

Navarette - cross

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

THE COURT: You may proceed, Mr.

Greenspahn.

CROSS EXAMINATION

BY MR. GREENSPAHN:

Q Mr. Morales, when did you terminate your employment at the National Brands Company?

A About September 15, about that time.

Q What year, sir?

A This year, sir.

Q Of the various activities that you have testified to on direct examination, they have primarily concerned themselves with the period from April, 1968, up until approximately the first part of October of this year, is that right?

A That's right, sir.

THE COURT: Up through October 30th, I think you testified, was the last meeting, did you not?

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

THE WITNESS: September 30.

BY MR. GREENSPAHN:

Q You quit your job on September 15, which was very close to the end of these various things that you have told us about?

A Right.

Q You did that to dedicate yourself on a full-time basis to your undercover work?

A Sir, in fact I resigned about fifteen days before that time, but my commissions--that is, receiving money from my commissions--that was pending from the months of July. So, in fact, National Brands is still sending me checks after that time. But I officially resigned from up there.

Q When was it that you last really worked there, not when you last received money from them?

A August 15, sir.

Q In the period from April until August 15, you were employed at National Brands?

A I started working for National Brands on May 1.

Q So you worked there from May 1 until

Navarette - cross

August 15. Where did you work before May 1?

A I was employed as a salesman in a jewelry store, United States Jewelry Stores, 1650 Southwest 8th Street, sir.

Q What kind of work did you do there?

A I resale jewelry merchandise.

Q How long were you employed in that capacity?

A In that capacity, for a long period of time, sir. Back to 1963.

Q Was that your principal form of employment since 1963 until May 1, 1968?

A No, it's a sideline, sir, and part-time job.

Q Were you employed anywhere during the month of January, 1968?

A U. S. Jewelry Store, sir.

Q Did you have any contact with or any dealing with Orlando Bosch or any of the other defendants during the month of January, February or March, 1968?

A No, sir.

Navarette - cross

Q During the months of November, December, 1967?

A Occasional meeting, might be. You know, just run into him or stop on the street corner and say hello and that's it. With Dr. Bosch.

Q When did you come to the United States?

A November 29, 1960.

Q How did you come?

A By airplane, sir.

Q Are you a political refugee?

A Yes, sir. I was at the Brazilian Embassy as a hostage there.

Q Who held you hostage?

A The Brazilian Ambassador, sir.

Q For what reason?

A Political reasons, sir.

Q What kind of work did you do in Cuba before coming here?

A I was a G2 agent, sir.

Q What is a G2 agent?

A Intelligence Service, sir.

Q How long were you employed in that

Navarette - cross

occupation?

A Part of 1959 until the end of July, 1960.

Q In which government was that that you were a G2 agent?

A Fidel Castro's government.

Q What was your rank or position?

A Special Agent, sir.

Q Did you hold any rank above that of the ordinary special agent?

A No, sir.

Q Did you have any particular assigned duties to which you were assigned in that capacity?

A Yes, sir. At the Havana International Airport.

Q What were your duties?

A Checking the list of people coming in and out of the country.

MR. BIERMAN: Your Honor, I am going to object to this line of questioning going back to 1960. I don't see the relevancy of it.

MR. GREENSPAHN: It goes to the

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

credibility of the witness. These issues were all presented upon direct examination by questioning of counsel as to the background of this witness.

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

MR. GREENSPAHN: Thank you, sir.

BY MR. GREENSPAHN:

Q Mr. Morales, had you at any time prior to April, 1968, been an employee of any federal agency in the United States?

A Yes, sir.

Q Would you tell me the date and the occasions for your employment?

MR. BIERMAN: Your Honor, I am going to object to this at this time pursuant to the trial memorandum that we filed in regard to the matter.

THE COURT: I am going to overrule the objection at this time.

MR. GREENSPAHN: Thank you, sir.

BY MR. GREENSPAHN:

Q Answer the question, Mr. Witness.

A Will you repeat it again, sir?

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

THE COURT: What specific United States agency were you employed by, sir?

THE WITNESS: The Central Intelligence Agency, sir.

