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THE COURT: All right, gentlemen. You may proceed.

THEREUPON--

RICARDO MORALES NAVARETTE,  
called as a witness on behalf of the Government,  
having first been duly sworn, was examined and  
testified as follows:

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

THE WITNESS: Ricardo Morales Navarette,  
Miami, Florida. Salesman, self-employed.

DIRECT EXAMINATION

BY MR. BIERMAN:

Q Mr. Morales, where were you born, sir;  
and, if you would, speak loudly enough so that the  
last juror in the last seat can hear you.

A June 14, 1939, Havana, Cuba.

Q When did you come to the United States?

A November 29, 1960.

Q What is your native language, sir?

A Spanish, sir.

Q When, if ever, sir, did you have  
occasion to first meet Dr. Orlando Bosch?

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A Back in 1962, at the end of 1962, and in the summer of 1963.

Q Did you have any dealings with him at that time?

A Yes, sir.

Q Who arranged this, if anyone?

A He was introduced to me through Aimee Miranda.

Q And the Orlando Bosch that you have spoken of, and the Aimee Miranda that you have spoken of, are they in the courtroom today?

A Both of them, sir.

Q Will you point them out, please?

A The one with the glasses, and she is the lady there.

MR. BIERMAN: Let the record reflect that the witness has identified the defendant Dr. Orlando Bosch Avila and the Defendant Aimee Miranda Cruz.

THE COURT: All right, sir.

BY MR. BIERMAN:

Q Did there come a time when you

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discontinued dealing with them, without telling us the reasons?

A Yes.

Q Then did there come a time when you renewed your friendship with Dr. Bosch, or your acquaintance?

A Yes, sir.

Q When was that, sir?

A I don't understand your question.

Q When was it that you renewed your acquaintance with him?

A This year, sir.

Q Around what time?

A April.

Q Where was it, if you recall?

A It was in the morning of the 25th of April. I was traveling in the southwest section, on 1st Street, going east, and I ran into Dr. Bosch. He was riding in a black Falcon that was driven by some other fellow, another individual. And I waved to him and he waved to me, and we stopped at 1st Street between 7th and 8th Avenues in the southwest

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section.

Q Do you know who that other individual was?

A Not at that time.

Q Do you know now, sir?

A Yes, sir.

Q Do you see him in the courtroom?

A Yes, sir.

Q Will you point him out, sir?

A The one between Dominguez and the other fellow there. I don't know who he is.

THE COURT: Well, suppose you step down from the witness stand and point him out so we will know exactly who you are talking about.

THE WITNESS: The one--referring to that one leaning back. That's the one.

THE COURT: All right, sir.

MR. BIERMAN: Let the record reflect that the witness has identified the Defendant Andres Jorge Gonzalez Gonzalez.

BY MR. BIERMAN:

Q Did you and Dr. Bosch have any

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discussion at this time, sir?

A Yes, sir.

Q What did you discuss?

A He started asking me questions about my past arrests, and after that I asked him questions about a late document that was published on January 20 with the signature of the so-called Ernesto, and he said--

MR. GREENSPAHN: Objection, your Honor.

I would respectfully move to suppress the testimony of this witness. I think the argument would be better to be made out of the presence of the jury.

THE COURT: Ladies and gentlemen, will you excuse us for a few minutes? The same instructions, of course, are still applicable.

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

MR. GREENSPAHN: Your Honor, I have been provided with the 302 material by the Government,

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and it is apparent, from the reading of these 302s, that Mr. Morales was a paid informer at the time of his contact with Dr. Bosch initially in April, 1968; that Mr. Morales undertook, pursuant to directions from his superiors in this instance--I believe the FBI--to engage Dr. Bosch in conversations of a nature that might be incriminating to Dr. Bosch; that during the course of the many meetings of these two parties there were planted and hidden tape recorders and recordings made of the conversations between Dr. Bosch and Mr. Morales and other individuals who stand before this Court as named defendants; that throughout the course of the meetings and several conversations involving this witness while he was in the employ of the Government, he was acting as a conduit for information, using himself as bait, using himself as a means of extracting from these defendants possible admissions against interest by them.

I submit, your Honor, under the authority of the case law, particularly the Osborne v. United States case, the Fourth Amendment constitutional sanctity of privilege against self-incrimination has

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been violated; that anything this witness might henceforth say from this witness stand concerning any conversations that he had with any of these defendants would be a violation of that guaranteed constitutional right against self-incrimination; that at all times Mr. Morales was acting as a conduit. He was acting as a receiver of information for the Government; that no explanation of his position in the matter had ever been given to these defendants prior to this prosecution; that the recordings that he ultimately made and which will probably be the subject of his present testimony were all made in contravention of the common law of the United States and of the Fourth Amendment to the Constitution.

This essentially is the basis for the motion to suppress. I feel if this testimony is to be permitted, it should be permitted only after it is proffered by the Government to the exclusion of the jury before the Court so that the Court can, accordingly, rule as each occasion presents itself. And I anticipate there will be several occasions during the course of this testimony that the matter will become

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germane.

I think that to permit him to talk about these things without the Court having heard the objections as those objections are raised would be a violation of every essential element of the privilege and right that a defendant has before this Court.

I think, as a matter of time saving and as a matter of avoiding unnecessary delay in the course of this trial, the Court would be well advised to consider the testimony of this man outside the presence of this jury and to make such rulings as, accordingly, should be made.

MR. BIERMAN: Your Honor, in response to that, just very briefly, the Supreme Court of the United States decided, in Hoffa v. United States--

THE COURT: Gentlemen, I think I am familiar with the law. I find no present basis at this point upon which to grant the motion.

I will deny the motion. I see no basis at this time.

The mere fact that the man may have been an informant and the mere fact that he may have



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had radio transmitting equipment and that he may have acted as a conduit for the purpose of receiving information would not, in my opinion, render it inadmissible.

Conceivably, as counsel apparently seems to contend, there is a basis, but that merely would go to the weight and credibility which might be given to his testimony.

The fact that counsel apparently is contending that there is a basis for entrapment would constitute a matter of defense and is a matter which may be fully developed on cross examination.

I may well advise counsel that at this time, however, I have consistently held that if the defendants in this case, as I have held in other cases, depend upon entrapment as a defense, the defense of entrapment necessarily admits the commission of the offenses as to which they claim they were entrapped.

MR. GREENSPAHN: We are not asserting that defense at this time, your Honor.

THE COURT: I will at the present time overrule the objection and the motion.

I will further rule that if there is

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anything which should be taken up out of the presence of the jury, I understand that counsel has a dental appointment, but I will hear any such matters and excuse the jury for such period of time after lunch, if necessary, and I will hear and pass upon such matters before they come back.

At the present time the motions are denied.

You may proceed. Bring the jury in, please.

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

THE COURT: You may proceed.

BY MR. BIERMAN:

Q Mr. Morales, I believe at the time of the recess we were discussing your discussions with Dr. Bosch on April 25 of this year. What was the discussion?

A We were discussing that document that was in the Cuban News Media concerning the so-called

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Ernesto on January 20, and he explained to me that some people have arrived from Cuba, he said, with a suitcase loaded with money and some instructions to establish a Cuban Power organization in the United States.

So I told him, "Listen. I have been in revolutions for a long time, and you can't fool me about some people coming down from Cuba. I got information from different exiles that you are the one behind the--

MR. GREENSPAHN: If the Court please, that is clearly hearsay. I will enter an objection of hearsay as to each of the other named defendants with regard to anything that relates to the defendant Bosch.

THE COURT: Ladies and gentlemen, at this time I will have to advise you that, as I have told you, this indictment consists of several counts. The first count is a conspiracy count. The second count directly charges three of the named defendants with the commission of an offense. The third, fourth and fifth counts relate solely to Dr. Bosch.

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Now, with respect to the conspiracy count, the Court will now charge you that if it is established to your satisfaction beyond a reasonable doubt that a conspiracy did exist such as is charged in the first count and that a defendant was one of the members of that conspiracy, then the acts and declarations of any other member of such conspiracy in and out of the presence of that defendant, if done in the furtherance of the objects of the conspiracy and during its existence may be considered as evidence against any defendant whom you find to be a member of such conspiracy.

When persons enter into an unlawful agreement, in effect they become agents for one another. However, statements of any conspirator which are not in furtherance of the conspiracy or which are made before its existence or after its termination may be considered as evidence only against the person making the statements or doing that act.

Does everybody understand that? The law of conspiracy is a little complicated, and at the conclusion of this case I will give you a full charge

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on it. But in substance, it is, as I have told you, that if you should find that a conspiracy exists, that any statement or act done by any member of that conspiracy may be considered as evidence against all the other persons you find to be members of that conspiracy, but they must be acts or statements made during the existence of the conspiracy and in furtherance of its object. Acts or statements made prior to it or after it has been concluded may be considered as evidence only as against the individual who is making it.

Does everybody on the jury understand that?

(The jury indicates in the affirmative.)

THE COURT: Fine. You may proceed.

BY MR. BIERMAN:

Q Mr. Morales, you were making reference to a suitcase full of money. Will you continue, please, sir?

A Yes, sir. So I told him, "Listen. I have been in revolutions for so many years, and

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through my own research and through my own study of that document, I believe that you are the one behind that document. You are the one signing with Ernesto's name."

So he said "Yes" to me, and he told me, "Well, you know how those things work out in this business."

So he asked me if the FBI had been questioning me about who may I think was the one behind that signature, and I told him yes.

And he said, "Did they mention my name?" And I told him yes.

And he said that the FBI have arrived to the conclusion that he was behind that signature for exclusion--by an exclusion way, because there were only three people that were likely to be behind that Cuban Power.

Q Do you mean by "exclusion" what we would use in English words "elimination"?

A Elimination, sir, that's right. One of them was Major Fleitas and the other one was Felipe Rivero. And he said that Major Fleitas was not

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involved in any local scene, and Felipe Rivero had sold himself out during the time he is in the Dade County Jail to Immigration and the Government.

Q Did you discuss, sir, any function which you might have in relation to Dr. Bosch?

