being proposed to be offered--that is, to affect or attack the credibility of the witness Morales--the testimony which he proposes to give would not be a proper form of impeachment, nor would it be a proper method of attacking the credibility of the witness. And if such testimony were presented and there were an objection by the Government, I would sustain the objection of the Government. I base my ruling, to some extent, upon the fact that it appears to me that this particular altercation is something more or less of a personal affair as it might relate to this witness and Morales. Secondly, isolated or similar events normally are not proper evidence insofar as it might tend to affect the reputation or character of the witness. I don't see how it would affect or could affect the credibility of Morales in this respect in that there is nothing in this record which constitutes a denial by Morales of the acts that this witness, if permitted to testify, would testify to. So, gentlemen, I am going to rule that the testimony,

considering the purpose for which it is offered, is not competent or material or relevant to the issues of this case, and I will sustain the Government's objection to the proffer.

Now, gentlemen, we will wait until one-thirty.

MR. BIERMAN: I think we can alleviate that. I have spoken to the witness involved and would be willing to stipulate as to his testimony.

THE COURT: What witness? The one that is coming?

MR. BIERMAN: Alphonso Sepe.

THE COURT: Are you willing to stipulate what his testimony will be? Unless counsel are in perfect agreement--

MR. BIERMAN: After making it known to him, I think he will be in agreement.

THE COURT: We will recess for a short time and see if you gentlemen can agree. If you cannot, we will then recess until one-thirty when the witness can be here.

As I understand it, this witness who has not appeared was subpoenaed, is that correct?

MR. GREENSPAHN: Yes, sir.

THE COURT: And he was not excused by you from appearing?

MR. GREENSPAHN: No, sir. He was asked to be here today.

THE COURT: All right, sir.

MR. GREENSPAHN: In the light of your ruling, your Honor, I recognize that the matter is now in the hands of the Court as to the disposition of the witness. However, if the Court is now going to let me use him in any way, then I wish him no harm and I would not ask the Court to proceed on the warrant on the basis of my previous request that it be done.

THE COURT: I appreciate your feeling, Mr. Greenspahn, but the Court is not acting on your suggestion. The Court is acting on its own initiative and own motion, and the Court does not look kindly on anybody who flagrantly violates the orders of this Court or the processes of this Court. And the fact that I have, under these circumstances, ruled that his testimony would not be admissible does not in any way excuse him from being present. And what action the

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Court takes with respect to him, so far as I am concerned, is dependent entirely upon what excuses, if any, or what reasons, if any, he gives to me. I certainly will give him an opportunity to explain why he hasn't been present. If I think it is a good reason, that is it. If I do not think it is a good reason, then I am going to take whatever action I think is proper under the circumstances.

MR. GREENSPAHN: May I have the right, sir, if he presents himself before the Court, to renew my proffer of him for other purposes if such other purposes present themselves?

THE COURT: Yes, sir, you certainly may.

All right. We will recess for a short time and you gentlemen see if you can stipulate. We will recess until the witness gets here.

(Thereupon a short recess was taken, pursuant to which the following proceedings were had in the presence of the jury:)  
(Thereupon at 2:15 p.m., the hearing reconvened.)