BY MR. GREENSPAHN:

Q When was that, sir?

A In '64, sir.

Q For how long a period of time?

A For a year and one month.

Q What was the reason for terminating that employment?

A My last assignment was over.

Q Have you worked for the Central Intelligence Agency since that time?

A No, sir.

Q Directing your attention to the months of February-March-April, 1968, when was the first time that you made any contact with any special agent of the FBI or any other government agency relative to these nine defendants?

A April 25.

Q At what place did you make such

Navarette - cross

contact?

A By telephone, sir. I arranged a meeting with them.

Q You arranged a meeting?

A Oh, he arranged the meeting. I told him, "I want to talk to you," and he said "Okay" and he arranged the meeting.

Q What was the date of that, if you recall?

A The same day that I spoke with him.

Q What date, sir?

A April 25, 1968, sir.

Q Who did you call?

A Joseph C. Ball, Special Agent of the Federal Bureau of Investigation, sir.

Q Was that your first contact with Agent Ball?

A No, sir.

Q Had you had previous contact with him?

A Yes, sir.

Q On what occasion and for what purpose?

A In the County Jail, sir.

Navarette - cross

Q When, sir?

A February, sir.

Q Were you a guest or were you in or were you in custodial custody at that time?

A I can't be a guest of the County Jail. I was a prisoner in the County Jail.

Q What were you a prisoner for, Mr. Morales?

A It was under a police charge of a bombing.

Q What bombing, Mr. Morales?

MR. BIERMAN: Your Honor--

THE COURT: Gentlemen, just a minute. Will counsel approach the Bench?

(Thereupon a sidebar conference was held at the Bench out of the hearing of the jury as follows:)

THE COURT: Gentlemen, if the purpose of this cross examination is to go into the credibility of the witness, the mere fact of an arrest is not at all admissible, and it is improper to inquire about it. Convictions are perfectly proper if it is counsel's

Navarette - cross

intention to show an arrest and conviction. And I will permit him to do it. If it is counsel's intention to ask--and I assume possibly it may be--whether or not this witness was offered any promises or immunity, I will permit you to go into that, but I don't want a whole series of things about if you were arrested for this or if you were arrested for that.

MR. GREENSPAHN: That's the point, your Honor.

THE COURT: Other than those two matters, I will permit counsel to go into it.

MR. BIERMAN: And no further details?

MR. GREENSPAHN: I think the severity or the nature of the crime becomes very material to it, your Honor.

THE COURT: Well, it's a felony. I do not think it would make much difference at this point. Under both the Florida law and the federal law it would be a felony.

MR. GREENSPAHN: A felony?

THE COURT: Yes, sir.

Navarette - cross

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

BY MR. GREENSPAHN:

Q Mr. Morales, have you been tried for the offense with which you were charged?

A It is still pending, sir.

Q When was the arrest made?

A St. Valentine's Day, sir.

Q Has there been a date set for the trial of that case, sir?

A Yes, sir. February 7, sir.

Q Has there previously been a date set for the trial of that case, sir?

A Yes, sir.

Q What was the date?

A June 3 and October 21.

Q Mr. Morales, what was your motivation and what was your reason for calling Special Agent Ball?

A When?

Navarette - cross

Q On April 25, 1968.

A To report my conversation with Dr. Bosch.

Q Were you a Cuban national before you came to the United States?

A I am still a Cuban national, sir.

Q What was your purpose in reporting Dr. Bosch to Mr. Ball of the FBI?

A My believe that what was going on was the biggest phony scheme that can be put over on the Cuban exiles here, and my belief that he did not represent the true feeling of the Cuban people, and my belief that the actions that were going on only helps Communist Cuba.

Q When you had this belief in April, 1968, Mr. Morales, was it a belief formed upon the opinion that any bombing activities as such were wrong and were not helpful to the anti-Castro cause?

A Definitely, sir.

Q Why, sir, did you participate in a bombing in January, 1968?

MR. BIERMAN: Your Honor, I am going

Navarette - cross

to object.