A He asked me if I was willing to help him in furnishing equipment--that means explosives--in the language that we were talking at that time.

Q What language were you talking in?

A Equipment. When I referred to equipment I mean explosives.

Q What language were you speaking in?

A In Spanish.

Q Do you fully understand Spanish?

A Oh, yes. That is my own language.

Q Do you have any special knowledge of explosives?

A I am a demolition expert, sir.

Q You received training at some time or other?

A Yes, sir.

Q At the conclusion of this meeting with

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Dr. Bosch and Mr. Gonzalez, did you make any arrangements for any future meetings?

A Well, Mr. Gonzalez was not present during the conversation. He stepped out of the car and he went across the street to a warehouse where some other individuals were there.

Q Is he known by any other name?

A His nickname is Bombillo.

Q At the conclusion of your conversation with Dr. Bosch, did you make any arrangements for any future meetings?

A He gave me his new telephone number, and he told me that if I want to contact him, it was to be made through Aimee Miranda, and he wants to contact me in the near future to be a source of equipment. That means explosives and--

MR. GREENSPAHN: May it please the Court, your Honor, the witness has chosen to give his testimony in the English language. Could he, therefore, be compelled at this time to give the English equivalent of the nickname that he has given-- Bombillo--which has a very horrendous sound, but it



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isn't horrendous at all.

MR. BIERMAN: We will stipulate that "Bombillo" means "light bulb."

THE COURT: That is what it meant to you, did it not, sir?

THE WITNESS: That's right, sir.

THE COURT: Now we are clear on it.

BY MR. BIERMAN:

Q Did you have occasion to see Dr. Bosch again?

A Yes, sir.

Q When was that, sir?

A That was on June 12 about nine o'clock or nine-thirty. It was at the corner of the restaurant at 12th Avenue and 1st Street, and Miss Miranda passed by there driving her own car, and I waved to her and told her that I want to see the doctor, and she said that she was going up to Marcelino's place where she might reach the doctor there and she will relay that message to the doctor.

Q Did you, in fact, see him later that day?

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A Yes, sir. About ten o'clock he showed up there at the restaurant, and we started--we went into the restaurant and we had a long discussion there.

THE COURT: When you say you went to see the doctor, who are you referring to?

THE WITNESS: I am referring to Dr. Bosch, sir.

THE COURT: All right, sir.

BY MR. BIERMAN:

Q Is that how he was commonly known to you, sir?

A That's right.

Q Did Miss Miranda ever refer to him as the doctor?

A Yes, sir.

Q What occurred, sir? What discussion, if any, occurred at your next meeting?

THE COURT: Who was present now?

BY MR. BIERMAN:

Q Who was present at that time?

A Only Dr. Bosch and myself.

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Q Where was that, sir?

A Inside the restaurant.

Q That was on June 12?

A On June 12, sir.

Q What discussion took place?

A We discussed the bombing of the GRANWOOD, we discussed the bombing of the OSAKA MARU in Tampa Bay, and we discussed the fact that he wanted some more explosives for future operations, and he said that he was going to show up as a delegate to the civilian coordinator for Cuban Power, and the so-called Ernesto was going to name him as his personal delegate for Cuban Power. We discussed the amount of the charge that was placed at the GRANWOOD, ten pounds of C4 plastic explosive; that it was a very big disgrace that the OSAKA MARU went off in Tampa Bay, for the thing that he wanted was for that ship to blow up outside in the middle of the sea because he was anxious to see all the Japs swimming and screaming "Wee, wee, wee" while the ship was sinking.

Q That is what he said to you, sir?

A That's right, sir.

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He also disclosed that there had been a pretty short press freeze concerning the GRANWOOD explosion; that, in his opinion, the news had been hidden from the Government; that the FBI was breathing on his neck; that the FBI knows that he was Ernesto, and he required more explosive equipment and some underwater equipment to work on.

Q What type of underwater equipment was that, sir?

A We talked about the rebreather equipment.

Q Would you explain to the Court and the jury what a rebreather is.

A A rebreather--the proper name is a minilung. It is equipment, very small, that has an oxygen tank that is filled with some medical oxygen and it has also got a filter and that works out as a lung so you can use that oxygen over and over again. So the oxygen goes into the canister and that canister is loaded with some granules to purify the oxygen and you can use it again, the same oxygen, and there are no bubbles coming up to the surface of the water; so

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no one will be able to detect that there is a diver underneath.

Q If someone is diving with scuba equipment without a rebreather, are the bubbles apparent on the surface?

A That's right, sir.

Q Did you, sir, in fact ever deliver the rebreather equipment to Dr. Bosch?

A I'm not finished with the conversation, sir.

Q I'm sorry. Go on with the conversation.

A And he said that he also have sent a telegram, a challenge to the government of England, challenging them to disprove that the GRANWOOD was an accident; that the GRANWOOD was actually a bomb that went off.

Q Did he discuss with you, sir, anyone else who was working with him?

A He disclosed the names concerning the use of the rebreather equipment in the future, saying that Bombillo will check on that rebreather.

Q That is the same person you referred

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to before as Andres Jorge Gonzalez Gonzalez, is that right?

A Yes, sir.

Q Did he discuss anyone else who he had working for him?

A He mentioned again Aimee as a contact or go-between between him and I, and he disclosed also Marcelino and a guy by the name of Bobby.

Q Do you know who that Bobby would be?

A Right now, yes, sir.

Q Who is that?

A He's the one next to that fellow--I don't know who he is--that is, next to Gonzalez there, the one next to--

Q Will you come down and point him out, please?

A He's the one (indicating).

MR. BIERMAN: Let the record reflect that the witness has identified the defendant Barbaro Balan Garcia, also known as Bobby.

THE COURT: All right, sir.

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BY MR. BIERMAN:

Q Did you then have occasion to deliver this rebreather equipment?

A Yes, sir.

Q When and where was that?

A That was at my apartment on June 15.

Dr. Bosch showed up there with Gonzalez, and I got the minilung there and I showed it to him, and I placed it on the person of Gonzalez and I showed him how to work out with the rebreather and I showed him the canister and the different procedures of the operation of that rebreather, and I told him at that time I do not have any granules to go to fill out the canister.

Q Did he ask you any questions during the course of that about little things on the rebreather?

A Oh, yes, sir. I went into a full description of the operation of that minilung. So I told him again I had no granules. And he asked me for one hundred pounds of gelatin-type dynamite plus the granules.

Q Was that the conclusion of that meeting, sir?

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A That's right, sir.

Q When did you next see Dr. Bosch?

A I next seen him on about the 22nd of June again. I gave him the granules for the rebreather.

Q And how were they packaged, sir?

A It was packaged like in one of those milk containers.

Q The plastic container?

A Plastic containers.

Q Do you recall what was written on them?

A Baralyme was the name that was written.

Q Is that the correct name of the granule?

A Yes.

Q You stated, sir, that you discussed the delivery of a hundred pounds of gelatin dynamite, is that right?

A That's right, sir.

Q And did you, in fact, make a delivery?

A Yes, sir.

Q When and where was that, sir?

A I delivered the dynamite on July 2nd

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at my apartment.

Q How was that packaged, sir?

A That was packaged in boxes bearing the name of the manufacturer, the duPont Company, "Dynamite-Dangerous," and so on.

MR. BIERMAN: Will you mark this as Government's Exhibit No. 19?

(Thereupon the box referred to was marked as Government's Exhibit No. 19 for identification.)

BY MR. BIERMAN:

Q I show you what has been marked as Government's Exhibit No. 19 for identification, sir, and ask you, sir, if this is the box which is like the box which you delivered.

A It looks alike, and it should have a "D" some place here. It's a dummy. Right here (indicating).

Q Was this the size and shape of the box, sir?

A Yes, sir.

Q And did the same markings appear on it--

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"duPont"?

A Yes, sir.

MR. BIERMAN: I would offer Government's Exhibit No. 19 as an example of the type of box which was used.

MR. GREENSPAHN: I object, your Honor. The best evidence is the box itself. And as the witness has indicated, there should be a "D" on here indicating dummy. And there is no "D" on here. Oh, yes, there is. But this is not the real box. And the best evidence--

THE COURT: Is this box identical to the one you delivered?

THE WITNESS: Yes, sir.

THE COURT: The objection is overruled, with the understanding and statement to the jury that this is merely to help you understand and explain the evidence to you. It is not the original box but merely an exact reproduction of the original box which the witness has testified about.

You may proceed.

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(Thereupon the box referred to  
was received in evidence as  
Government's Exhibit No. 19.)

MR. BIERMAN: Will you mark this as  
Exhibit No. 20, Mr. Clerk, please?

(Thereupon the container referred  
to was marked as Government's  
Exhibit No. 20 for identification.)

BY MR. BIERMAN:

Q You stated, Mr. Morales, that you  
delivered a package of granules to Dr. Bosch. Would  
you examine what has been marked as Government's  
Exhibit No. 20.

A It looks alike, sir.

Q Would you examine the writing on it?

A That's right.

Q Is this the same type?

A The same writing, the same type.

MR. BIERMAN: We would offer, your  
Honor, this exhibit under the same ruling as Exhibit  
No. 19.

THE COURT: Subject to the same

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objections, which are overruled, and with the same explanation to the jury, the box is admitted in evidence. Again, as I say, it is merely to help you understand and explain the evidence to you. They are not the originals but they are supposed to be identical with them.

(Thereupon the box referred to  
was received in evidence as  
Government's Exhibit No. 20.)

BY MR. BIERMAN:

Q Where did you get this box, sir?

A At the Howard Johnson located on 27th Avenue and 36th Street.

Q Who gave it to you?

A Special Agent Joseph C. Ball of the FBI.

Q Did you, sir, know that it was dummy dynamite?

A Yes, sir.

Q Did you, sir, at any time communicate the fact that this was not genuine dynamite to Dr. Bosch?

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A No, sir.

Q Who was present at the time of this delivery?