BY MR. GREENSPAHN:

Q In the City of Miami--

MR. BIERMAN: I object to this and move it be stricken and ask that counsel be instructed not to infer guilt--

THE COURT: I am going to sustain the objection and grant the motion and will instruct the jury to disregard it because it is entirely argumentative.

BY MR. GREENSPAHN:

Q Did you, Mr. Morales, attempt to secure consideration of any special kind or quarter from the Federal Government or from the State Government by reason of any activities that you might perform after April 25, 1968?

A No, sir, no bargain, sir.

Q Have you received any consideration from any federal or state agency?

A What kind of consideration, sir?
I don't understand your question.

Q Have you received anything of value,

Navarette - cross

whether it be a promise or money or other object?

A No promises, sir.

Q Have you received any object, Mr. Morales?

A What do you mean "object"?

THE COURT: Have you received any money?

THE WITNESS: Yes, sir.

THE COURT: All right, sir.

BY MR. GREENSPAHN:

Q How much money have you received?

A Enough to keep up with all my expenses during my undercover work, sir, and they can furnish you with my signed receipts accorded to that matter, sir.

Q Mr. Morales, you responded directly to the Government's questions. I would appreciate your responding to my question.

How much money have you received, Mr. Morales?

MR. BIERMAN: Your Honor, I object to this question.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

THE COURT: I will strike counsel's observation from the record and instruct the jury to disregard it. And I will ask the witness myself: Do you know approximately how much money you have received from the Government in payment for your undercover activities?

THE WITNESS: No, sir.

THE COURT: You do not know, sir?

THE WITNESS: No, sir.

THE COURT: All right, sir.

BY MR. GREENSPAHN:

Q What was the manner and method of payment to you, Mr. Morales, by the Government?

A In cash, plus a receipt that I signed, sir.

Q By whom were such payments made to you?

A Special Agent Joseph C. Ball and Special Agent George Davis.

Q How often were these payments made subsequent to April 25, 1968?

A That's right, sir. After that month, sir.

Navarette - cross

THE COURT: How often were they made, sir? He has asked you now, did you get them weekly or daily or monthly or how were the payments made to you by time period?

THE WITNESS: Monthly.

BY MR. GREENSPAHN:

Q Once a month?

A Even twice a month. It all depended on the expense that I was getting at that time, sir.

Q Are those payments continuing as of this date?

A No, sir.

Q When was the last time that you received such payment?

A In September, sir.

Q What date in September?

A I don't recall the date, sir. I'm sorry. The receipt was dated and my signature and so on.

THE COURT: That's all right. Just do not volunteer any answers.

BY MR. GREENSPAHN:

Navarette - cross

Q Do you remember the specific amount of any payment that you received?

A What do you mean? What specific amount?

THE COURT: Any one payment. Do you recall how much you got at any one time, sir?

THE WITNESS: About \$400.

THE COURT: About \$400?

THE WITNESS: Yes, sir.

MR. BIERMAN: Your Honor, we will be glad to make these receipts available to refresh the witness's memory.

THE COURT: All right, sir. And bring them up here.

These are the receipts which have been signed by you. You can look at them if you will and see if you recognize your signature on them, and if you do recognize your signature, you may refer to them for the purpose of refreshing your recollection as to any specific date or any specific amount counsel may ask you about.

THE WITNESS: That's right, sir.

Navarette - cross

BY MR. GREENSPAHN:

Q Now, reviewing the receipts that have been handed to you, will you tell us the dates and the amounts of payments that were made to you during the period from April 25 to and including the present date.

A April 26? Do you want the amounts?

THE COURT: I do not want you to read them. Are those your signatures on them, all of them?

THE WITNESS: Those are my signatures, sir.

THE COURT: All right, sir. The Clerk will please mark them Court's Exhibit No. 1. It will be received in evidence over the objections of both parties.

MR. BIERMAN: We have no objection.

THE COURT: They are in evidence. I do not want him to waste his time reading them. You can make anything you want to out of them.

MR. GREENSPAHN: I have no objection to the introduction of these.

THE COURT: They will be received in evidence. The Government may withdraw them and

Navarette - cross

substitute photostatic copies if it so desires. They are in evidence as Court's Exhibit No. 1.

(Thereupon the receipts referred to were received in evidence as Court's Exhibit No. 1.)

THE COURT: Proceed with your cross examination, sir.

Do you have any summary of that, a recapitulation or anything?

BY MR. GREENSPAHN:

Q In reviewing Court's Exhibit No. 1, can you recall any other considerations that you may have received--that is, money, promises or other objects?

A Oh, they keep up with all the payments to move myself, as a security precaution.

Q Are you moving in and about the Dade County area?

A No. I am still living in the Dade County area. I am still living in the City of Miami.

Q All right, sir. Have you had any other occupation during your adult lifetime other than

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

the work that you have described to us?

A During my adult life? Where?

THE COURT: Well, I would assume in Cuba you are speaking about now. You have told us about the time that you were in--

BY MR. GREENSPAHN:

Q Cuba or anywhere else.

THE COURT: Did you live anywhere else than Cuba before you came over here?

THE WITNESS: No, sir. In Havana, Cuba.

THE COURT: I am talking about Cuba. Havana is in Cuba.

THE WITNESS: Yes, sir.

THE COURT: Did you live anywhere other than Cuba before you came to the United States?

THE WITNESS: No, sir.

THE COURT: All right, sir. Now he is asking you, aside from the work you did as a G2 agent, have you done any other work in Cuba of any nature or have you done any work in the United States of any nature since you came here that you have not told us

Navarette - cross

about?

THE WITNESS: Yes, sir. I have done factory work up in New York, in Port Chester. I have worked in New York City and I have worked factory work down here in Miami, American Art Industries. I was a parking attendant at the Luau Restaurant on the 79th Street Causeway. I was also a parking attendant at the Americana Hotel on the Beach. And I was also working with Van Dusen Aircraft Suppliers. And I also worked with Royal-McBee Corporation.

BY MR. GREENSPAHN:

Q Does that completely cover all your employment?

A Just about, as I recall now.

Q Since leaving Cuba have you been to any other foreign country than the United States?

MR. BIERMAN: I am going to object to that. We have been through the covering of this employment, and if he left the country in regard to that, it is neither relevant, nor is it proper at this time, and we would have a more complete objection out of the presence of the jury.

Navarette - cross

MR. GREENSPAHN: Your Honor, there is a real and present reason for my asking this question. It is not fancy on my part to do so.

THE COURT: Well, the question, as I understand it now, is, since leaving Cuba have you been to any other country than the United States. I will permit the question. Objection overruled.

THE WITNESS: I went to Africa, sir, to the Republic of the Congo.

BY MR. GREENSPAHN:

Q In what capacity?

A As a highly-trained operator under-
going rescue missions concerning the activities of
the Communists in that republic.

Q Who were you employed by?

A I was employed by the Congolese
Government, sir.

Q For how long a period of time were
you there and when were you there?

A From September, 1964, to December, 1964,
sir.

Q Mr. Morales, what experience have you

Mercenary

Navarette - cross

had with demolition equipment?

A I was fully trained on demolition equipment, sir.

Q Where and under what circumstances?

MR. BIERMAN: Your Honor, I will agree that he may answer that on the method of his training, but to go any further is to go into areas of the Central Intelligence Agency which is neither relevant nor material nor admissible at this time.

MR. GREENSPAHN: Your Honor, he has qualified himself, really, on direct examination as an expert on weaponry and on demolition materials. This is in cross examination of that.

THE COURT: Well, I don't know whether he has qualified himself as an expert in weaponry. I would imagine, although the foundation has not been laid, and he has testified from his knowledge that he has assumed the position of being an expert insofar as demolition is concerned--at least as far as the 57-millimeter recoilless rifle is concerned--I will permit you to go into his qualifications as to those matters.

Navarette - cross

MR. GREENSPAHN: Thank you, sir.

BY MR. GREENSPAHN:

Q Mr. Morales, will you tell us the nature and extent and the place of your training?