A After I picked up the dynamite at Howard Johnson, I went to my apartment, and when I arrived there, I saw parked outside on the street two cars, one a white '64 Ford two-door that I recognized as belonging to Dr. Bosch's wife, and a '62 green Oldsmobile, two-door. Dr. Bosch was behind the wheel of the white Ford. So I waved to him and I went into the driveway and to the back of the building. So after a second, there was a car getting into the driveway, also. The '62 green Oldsmobile was driven by a white male individual with long sideburns and Dr. Bosch next to him. That individual was introduced to me as Tony Prieto.

Q Do you see that individual in the courtroom today?

A Yes, with the yellow suit coat.

MR. BIERMAN: Will the record reflect that the witness has identified the defendant Jose Diaz Morejon, also known as Tony Prieto?

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THE COURT: All right, sir.

BY MR. BIERMAN:

Q What then occurred, sir?

A They asked me if I got the dynamite and I told them, "Yes, in the trunk of the car." So they opened up the trunk of the '62 Oldsmobile-- before we switched the boxes containing the dynamite, he asked me, "Any dangerous to explode the dynamite if we drop it on the floor?"

I told him no. So I grabbed one of the boxes and smashed it against the floor.

Q And with genuine dynamite is there any danger of your dropping it?

A No, sir.

Q How is genuine dynamite exploded?

A With blasting caps.

MR. GREENSPAHN: If it please the Court, there has been no qualification of this witness to express an opinion.

THE COURT: I agree with you.

MR. BIERMAN: I will withdraw the question.

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BY MR. BIERMAN:

Q Was Mr. Prieto present during this dropping?

A Yes, sir.

Q And the discussion of the dynamite?

A Yes, sir.

Q What, sir, is the Spanish word for "dynamite"? How is that spelled?

A Dinamita, d-i-n-a-m-i-t-a.

Q What is the Spanish word for "explosive"?

A "Esplosivos."

Q Of course, the box was marked in English, is that correct?

A That's right.

Q As it appears with "dynamite" and "explosive"?

A That's correct.

Q Did you have any discussion with Dr. Bosch after Mr. Prieto left if, in fact, he did leave?

A Yes. He left after he placed the suitcases of dynamite in the trunk of the car.

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So he said only that he has now, you know, a couple of more bombings and he will show up at a press conference as the delegate of the so-called Ernesto, and he makes a requirement for more deliveries of equipment in the future and the way to contact him, et cetera.

Q Did you, in fact, see him again?

A Yes, I did, sir.

Q When was that?

A It was on July 16 at the--

Q When and where and who was present?

A At the restaurant on 12th Avenue and 1st Street.

Q Who else was present, if anyone?

A He showed up there with the one that he introduced to me before as Tony Prieto and another individual with sideburns, and he didn't introduce him to me.

Q Do you see that individual today? --

A Yes, the one next to Gonzalez with the long sideburns there.

MR. BIERMAN: Will the record reflect



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that the witness has identified the defendant Jesus Dominguez Benitez, also known as El Isleno.

Q What discussion occurred?

A We discussed first the MIKAGESAN MARU, and I told him that there was some news release concerning the explosion on the MIKAGESAN MARU, and he avoided the question, and he said it might be an accident. We discussed also future deliveries of the equipment and we discussed also--he arranged for a meeting with Theofilo Babon concerning some sort of contributions to Cuban Power, and I asked him if he was going to disclose his identity, and he said, "No, I'm not going to tell him."

Q Was there anything else discussed at this time?

A He revealed that he was interviewed by two FBI agents at the Everglades Hotel concerning his activities.

Q Did he say whether or not he learned anything from this interview?

A Later on, yes.

Q But not at that time?

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A Not at that time.

Q When did you next have occasion to meet him, if you did?

A About five or six days after, at my apartment. We discussed again the MIKAGESAN MARU, because there was published a document taking credit, signed by Ernesto, about the bombing of the MIKAGESAN MARU, and he said that he learned from those two FBI agents that interviewed him at the Everglades Hotel that the MIKAGESAN MARU went off, and that is when he sent the document to the different news media containing pictures of the MIKAGESAN and a document with the signature of the so-called Ernesto.

Q Did he discuss with you, sir, what method was used in exploding the explosives at that time?

A We discussed--I asked him about the type of device he was using concerning the bombs, and he discussed a very peculiar timing device that has two batteries, that when they die they active a third battery and that third battery activates a relay that sends the electrical impulse to the electrical

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blasting cap, and that thing has got two knobs, one as a safety and the other one that activates the two batteries.

Q Could you draw that device for us, Mr. Morales?

A All right.

MR. GREENSPAHN: The witness did not say he saw this alleged device. He said it was described to him.

THE COURT: Well, draw what was described to you.

BY MR. BIERMAN:

Q Did you also, in fact, see a drawing of it at that time, sir?

A Well, he made it on a piece of paper there.

Q Would you draw for us, as best you recall, what Dr. Bosch drew for you, please?

A (Witness complies) I have marked with the letter "B" battery, "R" is the relay, and two knobs with an "N," sir.

MR. BIERMAN: I would offer into

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evidence, your Honor, this drawing as Government's Exhibit No. 21.

MR. GREENSPAHN: I object. It is not drawn to scale, it is not purportedly anything more or less than what the man has described to be his recollection of something that was either described to him or shown to him. There is no qualification that this man is sufficiently qualified as an engineer or as an electronics expert to designate batteries and relays and whatever else these things are. And it is not relevant and material. And it is repetitious. He already described it verbally.

MR. BIERMAN: We will connect it up at a later time, your Honor.

THE COURT: Is that similar to the drawing that you saw in the conversation that you heard?

THE WITNESS: That's right, sir.

THE COURT: All right, sir. The objection is overruled. The document is admitted into evidence.

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(Thereupon the drawing referred to was received in evidence as Government's Exhibit No. 21.)

THE WITNESS: Sir, may I have a little recess. I have to go to the service room.

THE COURT: Ladies and gentlemen, we will be in recess for about five minutes. The same instructions, of course, are still applicable.

Court will be in recess for five minutes.

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

THE COURT: You may proceed.

BY MR. BIERMAN:

Q Mr. Morales, at the time of the recess you had completed making a drawing. Did that conclude that conversation with Dr. Bosch?

A I beg your pardon, sir?

Q At the time we had the recess, you had testified about having a conversation with Dr. Bosch and talking about a timing device and you had drawn a

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diagram of it.

A That's right, sir.

THE COURT: Now he has asked you, was that the end of the conversation, or was there anything else?

A No, sir. He pressed me again for the delivery of more explosives and future minis.

BY MR. BIERMAN:

Q Did you have occasion to speak with him again?

A On August 5 he was in some sort of a desperation because he was convinced something was going on at the time and he wants to produce some hits by that time, and he--

Q Did he tell you that?

A That's right, sir.

Q All right. Did you speak to him on August 5?

A That's right, sir.

Q Was that in person or on the telephone?

A Briefly on the telephone, sir.

Q Could you recognize his voice?

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A That's right.

Q No difficulty in recognizing it?

A No difficulty, sir.

Q Did you talk to him again?

A The next day.

Q What was the discussion about the next day?

A At my apartment, sir.

Q About what?

A He said that there have been some failures in the past, that some bombs have not detonated, and he was attributing those failures to the fact that the bombs had been chained to the propeller rods, they have been loosened and caught by the propellers of the ships; that he was in some sort of a state of desperation about showing up as the delegate for Ernesto, and that he was going to claim credit for everything that was going on down there in the Cuban Power organization and attributing it to his Cuban Power organization.

Q Did he ever tell you that he was, in fact, responsible for that?

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MR. GREENSPAHN: Objection as a leading question.

THE COURT: I will sustain the objection.

BY MR. BIERMAN:

Q Did you see him after the 6th?

A Yes, sir.

Q When was that?

A August 12th. In fact, the night before I let him know through a co-assistant that we had already established by a whistle on the telephone that he was to show up two hours after that in my apartment. So I just whistled in the telephone and he went on August 12 to pick up the dynamite.

Q Did you have occasion to meet with him on August 7th?

A (No response)

Q You had a telephone conversation and then another meeting?

A On August 6, sir.

Q Was there a meeting after that but prior to the 12th?



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A Yes, sir, there was. There was a meeting prior to that time.

Q When was that and where?

A I got one before August 12, that's right, sir.

Q There was a meeting between the 6th and the 12th?

A Yes, when we discussed the CARIBBEAN VENTURE.

Q What discussion did you have in relation to the CARIBBEAN VENTURE?

A He told me I should feel very proud that the dynamite that I have furnished him was used in the CARIBBEAN VENTURE. So that shocked me.

Q What's that?

A Shocked me.

Q It shocked you?

A Yes.

Q Then in addition to that discussion between the 6th and the 12th was there anything else said at this time?

A Well, that he needs at least four

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cases of fifty pounds each of them of dynamite, plus C4, and was it available. I told him, "No, forget about the C4, forget about pentolite and TNT. Only dynamite is available."

Q When did you next see him, sir?

A The night before the 12th.

Q Where was this?

A At his home. I showed up there and told him I was going to be available to make another delivery of explosives the next day in my apartment.

Q Then did you, in fact, see him the next day in your apartment?

A The next day I whistled on the telephone and he showed up there, and I told him that we have to postpone the delivery until the next day.

Then he said, "Well, the next day I have to be at the parking lot in the rear of the 1150 Building on 1st Street between 12th and 11th Avenues in the southwest section."

Q Did you have any other conversation at that time?

A Well, again he started complaining

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about the failures, and I told him it could be that water is leaking into the mines. He said no, the mines were waterproof and he said that he has got to produce some hits and show up at a press conference and to be named as delegate for Ernesto.

Q Did you have any further discussion of the CARIBBEAN VENTURE?

A At that time, yes, sir, because I was concerned about his statement that my equipment had been used on the CARIBBEAN VENTURE, and I asked him how much he used, and so on, and then he said that he already have found some dynamite from a different company, and he put part of my equipment and part of the equipment that he got in the mine at the CARIBBEAN VENTURE, a big reason that the CARIBBEAN VENTURE went off in port.

Q Did he say why that was?

A Because otherwise the ship was supposed to sink in the middle of the ocean.

Q Did you then, after this meeting, have occasion to meet with him again?