A Sir, with your permission--

THE WITNESS: And, your Honor, I am not going to disclose about anything as to locations that might affect the security of this country. I won't supply any kind of information that might be available or that is of good use to the Communist Parties, sir.

THE COURT: I am not going to require you to.

MR. GREENSPAHN: I haven't asked you that. All I am asking you is to tell the extent of your training and what training, what knowledge you have received with respect to demolition, dynamite and 57-millimeter recoilless rifles.

A In a number of places, sir.

THE COURT: All right, sir. How many months training or weeks training or what did the training consist of? That is what I want to know.

Navarette - cross

THE WITNESS: On demolition, two weeks.
A full course in demolition for two weeks, day and night classes, concerning all the arsenal of explosives --pentolite, TNT, dynamite, C4, C3, all kinds of charges, shaped charges, booby traps, hand grenades, rocket launchers.

BY MR. GREENSPAHN:

Q How long was that?

A Two weeks, sir.

Q How long ago was that?

A I don't understand your question, sir.

THE COURT: How long ago did you receive that training?

THE WITNESS: In 1964, sir.

BY MR. GREENSPAHN:

Q Did you have experience at that time with 57-millimeter recoilless rifles?

A No, sir.

Q Have you at any time had experience with 57-millimeter recoilless rifles?

A I was fully trained with the 57-millimeter recoilless rifles, sir.

Navarette - cross

Q At what time, sir?

A In '64.

Q As a part of the training you have told us about?

A Yes, sir. I spent nine months in training, sir.

Q Did you have occasion to personally operate and fire a 57-millimeter recoilless rifle?

A During training, yes, sir.

Q On more than a few occasions?

A Yes, sir.

Q Do you feel that you are well enough conversant with the operation of the recoilless rifle to understand all of the things that are to be understood about the operation of such a rifle?

A They teach you that, sir.

Q Will you describe the shell that allegedly was presented to you or shown to you at the apartment of Aimee Miranda.

A That's right, sir.

Q You said that it was a practice shell?

THE COURT: He said it was a fragmentation

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

shell. It had green paint on it. He scraped the green paint off and he saw the blue paint underneath.

Is that what you said?

THE WITNESS: That's right, sir.

BY MR. GREENSPAHN:

Q Did you not also say it was a practice shell?

A Yes, sir.

Q Now, will you tell or will you describe to us the distinction between a practice shell and an armor-piercing warhead shell that should be used in situations other than practice?

A The different types of shells--

✓ THE COURT: He described the difference between an armor-piercing shell and a fragmentation shell. I don't want him to go into that. Briefly, as I understand his testimony, a fragmentation shell has a charge within the head of it which causes it to explode and fragment when it comes in contact with an object. An armor-piercing shell, on the other hand, has case hardened steel which will penetrate steel before exploding. Is that correct, sir?

Navarette - cross

THE WITNESS: That's correct, sir.

THE COURT: Now, let's go on. What is the difference between a practice shell and one that would be in the field, if any?

THE WITNESS: Sir, you wouldn't use a practice shell in the field because you won't achieve any military purposes.

BY MR. GREENSPAHN:

Q Is it the destruction of property that is the military purpose in the context that you use it?

A Yes, sir.

Q Is that right?

A A military target, sir.

Q Based upon your training and experience in weaponry, what effect would the shell that you described as having seen in Aimee Miranda's apartment have when utilized against a metallic surface?

A Just fragmentation and maybe a little scratch and some sort of, you know, a big bump, you know. You can make a little hole. It won't have enough power to penetrate steel.

Navarette - cross

Q Would you, based upon your experience and training, expect such a shell fired from a distance--and in this instance the distance that you have described the 57-millimeter to have been from the ship, the POLANICA, would you have expected it to do serious damage to the mechanical capabilities of the vessel POLANICA?

A Not the mechanical ability of the vessel, but fragmentation can kill anyone close by in the circular radius of fragmentation.

THE COURT: What you are talking about is if it is a hull. If it hits the wheelhouse, for example, it would be an entirely different situation there. It might be through a glass window and explode?

MR. GREENSPAHN: I am not talking about the mechanical apparatus.

THE COURT: You are limiting your question to the hull now?

MR. GREENSPAHN: Yes, sir.

THE COURT: And what his opinion would be as to the effect of it? All right, sir. We got that cleared up.

BY MR. GREENSPAHN:

Q Now, Mr. Morales, the first time that you established contact with Orlando Bosch, was it your intent to bring forth from him statements that could be referred by you to the FBI that would be incriminatory of Orlando?

A I did not force him to anything, sir.

Q What was your purpose in contacting him?

A I got no purpose in contacting him. We just ran one into each other, as I explained before.

Q Did you form a purpose of maintaining a relationship after you ran into him and prior to or before the time that you and Agent Ball first talked?

A We formed that purpose, sir, because he wanted to obtain explosives and equipment from me, personally.

Q Did you ever provide explosives or other detonating devices to any person other than Orlando Bosch or any of these eight defendants?

A Yes, sir. During activities against Castro I have been involved in activities against

Navarette - cross

Castro for a certain amount of time. In fact, I have been going down there on raiding missions.

Q To your certain knowledge is it not a fact that within the Cuban colony in the Miami area there are many raids purportedly made and many, in fact, are made upon Castro's Cuba?

MR. BIERMAN: I will object to that as not being relevant.

THE COURT: I will sustain the objection.

BY MR. GREENSPAHN:

Q Mr. Morales, after you established your contact with Agent Ball, did you have occasion to become conversant with any other special agents upon a regular daily basis other than Agent Ball?

A No, sir. In the beginning it was only just Joseph C. Ball.

Q After this was there ever a time when you became principally responsible to any other agent of the Federal Bureau of Investigation?

A Well, when he was on vacation I was turned over to George Davis. And when Joe Ball

Navarette - cross

returned from his vacation, I remained in contact with Joe Ball and subsequently I was in touch with both of them.

Q Now, after you began your contact with Orlando Bosch, did you ever advise him, without being requested and without being asked for such advice, that you could provide him with either the breathing apparatus that you described or explosive material?

A Will you repeat the question.

Q It is a rather lengthy question.

THE COURT: The question is this:

After meeting Dr. Bosch did you advise him that you could obtain this breathing equipment without any suggestion on his part or request on his part?

THE WITNESS: He requested it, sir.

BY MR. GREENSPAHN:

Q When that request was allegedly made of you, what did you say to him?

A That I was going to look about for rebreather equipment, sir, the same as we did with explosives, sir.

Q Let's talk about the rebreather. Did

Navarette - cross

you ever provide him with the rebreather apparatus?

A Yes, sir.

Q Was it a functioning rebreather apparatus?

A The oxygen tank was empty.

Q Were there any defects in that apparatus?

A No defects, sir.

Q Was it fully operable other than the fact that it was in need of oxygen?

A In need of oxygen and in need of granules in the canister. And I supplied the granules.

Q After the granules were supplied, was it operable?

A They have to fill up the oxygen tank, sir.

Q Did you ever see that rebreathing equipment used by Orlando Bosch or any of the other defendants?

A No, sir.

Q With regard to the explosives, was there ever a time that you gave to Orlando Bosch or

Navarette - cross

any of the defendants live explosives?

A In 1963, sir, and 1964.

Q That is when you were in the CIA?

A Before the CIA and in between the CIA, sir.

Q Was there ever a time after April, 1968, that any such explosives were given by you?

A Live explosives, sir?

Q Yes, sir.

A No, sir.

Q Was there a source of your explosives other than Mr. Davis or Mr. Ball of the FBI?

A The phony explosive, sir?

THE COURT: The one you have testified about today in this trial.

THE WITNESS: No, sir. The phony explosives were supplied by FBI agents, sir.

BY MR. GREENSPAHN:

Q How about the live explosives that you used?

MR. BIERMAN: Your Honor, I am going to object to that question as being irrelevant. There

Navarette - cross

has been no direct testimony that--

THE COURT: I am going to sustain the objection.

BY MR. GREENSPAHN:

Q Mr. Morales, with the exception of the purported time when you and Dr. Bosch went to the canal behind the Doral Country Club, was there any other time that you personally observed the use of explosives from April, 1968, to the present date by any of these defendants?