A The next day, sir.

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Q Where was that?

A The parking lot at the rear of the  
1150 Building.

Q Did you bring anything with you, sir?

A Yes, sir.

Q What was that?

A A case of duPont dynamite.

Q That was one case?

A One case, sir.

Q Was that of the same type as was  
marked Government's Exhibit No. 19?

A Yes, sir.

Q Who else was present, sir?

A When I arrived there, there was two  
cars--a blue '61 Chevy with West Virginia plates in  
the front, belonging to him, and a white '57 two-  
door Chevrolet driven by the same fellow that was  
introduced to me before as Tony Prieto.

Q That is the same individual that you  
described before as Tony Prieto?

A That's right, sir.

Q What did you do with the box?

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A They switched the box from the car I was driving at the time, the red Corvair, to the trunk of the '57 Chevrolet and took off with the box.

Q At the conclusion of this transfer, did you make any other arrangement?

A Yes, sir. We arranged for the next day, the same place, the same time, for another delivery of explosive.

Q Did that delivery take place, sir?

A Yes, sir.

Q Who was present?

A Only him, riding in the '61 blue Chevrolet.

Q When you say "him," to whom are you referring?

A Dr. Bosch.

Q Where, sir, did you get these two boxes of dynamite?

A At the St. Clair-Boulevard cafeteria. You can use both names. It's on Biscayne Boulevard. I got it from Agent Joe Ball and George Davis.

Q That is FBI Agent Joseph Ball and

Navarette - direct

George Davis?

A FBI agents. Agent Grogan was present in one of them.

Q In addition to Agent Ball and Agent Davis, Agent Grogan was present?

A Yes. One of the agents--Benjamin Grogan--was present on one occasion.

Q Did you make any arrangements on the 14th for future deliveries?

A Yes, sir. When I arrived there, we switched the box from my car to his car, and he said that he was going to get Gonzalez at the restaurant and Gonzalez was supposed to be there waiting for him to deliver the dynamite. So the last time I saw him that night was he was walking to the restaurant and I took off.

Q Did you make any further deliveries?

A Yes, sir.

Q When was that?

A That was about the 22nd.

Q Where was it, sir?

A Well, I met him in his own place on the

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night before, and I told him that the next delivery got to be the next day but during the daytime. So he instructed me to go to 735 Southwest 1st Street. That is the home of Barbaro Balan, Bobby's place.

Q That is the same individual that you identified previously?

A Yes, sir.

Q All right. Did you do that?

A Yes, sir. The next morning I was there about eleven o'clock, and I drove into the rear of the house and Bobby came out and I told him, "Listen. You know the reason why I am here?"

He said yes.

And I said, "What about the doctor?"

And he said, "Well, he should be here in a moment." And he said, "You want me to take it?"

I told him no. "I have got to give it to him in person."

So I went out again from the driveway in back of the house and parked the car in front of the house and went into it and waited there for the doctor.

Navarette - direct

So after a while he showed up there in his blue '61 Chevy and Jorge Gutierrez was also with him.

Q Now, do you see the individual that you call Jorge Gutierrez in the courtroom?

A Yes. The one with the green coat next to Dr. Bosch.

MR. BIERMAN: Let the record reflect that the witness has identified the defendant Jorge Luis Gutierrez, also known as Jorge Gutierrez.

BY MR. BIERMAN:

Q Then what occurred, sir?

A I drove again into the driveway to the back of the house, and Bobby got the case of the explosives, put it into the house, and I drove out. And at the time Dr. Bosch told Jorge to get the '61 Chevrolet and pull it in, but at the same time the telephone call was made. They received the telephone call there for the doctor. So I took off. They told me, "Well, let's go," and I took off and I don't know what happened after.

Q Did you make any further arrangements?



Navarette - direct

Before we get into that, where did you get this dynamite?

A The St. Clair-Boulevard cafeteria from George Davis and Joseph Ball, the FBI agents.

Q How many?

A One case, fifty pounds.

Q Like Exhibit 19?

A Yes, sir.

THE COURT: Was this in sticks or--

THE WITNESS: In sticks, sir.

BY MR. BIERMAN:

Q Did you, on any occasion, have an opportunity to examine the contents of the box?

A Yes, sir, I did.

MR. BIERMAN: Mark this as Government's Exhibit No. 22.

(Thereupon the stick referred to  
was marked as Government's  
Exhibit No. 22 for identification.)

BY MR. BIERMAN:

Q I show you, sir, what has been marked as Government's Exhibit No. 22 for identification and

Navarette - direct

ask you to examine that carefully, including the writing.

A It looks alike, the ones I have been furnishing them.

Q This looks like what you had been furnishing them?

A That's right.

MR. BIERMAN: Your Honor, I would offer this as an example of what was contained in the box, not necessarily the same.

MR. GREENSPAHN: May I see it, sir?

Your Honor, I would like to know, is this an example or is this supposedly one of the things that came out of the alleged box?

THE COURT: As I understand the witness's testimony, this is similar to what was in the box. It is not one of the objects that he says was contained in the box, but it is like those which were in the box. Therefore, it is offered just as an example or an illustration of what he saw on the box, what his testimony was about.

MR. BIERMAN: That is insofar as this

Navarette - direct  
witness knows, your Honor.

THE COURT: That's right.

MR. GREENSPAHN: Let me note an  
objection to materiality and relevancy, sir.

THE COURT: You may have an objection,  
sir. It is overruled. The object is admitted into  
evidence at this time merely for illustrative  
purposes for the jury.

(Thereupon the stick referred to  
was received in evidence as  
Government's Exhibit No. 22.)

BY MR. BIERMAN:

Q Have you, sir, during the course of  
your life had occasion to see genuine dynamite?

A Yes, sir. A lot.

Q A lot of it?

A Yes, sir.

Q Are you able to readily recognize  
dynamite?

A Oh, yes. I can make the difference  
between dummy dynamite and real dynamite, sir.

Q And it looks, sir, in relation to

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Government's Exhibit No. 22, does this resemble, sir, genuine dynamite that you have seen in your lifetime?

MR. GREENSPAHN: If it please the Court, until the predicate is laid or until a proper foundation is laid as to the distinction between real dynamite and dummy dynamite, the expression of an opinion has not yet been qualified.

MR. BIERMAN: I am simply asking this witness if this looks like real dynamite. It may be real dynamite.

THE COURT: So far as I know, it might be, too. I really do not know.

MR. GREENSPAHN: Excuse me if I step away from the Bench, your Honor.

THE COURT: I think you had better rephrase your question.

BY MR. BIERMAN:

Q Would you, Mr. Morales, compare for us, sir, the looks--only the looks--of genuine dynamite with what has been marked as Government's Exhibit No. 22 in evidence?

A Sir, if it is dummy explosive or real

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explosive I can tell you just by my eyes, sir.

Q The question is, does this look the same as real explosive whether or not--

A It looks the same as real explosive.

Q That is the way it looks?

A It looks the same.

Q Did you have occasion then after this meeting of the 22nd to make any arrangements for future deliveries of dynamite?

A Yes. On the 26th I went again to his place and I told him that the next day I was going to be able to make another delivery but it has got to be daylight time, ten-thirty in the morning, at my apartment.

Q Did he agree with this or disagree?

A No. He agreed with it.

Q What occurred the next day?

A The next day I received the dynamite as I previously had been receiving the other one at the St. Clair-Boulevard cafeteria from Joe Davis and Joe Ball, agents of the FBI, and I went to my apartment. And then there was a misunderstanding and some

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sort of a mess because he called me and said that he was going to be late, and the time started running on and he didn't show up. So I went to the 735 house belonging to Bobby Balan, and when I arrived there, there were two individuals in the house. One of them who had been at the restaurant with Prieto and Bosch and I identified him, it was his nickname El Isleno.

Q That is the same person who you identified before?

A Yes.

Q That is the gentleman known as Jose Dominguez Benitez?

A Yes.

Q And who else?

A Another one that El Isleno called him by the name of Marcos.

Q Do you see that individual in the courtroom?

A Yes, with the blue coat there.

Q Where is he sitting in relation to Dr. Bosch?

A Behind Dr. Bosch.

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MR. BIERMAN: Let the record reflect that the witness has identified the defendant Marcos Rodriguez Ramos.

BY MR. BIERMAN:

Q What occurred there, sir?

A Well, I told them that I got something for the doctor and that the doctor had not showed up. So they said that they were going out to try to locate the doctor. So I lease my car to Marcos because they got no car at the time. So he went out trying to locate the doctor for me. So after a while he returned and he said that he was not able to locate the doctor.

So I told him, "Listen. I have to be at traffic court two o'clock. So I'll be back home about three, between three and quarter after three and let him know that I am going to be there."

So the time ran and I went to traffic court, and about three-thirty, being the fact that no one showed up there, I went back again to the same address, 735 Southwest 1st Street.

So I told them, "What happened with the doctor?" And they said that they had not been able

Navarette - direct

to locate the doctor. They have been looking around for him but they got no car.

Q When you were referring to the doctor, were you referring to Dr. Bosch?

A Yes, sir, I was referring to Dr. Bosch. So they said, "What you got?"

I told them, "I got a case of dynamite," and I told them, "If you want, you can use my car and take the stuff wherever you want." So there was some sort of an argument between the two of them about where to take the dynamite, and one of them mentioned, "Well, let's take it to Ricardito's place." So finally El Isleno--

Q Will you spell that for the Reporter, please?

A R-i-c-a-r-d-i-t-o.

So El Isleno went out to my car and we went to the rear of the building, and we switched the dynamite from the red Corvair to the brown Pontiac that belongs to me.

Q Will you describe that with colors, please? Is it painted?



Navarette - direct

A It is painted brown with a light brown top; a '64 Tempest Pontiac four-door.

So we placed the box of dynamite in the trunk of the car and he took off, and after about an hour or an hour and a half he showed up again there, and he asked me to give him a ride to his brother's apartment. And I drove him up to 12th Avenue between 1st and 2nd Streets in the southwest section.

Q During the course of this time, sir, did you notice anything unusual?

A An airplane, sir.

Q Where was this airplane?

A Circling.

Q Did you then have another occasion to meet with Dr. Bosch?

A Yes, sir.

Q When was that?

A That was about September 4 when he started complaining about failures, bombs that had not been exploding, and he started complaining that he got to find out the way and the means to show up in front of everyone as a delegate for Ernesto, but

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that he won't be able to do that unless he can make a few hits.

Q And after that, was anything else discussed at that meeting?

A Not that I recall at this time, sir.

Q After that, did you have another occasion to meet with him?

A Yes, sir. It was the same day that I returned from an R and R trip to the Keys. "R and R" means rest and relaxation, sir.

Q How long was that after the meeting of the 4th?

A Just a few days, because it was Sunday eight o'clock when I arrived down from the Keys.

Q Where was this?

A He called me on the telephone, and he told me, "Listen, Morales, the equipment is not good."

So I asked him, "Where are you now?"

He said, "I am home."

So I told him I'm going to drive up there. So I relayed the information to Agent Joe Ball concerning that he was complaining about the fact that

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the equipment was no good, the dynamite was not good, was not exploding.

So I went to his apartment and he told me, you know, the story that people from Puerto Rico have been complaining that the stuff was not good and maybe that is the reason for the failures. So we have a long discussion again about the timing devices that have been used in the bombs and maybe the possibility that the water was leaking into the canister, into the bomb, and he said, "Well, no, those bombs are water-proof for the fact that we drill little holes and we pump air into them and after that we submerge them in a water tank just to see if the air bubbles are coming out. So they are foolproof.

So I told him, "Well, listen. We better try and go out and test one of the dynamites." I asked him, "How much dynamite you got left from the ones I've been supplying you?"

He said, "Well, about a case I got left over."

So I told him, "Well, listen, let's go out and test it so I can tell you if it's phony or

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not."

Q Did you, in fact, do that?

A Oh, yes, sir.

Q What was the result of the test?

A Well, he showed up a few days after, about four or five days after, maybe around the 10th.

MR. GREENSPAHN: Your Honor, that is not responsive to the question.

THE COURT: All right, sir. You are right.

MR. BIERMAN: I will withdraw the question and move that the answer be stricken.

THE COURT: You were questioning the witness and he has been testifying about a test being made and you switched to a different subject.

BY MR. BIERMAN:

Q This test that you were referring to, when was this made, sir?

A September 10th. About September 10th he showed up in my apartment and he told me, "Let's go out and test the equipment."

So I told him, "We're going to use your car."

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He said, "No. Let's go in your car."

So he left his car parked in the front of the building, and we went into my car and we started driving around, making some stops and turning the lights off just to see if there were any FBI surveillance, and he said, "We are clean, Ricardo."

So finally we arrived at Aimee Miranda's apartment, and there he got a couple of boxes containing M1 rifle grenades loaded with C4, plus some soap boxes containing pentolite, and he asked me to disassemble the ones that had the firing systems attached to them. So at the time I disassembled all the ones that were having firing devices attached to them.

Q Who else, if anyone, was present?

A Aimee Miranda was there.

Q Did she say anything?

A Oh, she was always complaining about "Be careful, it won't explode," and so on.

Q "Be careful, it won't explode"?

A That's right, sir.

Q Then where did you go? Did you go any

Navarette - direct

place from there?

A Yes. We went to a canal in the back of the airport and close to the Doral Country Club with a stick of the phony dynamite, and I placed a blasting cap in it, and we detonated only the blasting cap; so the dynamite didn't go off.

So he asked me, "What is your opinion?"

I told him, "This is phony dynamite," and then he says, "Well, let's go to see the source," because I had been telling him the name of the person that is my source, the person who he knows, also. And he said, "Well, let's go and see the course."

Q Did you, in fact, go some place?

A Yes. From the canal we went to a certain apartment. In the meantime I asked him, "What about the credit for the LANCASTRIAN PRINCE?"

And he said for the fact that there was in the Miami Herald a press release from the Coast Guard chief in New Orleans that some anti-Castro group have been extending their activities into the Gulf Coast is when he realized that the LANCASTRIAN PRINCE went off. So he sent to the Cuban news media a

Navarette - direct

document--a couple of pictures of the LANCASTRIAN PRINCE plus the document, taking credit to Cuban Power and signed by Ernesto.

Finally we arrived at the apartment of the person that I had been telling him is the source of the dynamite, and he was not there.

Q After this, which was September 10, 1968, you testified, did you then have another occasion to see Dr. Bosch?

A Yes, sir. On September 15.

Q When and where was that?

A It was a Sunday and I was about to get dressed and go out for dinner, and he showed up there about eight or eight-ten or eight-fifteen and he said, "I need you. Do you have any tools or screwdrivers, pliers, et cetera?"

I told him yes.

He said, "Get them and come along with me."

So we went out of the apartment and we jump into his car and he started driving around and doing the same thing about stopping and turning the lights off and so on. So he says, "You see, we are

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clear. There is no FBI surveillance. No one is watching us. They are giving us a free hand."

So we went to Aimee's apartment, and when we arrived there--

Q That is the same Aimee Miranda that you were referring to before?

A Yes, sir. So when we arrived there in his blue '61 Chevy, I noticed that there were two individuals in the dark of the driveway. You have to use the driveway to get into her apartment. And those two individuals were Tony Prieto and Barbaro Balan.

Q The same individuals you identified before?

A Yes, sir.

Q All right. What happened then?

A Well, I was a little concerned about the fact that they were wearing black clothes and the fact that Orlando didn't told me the purpose of that rush-up meeting. And I was a little concerned about some sort of a kangaroo trial and so on. So finally he said, "Well, you know those two guys?"



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I said, "Yes, yes."

And then he knocked on the door and Aimee answered, "Who is it?"

And he said, "It's me and Morales." So she opened up the door and we went into the apartment.

Q What, if anything, was inside the apartment?

A When I get into the apartment, I saw a 57-millimeter recoilless rifle laying on the floor.

MR. BIERMAN: Will you step down from the witness stand, with the Court's permission, Mr. Morales?

THE COURT: Yes, sir.

You cannot pick that up?

MR. BIERMAN: Not too well, sir.

BY MR. BIERMAN:

Q I show you what has been marked Government's Exhibit No. 8 in evidence and ask you to examine this closely, sir. Do you recognize this?

A Yes, sir. That's the one.

Q And then--

Navarette - direct

THE COURT: When you entered the apartment, what, if anything, did you do?

THE WITNESS: Dr. Bosch asked me to assemble the trigger housing that was not in working condition, and he asked me if I can fix her up. And I told him I was going to try.

BY MR. BIERMAN:

Q In addition, you said that--did Tony Prieto come into the apartment with you?

A Yes, sir. And with Balan, also.

Q And Balan came into the apartment. Was anyone else with you?

A Well, Aimee Miranda was there.

Q Then there were five of you?

A Yes, plus Dr. Bosch.

Q Did you then commence to work on this gun?

A Yes, all of us started working on the trigger housing, and after almost three hours I told him, "Listen, Orlando. The main trouble is with this little spring that goes into the cocking rod." So the next day I can go up to Hialeah and get a new

Navarette - direct

spring. And he said, "No, no. It's got to be tonight."

I said, "Well, the only way you can fix this thing up tonight is for a single shot."

So he said, "Well, let's try and do it that way." And that's the way it was fixed up, to fire just a single shot, because the cocking system was defective for the reason that the spring was out of work, out of condition.

Q Was there a sighting device on the gun?

A There was no scope. So when I mentioned to him, "What did you do with the scope?" there was no scope there.

He said, "Well, it's some place. Down on the Keys," and so on. "Can you fix up a sight for me?"

And I told him, "Yes, I can fix it for you."

So I cut or I split--I can't remember exactly who got it--but from a coat hanger, an L-shaped piece, and I went all through the procedures of sighting the 57-millimeter recoilless rifle.

Navarette - direct

Q I show you, sir, what has been marked as Government's Exhibit 8B in evidence and ask you if you recognize that.

A It looks like it, sir.

Q Looks like the L-shaped--

A That's right.

Q And how was this cut, sir? Was this with your pliers?

A With my pliers, sir.

So we bore sighted the 57-millimeter rifle against a picture that was on the wall, featuring some sort of roses with a little piece of adhesive tape that Dr. Bosch placed on the surface of that picture.

Q How was this L-shaped piece of coat hanger fastened to the gun, if it was, sir?

A At the end of the muzzle, sir.

Through the procedure of bore sighting a 57-millimeter, you have to attach a couple of springs at the end of the muzzle of the rifle so you will have a cross. So when you open the breech, you can look through the barrel of the rifle so you will see where those two

## Navarette - direct

strings make the cross. So you sight those two strings there at that point there through the point that you already have marked to be that piece of tape. It could be a telephone pole or any objective that you want. So it requires two persons to do that. So one is looking through the sight, through the barrel of the 57-millimeter and the other one is looking above the rifle. So when the two eyes are more or less on the same position, that is when you got the rifle sight so you can move it to the left or to the right, back and forth, et cetera. It is a homemade sight, anyway. You have the same procedure with the scope.

Q How, sir, was this L-shaped piece of coat hanger attached to the gun?

A With adhesive tape, sir. There were two strings attached to the end of the muzzle, plus the L-shaped piece of coat hanger.

Q I show you, sir, what has been marked Government's Exhibit 8A and ask you if this is the type of tape and the type of string that was used.

A It looks alike, sir.

Q Was any ammunition available at that time, sir?

Navarette - direct

A After we sighted the 57, I left over there two screws or bolts.

Q Don't go into that yet. At that time, sir, was there any ammunition available?

A There was no ammunition available there. So I told Dr. Bosch, "What kind of ammunition you have? What kind of shell do you have for this?"

And he told Balan to go out and pick up a shell for the 57. So he returned with the shell, and he asked me what kind of shell it was. So I told him, "Listen. This is a TNT shell. The only thing you are going to have is fragmentation, because that is a different type of shell." So I scratched off the green paint and it turned out some blue paint behind the green paint, the olive green military-type paint. So that means that that is a practice shell that has been used to practice with the 57-millimeter.

Q Was this shell in any sort of packaging?

A Yes. It goes in a canister, a special canister for that 57-millimeter shell.

THE COURT: Tell us the difference between a fragmentation shell and an armor piercing shell, for example.

Navarette - direct

THE WITNESS: Sir, in a fragmentation you have a small amount of TNT in the warhead of the projectile.

THE COURT: That is right. Go ahead and tell the jury.

THE WITNESS: So when that projectile is smashed or if it is fired against a rock or tank or whatever it is, you only get the explosion of the detonating system.

THE COURT: In other words, it is exploded into small--

THE WITNESS: Yes. You get a little bit of shrapnel. Armor piercing is a different type of shell that can go right into a certain amount of armor steel, et cetera.

BY MR. BIERMAN:

Q I show you what has been marked as Government's Exhibit 8D and 8E and ask you if you recognize these.

A Can I touch it?

Q Surely. You can withdraw it from the package.

Navarette - direct

THE COURT: You can take them out of the packaging if you desire, if it will assist you any.

THE WITNESS: They are the cases, the canister where the shell goes into.

BY MR. BIERMAN:

Q I show you Government's Exhibit 8C and ask you what relationship, if any, this would have to a projectile.

A This is an empty cartridge of a 57-millimeter shell.

Q And if a 57-millimeter rifle were fired with a projectile--if this 57-millimeter rifle were fired with a projectile in it, where would this end up?

A Inside the chamber, sir, because the 57-millimeter does not eject automatically the empty cartridge. You have to open up again the breech, put your hand in with a glove; otherwise you are going to be burned, and take it out.

MR. BIERMAN: For the record, we were referring to Government's Exhibit 8C.



Navarette - direct

BY MR. BIERMAN:

Q During the course of this three-hour assembling and disassembling, did you have any conversation with Dr. Bosch in regard to any other ships?

A Sir, he was again complaining about the people in Puerto Rico and the phony stuff, and he said that he sent Tony Prieto down to Puerto Rico and he was in charge of the operation of the blowing up of the COROMOTO, the Spanish ship that went off there.

Q Was Tony Prieto present during the course of this conversation?

A Yes, sir.

Q Did he say anything in that regard?

A No. He remained silent all the time, sir.

MR. BIERMAN: Will you mark this for identification, please?

(Thereupon the projectile referred to was marked as Government's Exhibit No. 23 for identification.)

BY MR. BIERMAN:

Q I show you, Mr. Morales, what has been

Navarette - direct

marked as Government's Exhibit No. 23 for identification and ask you, sir, if that was the type of projectile--

A This is a practice shell for 57-millimeter recoilless rifle. There is no powder in it. And the primer has been taken out.

Q At this point we are all safe in the courtroom, is that right?

A Right.

Q And it is your testimony this was the type which was used?

A Only that it was painted green, and when I scratched the green paint, comes out the blue. This is a common practice for the black marketeer to sell it and in that way you will be a fool enough to buy it as a good one. But it is only a practice one.

MR. BIERMAN: We would offer Government's Exhibit No. 23 as an example, your Honor.

MR. GREENSPAHN: The same objections as were rendered to the other examples.

THE COURT: I do not know whether the jury needs that or not to help them understand the

Navarette - direct

testimony. I am going to ask them: Ladies and gentlemen, do you need this last exhibit to help you understand the testimony?

(The jury indicates in  
the negative:)

THE COURT: I am going to sustain the objection to it.

BY MR. BIERMAN:

Q After you had completed your assembly, did anything remain that was not used in the assembling?

A Two bolts and screws and the little spring that goes into the cocking rod.

MR. BIERMAN: Will you mark this as Exhibit No. 24?

(Thereupon the package containing the screws and spring were marked as Government's Exhibit No. 24 for identification.)

BY MR. BIERMAN:

Q Do you recognize those screws and the spring?

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A Yes.

Q I show you what has been marked as Government's Exhibit No. 24 for identification and ask you to examine that, sir.

A Sir, those are the ones.

Q Is it your testimony these are the same?

A Yes, sir.

MR. BIERMAN: We would offer them, your Honor, as Government's Exhibit No. 24 in evidence.

THE COURT: All right. Subject to the defendants' objection which is overruled, they are admitted into evidence and will be received as Government's Exhibit No. 24.

(Thereupon the items referred to were received in evidence as Government's Exhibit No. 24.)

MR. GREENSPAHN: May it please the Court, the only thing I wish to bring to the Court's attention is the fact that the exhibit is supposed to contain a spring and two bolts?

THE COURT: It is supposed to contain

Navarette - direct  
a spring and two bolts.

MR. GREENSPAHN: Yes, that's right.  
But there is something else in here.

THE COURT: Let me look at it.

What is this stuff in here?

MR. BIERMAN: I think that is only  
identifying paper. Let me check, your Honor. We  
will remove them, however.

THE COURT: All right, sir. I think  
perhaps you had better.

Only the articles which have been  
testified about are admitted.

MR. BIERMAN: We will withdraw this as  
an exhibit in evidence at this time and we will have  
it marked only for identification. We need this for  
further identification.

THE COURT: All right, sir.

BY MR. BIERMAN:

Q Did there come a time, sir, when you  
left the apartment?

A Yes, sir. I left the apartment with  
Dr. Bosch, and he told Balan and Prieto to go out and

Navarette - direct

get some other car, and he told Aimee to clean up the whole mess that was there in the apartment that was all spread out and so on. So we went out and instead of getting into the '61 blue Chevy, we went into a '64 two-door Dodge Dart that was parked outside the apartment, also.

Q Did you take your tools with you when you left?

A No, sir. He told me that he will return the tools to me in a couple of days or so. So I left the tools at the apartment.

Q Where did you proceed from there, sir?

A We started driving, and Orlando then said that the rifle was going to be used that same night and that he wants me to stay there, and so on, so he said, "Let's go and get an air-conditioned car." So we went to a building up on 11th Street and 1st or 2nd Avenue, and there was a blue four-door Pontiac parked outside. I stayed inside the '62 Dodge Dart, and he returned with a man that he introduced to me as Paulino Gutierrez, the father of Jorge Gutierrez.

Q Do you see that man in the courtroom

Navarette - direct

today?

A Yes. That one next to Miss Miranda.

MR. BIERMAN: Let the record reflect that the witness has identified the defendant Paulino Gutierrez.

BY MR. BIERMAN:

Q What occurred after that, sir?

A After that, he said, he told Paul-- that's the way he refers to him on different occasions-- he told Paul that everything was set for that night, that he had already in the afternoon had picked up the place where to fire with the rifle, and he said, "Let's go out and get something for dinner."

Q Around what time was this?

A Oh, that was around midnight.

Q Did you, in fact, go some place to eat?

A Yes. We went to the Rancho Luna Restaurant on 8th Street in the southwest section, and we sat there. And he asked for a full meal. Dr. Bosch asked for a full meal. And Paulino and myself, we got a glass of beer and we started discussing different matters concerning the Cuban situation, and

Navarette - direct

Paul made a remark that Jorge, his son, had been working hard for the next news release, and Orlando stated that already in the next morning, in Replica, that is one of the Cuban papers, will show up a document saying that Ernesto was going to appoint very shortly his delegate, and there was going to be headlines in that paper saying that Dr. Bosch is the head of Cuban Power.

Q During the course of this eating did you remain at the table for the entire time?

A I went to the restroom trying to make a telephone call at the pay telephone and let the FBI know what was going on. But the fact is that the restrooms are outside the restaurant. There is no telephone available, and I thought there was going to be some sort of a surveillance, when in fact none of the persons involved so far at that time had been under surveillance by the FBI. So all the time I was hoping that one of the agents' cars was going to show up there. But they made the remark that the FBI never works on Sunday. They take the day off on weekends, and so on.



Navarette - direct

Q You say you went to the restroom. You were alone at that time?

A No, sir. Paul went with me.

Q Did there come a time when you left the restaurant?

A Yes. After he finished his meal, we went out of the restaurant and he drove to 1628 Southwest 3rd Street, where he said that Tony Prieto lives. And when we arrived at the place, he pointed to a green '62 Oldsmobile that I recognized immediately as being the same one that picked up the dynamite on July 2nd. So his car was also there, the '61 blue Chevy, and he said, "Well, they are not here." So we went to Aimee's apartment. As a matter of fact, it's close by there, about a block and a half. So he went into the apartment and I remained in the car with Paul and when he came out, he said, "They are on the move." So he told Paul to drive to the MacArthur Causeway.

Q Did you, in fact, drive to the MacArthur Causeway?

A Yes, we went to the MacArthur Causeway.

Navarette - direct

And as soon as we got into the MacArthur Causeway, he showed me, he said, "There it is. There is the ship." There was this big ship all lighted up with searchlights pointing to the water, and also I noticed Coast Guard patrol boats right in front of the ship. So we drove up to Star Island traffic light and we made the U-turn there, and as soon as we made the U-turn there was a Miami Beach patrol car ticketing another car there, with the lights flashing there.

So about six blocks going west on the MacArthur Causeway toward Miami, I noticed a light green '57 Chevrolet, two-door, parked on the opposite side of the road. So Dr. Bosch said, "There they are. That car belongs to a mechanic that is a friend of Bobby's." And we slowed down. Paul was the one that was driving. We slowed down and Dr. Bosch told them, "You know, everything is okay."

So I saw Balan there playing the fisherman with a line in his hand, and Prieto was leaning on top of the hood of the car.

Q That is the same Tony Prieto and Barbaro Balan that you identified before?

Navarette - direct

A Yes, sir.

Q Where did you go from there?

A We went to the front of the Miami Herald Building and we didn't park just in front of the entrance; a little off the side of the entrance facing 14th Street, I think it is, the MacArthur Causeway, so we will be able to watch all cars going into and coming out of the causeway.

Then he asked me, "Morales, how is it going to sound?"

I told him that according to my previous experience, it's going to sound this way: "Boom, zip, boom."

He said, "Well, that's going to be fine."

Q Did you wait in the car then?

A Yes, sir, we waited in the car.

Q Were the three of you alone then throughout the rest of the evening?

A No, sir. After let's say about thirty minutes or forty minutes that we had been there, the white '64 Dodge Dart that I had been riding previously

Navarette - direct

in and where we picked up Paulino, it showed up there driven by Jorge Gutierrez, so Paulino blew up the horn and he backed up to the place where we were parked and Jorge said, "Where they are?"

And then the doctor told him where they are in. So he got up and walked into the causeway, and Paulino started complaining about his kid being there and that he got no use to be there. It was foolish from his standpoint to be around the place.

Q When you refer to Jorge Gutierrez, is that the gentleman you identified in the green coat?

A Yes, sir.

Q Then what occurred, sir?

A After a while, let's say about fifteen minutes, we saw Jorge coming out of the causeway, and almost right behind him a car that at the time looked like the one that was supposed to be parked there with Prieto and Balan. So Paulino said, "There they go," and I thought at the moment that that was the same car following Jorge. So the doctor said, "Well, maybe something is wrong or maybe you guys are wrong."

Navarette - direct

It's not the same car, because the fact is there were two individuals inside the car."

So I told Paulino, "It might be you are right or not. Let's go out and see what's going on."

So we tried to catch the car that was supposed to be the same one with Prieto and Balan, but we found Jorge, and Jorge said, "I didn't see anything."

So we started driving. We went to Bobby Balan's house; they were not there. We went to Aimee Miranda's apartment there and they were not there. And we went to Prieto's house again and they were not there. We went to Paulino's house again and they were not there. And finally the doctor said, "You two guys are wrong. Let's go back there. They've got to be there."

So we went through the same procedure. We got into the MacArthur Causeway, all the way up to Star Island, made a U-turn, and they were there, right almost in front of the--a little off of the middle of the ship.

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Q Would you recognize the ship if you saw a picture of it?

A It could be, sir.

Q I show you Government's Exhibit 7B and ask you to examine it.

A I have seen a lot of pictures in the papers, yes. The next day in the papers, yes. Yes, this is the ship. I have seen a lot of pictures of that ship in the papers the next day. So I just want to be fair about the recognition of the ship. And it was during the night. There was a lot of searchlights, big lights there, and Coast Guard patrol boats there, and so on.

Q So you saw a Coast Guard patrol boat and searchlights?

A That's right.

Q And then after having seen Barbaro Balan and Tony Prieto at their car, where did you and Dr. Bosch and Paulino Gutierrez go?

A We went to the vicinity of the Miami Herald and we parked in the street that is located between the Miami Herald parking lot and the Social

Navarette - direct

Security parking lot, facing the causeway, so we will be able to see all the cars going in and out of the causeway. So at that time I switched positions in the car with the doctor. He was riding in the front. So he went to the rear seat and fall asleep there.

So I saw another car from the police, from the Miami Police Department, getting into the causeway after a while and the patrol car came out again, and about ten minutes after or fifteen minutes after--it was quarter to three, I heard a boom, an explosion. The doctor waked up himself and was screaming and laughing and so on, "That's it." And then he told Paul, "Let's go." And so he was praying that some of the Poles there got killed, and he was going to call the news and the radio stations about giving them a communica about the shelling from Ernesto and so on, and "All I need now is to show up as a delegate" and so on. And they dropped me in my home.

Q When then, sir, did you next have occasion to see Dr. Bosch?

A September 26, sir.

Navarette - direct

Q Where was that?

A At his own apartment, sir. His own house.

Q Returning for a moment to Aimee's house and to the causeway, were any instructions given to anyone about firing recoilless rifles and where to fire it?

A Oh, yes, sir. He instructed them to dump the rifle right on the spot in the water after it had been fired.

Q And did he tell them where to fire it? When you say "He," to whom are you referring?

A I am referring to the doctor.

Q Who did he tell?

A He told Prieto and Balan.

Q Did he give any instructions as to where to fire it?

MR. GREENSPAHN: If it please the Court, I haven't said very much during the course of this interrogation, but a good deal of it is leading.

THE COURT: It is certainly a leading question. I will sustain your objection to the



Navarette - direct

question.

BY MR. BIERMAN:

Q Was there any conversation at all, Mr. Morales, in regard to the method for firing the gun?

A Well, the only way they could fire that rifle is from the shoulder, because of the fact that there is no mount. A regular weapon, like a regular weapon, a 57, has got a mount so you can fire it from the ground. But without a mount you can also fire it from the shoulder.

Q And what part of the ship was to be hit?

MR. GREENSPAHN: If it please the Court, he is trying to put words in the witness's mouth and I object vociferously to it, your Honor. It has no relevancy or materiality. There is no predicate laid for it, and the answer has been provided to the witness. He has given him the answers in the last five minutes.

THE COURT: I will sustain the objection.

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Navarette - direct

BY MR. BIERMAN:

Q When was the next occasion that you had to see Dr. Bosch?

A September 26.

Q Where was that?

A In his home.

Q What, if anything, did you discuss?

A We discussed the POLANICA shelling, we discussed the reaction of the press. He discussed things concerning the raising of funds campaign. He discussed the possibility of him being sent to jail. And he discussed the way the United States had been forced to apologize before Poland, and he discussed the way that Poland had protested gracefully, but Japan and Spain remained silent because they are under the boot of the Yankee Imperialists.

Q That was what Dr. Bosch said to you, sir?

A I beg your pardon?

Q Is that what Dr. Bosch said to you?

A Yes, sir. Those are the words.

Q When did you next have occasion to see Dr. Bosch?

Navarette - direct

A I saw him the next day.

Q Where was that?

A No, not the next day. I'm sorry, sir.

September 30.

Q Where was your meeting on September 30?

A At the Jose Marti Building.

Q Where is that building located?

A That building is located on 8th Street  
in the southwest section at about--

THE COURT: 8th Street and--

THE WITNESS: 3rd Avenue.

THE COURT: About 3rd Avenue, southwest.

BY MR. BIERMAN:

Q Who else was present?

A When I arrived there, Jorge Gonzalez  
was present. Tony Prieto joined up in the meeting  
after, and then Dr. Bosch showed up there with  
Marcelino, plus a lot of office furniture, because  
they were moving to Room 309 to establish there the  
Cuban Power headquarters and to begin with the meeting  
and so on.

Q What discussions, if any, did you have

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at that time?

A I discussed with Gonzalez the POLANICA incident and Prieto also discussed the POLANICA incident, and with Dr. Bosch, I showed him the Miami Herald editorial of that day concerning Cuban gangsters disgracing Miami.

Q Did any discussion arise about the position set forth by the Miami Herald?

A I beg your pardon, sir.

MR. GREENSPAHN: Your Honor, I don't blame the witness for begging counsel's pardon. He has put questions to this witness throughout the course of his examination that are leading and infer the thought he wants the witness to testify to. The testimony should be that of the witness, not that of Government counsel.

THE COURT: That's enough. I think that the question tends to be leading but, under the circumstances, I will permit the question as it is now put, but I do not want any more of that. You can answer that yes or no.

Was there any discussion connected with

Navarette - direct

or concerned with your being by the Miami Herald? I assume he means at the time you were parked there on the two occasions you have testified about.

THE WITNESS: That wasn't the previous conversation I had with Dr. Bosch on September 26. However, he had been telling the people and you fellows about the walkie-talkies and another group with walkie-talkies at the Herald, and we were the ones and the Coast Guard returned the fire with machineguns. You know, a "well done" story and that's the way he has to do it. And that we have won other wars with propaganda and we have to use propaganda and so on.

BY MR. BIERMAN:

Q Did you, sir, on the evening of the 16th have walkie-talkies?

A There were no walkie-talkies there, sir. And there was no returning fire from the Coast Guard, sir.

Q Now we are returning to the 30th at the Jose Marti Building. What else was discussed at that time?

A We discussed, as I told you before,

Navarette - direct

Gonzalez and with Prieto, all the events there concerning the Coast Guard patrol boats and why it took so long for him to fire the 57, the cars coming and going in and out of the causeway and another patrol boat circling around and so on and the wild chase when we saw that there was another car, you know, going out of the causeway, and we thought--Paulino and myself thought they were the ones, about us going to look for them all over town.

Q After this meeting which concluded, did you have any occasion to see Aimee Miranda?

A The same night, sir, September 30th.

Q Where was that?

A At her apartment, sir.

Q Did you have any conversation with her?

A Yes, sir. I went there for the purpose of getting back my tools, and she said, "You can have your tools except the screwdriver. Prieto still has got the screwdriver."

So she gave me the tools, and when she opened the drawer in the kitchen, I managed to see the two bolts and the spring that belongs to the trigger housing of the 57-millimeter.

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Q Are you referring to the same two bolts and springs that are Government's Exhibit No. 24 for identification?

A That's right, sir.

Q I show you what is marked as Government's Exhibit No. 25.

A Can I open it up?

Q Yes, sir.

A It is my pliers and my wrench.

Q How were these packaged, if they were, when you recovered them, sir?

A In plastic bags, sir, and then another, some sort of a, you know--

Q Are these the plastic bags that they were in?

A Yes, sir.

Q What did you do, sir, with these after you recovered them?

A After I recovered them? I turned them in to Special Agent Benjamin P. Grogan of the FBI.

MR. BIERMAN: We would offer Government's Exhibit No. 25 for identification into evidence.

Navarette - direct

THE COURT: All right, sir.

MR. GREENSPAHN: Objection as to relevancy and materiality, your Honor.

THE COURT: All right, sir. The objection is presently overruled and will be admitted subject to being connected up.

(Thereupon the tools referred to were received in evidence as Government's Exhibit No. 25.)

THE COURT: Ladies and gentlemen, it is almost twelve o'clock. This seems to be a good point to take a break in the testimony.

The Court is going to recess until one-thirty. During the recess, of course, the same instructions I have given you heretofore will be applicable. Is there anyone on the jury that does not remember or understand those instructions?

(The jury indicates in the negative.)

THE COURT: Having an indication to me that you do, and that you do understand them, they will be applicable. Court will be in recess until



one-thirty.

(Thereupon at 11:57 a.m., the  
hearing was recessed to reconvene  
at 1:30 o'clock p.m.)

AFTERNOON SESSION

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

THE COURT: Gentlemen, I understand that the Government has a proffer it desires to make in the absence of the jury?

MR. BIERMAN: Your Honor, we would.

During the course of the testimony of Mr. Morales, we anticipate asking him questions, but right now and for the remainder of his testimony it will concern whether or not he was equipped with electronic recording equipment, and I thought that we would just offer this outside the presence of the jury to give an opportunity to defense counsel--

MR. GREENSPAHN: The Government has provided us the opportunity to hear the tapes, your Honor, and further has provided us with a transcript of these tapes in both Spanish and English.

MR. BIERMAN: We are not offering the tapes at this time; just the fact that Mr. Morales was equipped with this equipment.

MR. GREENSPAHN: Your Honor, well, this

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information will become relevant later on at the time the Government offers the tapes, and I am sure they are going to. And rather than take the Court's time and interrupt the proceedings, at this time I think there are two points that should be raised. One is, of course, that the tapes, upon listening to them, appear to be about 99 percent inaudible and, secondly, before any portion of anything that resulted from those tapes should be considered by the Court or this jury, I think that it becomes incumbent upon the Court to go through the entire transcript and delete those portions which are either spurious, immaterial or irrelevant--and there are quite a few of them--to see if there is anything in these tapes that are of no pertinence here. And there are some things that have no relevancy here that may be very prejudicial in terms of human emotion toward these defendants. And there is some personal matters that were discussed amongst these various people. And it is with this in mind and with great concern about the damage that can be done--and not properly done--to my clients--I come before the Court at this time and raise this issue so that the Court will be apprised of it.

THE COURT: All right, sir. I will, of course, have to go over the matter before they are actually offered into evidence.

At the present time, based upon the Government's announcement to me of what they intend to ask this witness, I am frankly of the opinion that if permitted to ask this witness that series of questions, and if the Government is unable to later carry it out, it will be more beneficial to the defendants. And I will permit the Government at this time to ask this witness the testimony and the matters that he talked about--that is, whether or not he was furnished with tape recording equipment and whether he had it on at a certain time, and they are not to go into the conversations themselves or anything but merely the fact that he had been provided the equipment, that he had it on and that it was operating at these times.

As I say, if he answers those things in the affirmative and the Government can't thereafter come through with something, I think it would be more beneficial to the defendant.

MR. BIERMAN: I agree and I have no objection to that portion of it.

Navarette - direct

THE COURT: I will permit the Government to go into that matter to that extent.

All right, gentlemen. We will proceed.

Will you bring the jury in, please?

(Thereupon the jury resumed their seats in the jury box, pursuant to which the following proceedings were had:)

THEREUPON--

RICARDO MORALES NAVARETTE,  
the witness on the stand at the time of the recess,  
resumed the stand and testified further as follows:

DIRECT EXAMINATION (resumed)

BY MR. BIERMAN:

Q Mr. Morales, you are still under the same oath that was administered before the recess. And at that time, sir, we were discussing a meeting which you had with Aimee Miranda.

When and where was this, sir?

A At her apartment, sir.

Q What date?

A September 30.

Navarette - direct

Q Who was present?

A Only she was present there.

Q And yourself, sir?

A That's right, sir.

Q What, if anything, did you discuss?

A We went into details concerning the POLANICA shooting, we went into her own account of the personalities of the people involved in the activities surrounding Bosch. We went into the discussion--

Q Without telling me what her account of them was, who were those people?

A Balan, Prieto, Bosch himself, Marcelino, Jorge and Paulino.

Q What else did you discuss?

A We discussed the fact that none of the ships which have been bombed nor the companies who owned those ships have been trading with Castro and none of the ships should have been bombed. They had never touched Cuban ports.

Q Prior to your going to the apartment of Miss Miranda, did you meet with anyone from the

Navarette - direct

FBI?

A With Special Agent Benjamin P. Grogan.

Q What was the purpose of that meeting?

A At his apartment to place an Edwards tape recorder on my person.

Q Did he do that?

A Yes, sir.

Q Did you have an on-and-off control yourself, or was it on at all times?

A At the apartment it was on all the time.

Q Who controlled that?

A I controlled it.

Q After having left Aimee's apartment, where did you go?

A I went to the parking lot of Miami High on Flagler Street at 24th Avenue, and I give the tools to Agent Grogan, and I told him that I got enough tape left over to go to the Marti Building; that there was a meeting going on that night.

Q Did you, in fact, go to that meeting?

A Yes, sir.

Navarette - direct

Q Who was present there?

A At Room 309 there was Dr. Bosch, Tony Prieto, Paulino Gutierrez, and Bombillo Gonzalez was there, also; Marcelino Garcia, and about four or five more individuals that I didn't know at that time.

Q What discussions occurred at that meeting?

A The discussions were concerning the raising of funds campaign for the Cuban Power.

Q Were all of the individuals that you just named, did they all participate in these discussions?

A All of them were talking at the same time. It was a general discussion concerning raising funds.

Q Did you record that?

A No, sir. I didn't record it for the fact that there were so many people talking at the same time that it was going to be impossible to get a proper recording.

Q You stated that raising money was discussed. What about that was discussed?



Navarette - direct

A The means and the ways to contact different peoples and different factories about the raising of funds campaign, plus Marcelino stated there was some sort of a bonus that will be in the name of Cuban Power with different amounts showing that they were going to give in exchange for money for the campaign.

Q What do you mean by a bonus?

A Like a sticker.

Q Like a United Fund sticker that we give, is that what you are referring to?

A Some sort of that thing.

Q Returning for a moment to the meeting which you had with Dr. Bosch on September 26, prior to that meeting did you have occasion to meet with the FBI?

A Oh, yes, sir. That afternoon at the office they showed me how to work with the Edwards tape recorder, and about seven o'clock I was at Special Agent Benjamin P. Grogan's apartment and he placed the Edwards tape recorder on my person.

Q Did you turn this on during the time

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that you were talking with Dr. Bosch?

A Oh, yes, sir, I turned it on.

Q Did you leave it on, or did it go on and off or what?

A No. I left it on in spite of the fact that at the beginning there was a TV set going on, and afterwards we went out of the house so when the conversation was finished, I turned it off.

Q Did you have another occasion to see Dr. Bosch after September 10?

A On October 1, sir.

Q Where was that, sir?

A The Jose Marti Building, sir, Room 309.

Q Who else was present, if anyone?

A The same people that were present on October 30, plus some other different individuals, concerning the raising of funds campaign and discussing the same matter.

Q Were you in contact with the FBI prior to this meeting?

A Yes, sir.

Q With whom?

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A Special Agent Benjamin P. Grogan, where he placed the Edwards tape recorder on my person again.

Q Did you conduct any conversation with anyone in particular there?

A After ten minutes being there, I went to a small room in the back of that office with Bombillo and Gonzalez, and we started in a long conversation, a lengthy one.

Q What did you say?

A We discussed the POLANICA, we discussed the reactions that might happen if Bosch was arrested, and they didn't believe that Bosch was going to be arrested. And in the event Bosch was going to be arrested, they were going to paralyze Miami in a big strike, and now that the New Year season was almost about, it was going to be some sort of a shock for everyone, and he went into the details about the surveillance and so on.

Q After that meeting where did you go?

A I went to the parking lot of the Miami High on Flagler Street where I turned in the Edward tape recorder to Agent Grogan.

Q Did you record anything else on that recorder after you left this meeting?

A After I left the meeting?

Q Yes.

A No, sir.

Q What did you do after the meeting on the 30th at the Jose Marti Building? Where did you go then?

A To the same parking lot at Miami High, to turn in the Edwards tape recorder to Agent Grogan.

Q Between the time that you had left Aimee Miranda's house and seeing Agent Grogan for the second time, did you ever have the recorder on again?

A No, sir.

Q During the course of your undercover work for the FBI, did you have any other employment?

A Yes, sir. I was employed at National Brands Wine Department, as a salesman.

Q How much money were you making?

A \$500 straight salary plus my commission.

Q Did you continue that job?

A No, sir. I give it up to dedicate full time to my undercover work.

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MR. BIERMAN: Your Honor, could we have a very brief recess? I realize we just started back.

THE COURT: How brief is "brief"?

MR. BIERMAN: Five minutes.

THE COURT: All right. We will have a recess for five minutes.

During the recess the same instructions, of course, will be applicable.

Court will be in recess for five minutes, at which time we will then start with the cross examination.

MR. GREENSPAHN: May I respectfully request that the witness be instructed that he not talk to anybody during this period of recess?

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

THE COURT: Is it the Government's purpose in requesting this recess to have a conference with this witness?

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MR. BIERMAN: No, sir. Not with this witness. We want to talk with the Court and with defense counsel to explain the 302s and the Jencks Act material which we have turned over, which has been excised. And I have made a complete transcript available to the Court so that it can be a matter of record.

THE COURT: Mr. Morales, you may be excused for five minutes. And pursuant to the request of counsel, I am going to instruct you not to talk to any of the lawyers or anybody else about your testimony.

THE WITNESS: Yes, sir.

THE COURT: You may be excused until we start again.

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

THE COURT: Is there anything else you want to announce?

MR. BIERMAN: We also would request that at the close of this testimony all copies of

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this material, pursuant to the Jencks Act, be returned to us.

THE COURT: All right, sir. That is perfectly all right. That is your privilege and I will so direct.

MR. GREENSPAHN: One point, your Honor. The Government has previously advised the Court that it would not make known Mr. Morales' address because of the alleged threats that might be received by him. This being the case I, of course, have no means of serving him with the process of this Court if I would choose to use him for the defendants.

THE COURT: I will direct Mr. Morales that he shall remain subject to the orders of the Court, to be recalled back at any time counsel so desires, and he can be recalled as his witness.

MR. GREENSPAHN: Thank you, sir.

THE COURT: Is there anything else?

MR. BIERMAN: Nothing further.

THE COURT: We will be at ease for a few minutes.