A No, sir.

Q Have you had occasion to see any of the dynamite, pentolite or any other explosive devices that you have talked about subsequent to the time that you made delivery of them in the manner and form that you have told us you made the delivery?

MR. BIERMAN: I am going to object to that.

THE COURT: I will sustain the objection. So far as I understand the witness's testimony, the only thing he delivered was dynamite. Is that correct, sir?

Navarette - cross

THE WITNESS: That's correct.

THE COURT: You did not deliver any other type of explosive?

THE WITNESS: No, sir.

THE COURT: The blasting caps, where did they come from? Did you deliver them?

THE WITNESS: No, sir.

THE COURT: All right, sir.

BY MR. GREENSPAHN:

Q What about the pentolite? Didn't you deliver that to Aimee Miranda's apartment?

A I never delivered any pentolite to Aimee Miranda's apartment. The pentolite was already there, in a soap box.

Q Where did you get your pentolite from?

A What pentolite, sir?

Q The pentolite that you had previously used yourself.

MR. BIERMAN: I am going to object.

THE COURT: I will sustain the objection.

MR. GREENSPAHN: I will withdraw the

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

question.

BY MR. GREENSPAHN:

Q Were you aware of the fact that Orlando Bosch was the principal in an organization known as the MIRR?

A That has been the previous name of his organization, sir.

Q That is the name of an organization of Cuban exiles, is it not?

A That's right, sir.

Q Are you aware of the fact that the office in the Jose Marti Building that you referred to is the MIRR office and has not any other name?

A There was no MIRR name there, sir, in Room 309, and the conversation carried on in that 309 office during the time that I was present concerning the raising of funds campaign was to be directed to the Cuban Power and not to the MIRR.

Q Have you known of any other person in the Cuban colony, either in this city or in any other city, who have referred to themselves as Cuban Power other than these charged defendants?

Navarette - cross

A There have been a lot of announcements in the papers concerning that, sir.

Q From various places?

A That's right, sir.

Q So that as I understand it, you worked in the Congo and were directed to the saving of human lives?

A That's right, and to fight the Communists that were taking over the country.

Q Did you fight?

A Yes, sir, I fought.

Q Did you use weapons in the process?

A Yes, sir.

Q Now, sir, when you talked to Dr. Bosch the first time or the second time--the first several times during the months of April and early May, 1968, were your principal conversations only about the supply of explosive devices or were there other things that you talked about?

A Supplying the equipment, sir, and his future plans concerning Cuban Power activities and so on.

Navarette - cross

Q Did you not ask him for his assistance in attempting to locate and talk to a witness in the case pending against you?

A Yes, sir. We discussed it.

Q Wasn't that discussed on several occasions?

A Yes, sir.

Q Have you discussed that witness with Mr. Ball or Mr. Davis or other FBI agents?

A No, sir. Only my lawyer Mike Suarez, because he wants to take a deposition of that witness and we were not being able to locate that witness.

Q Which reminds me: You have seen me before, have you not?

A Oh, yes, sir, here in the office.

Q At that time when the Government produced you for me to talk to you, you agreed to speak with me?

A I agreed to see you, sir.

Q Did you speak with me?

A I talked to you, sir, and I told you I was not going to tell you anything and discuss anything relating to the case; and no hard feelings, sir.

Navarette - cross

And I didn't want you to waste your time and I didn't want to waste my time, sir. Everything I had to say was going to be said in this Court, sir.

Q Before coming into this courtroom today, had you discussed this case with any person other than Mr. Bierman or Mr. Ball or Mr. Davis?

A No, sir.

Q Have you talked to Agent Grogan?

A Agent Grogan? I have seen Agent Grogan a lot of times.

Q As to this dummy dynamite that you supplied, how did you know it was dummy dynamite?

A Because I was informed that the FBI-- that it was dummy dynamite that they have requested from the duPont Company at Birmingham and, in fact, I tested a stick of that dynamite with Dr. Bosch, and the fact that myself I inspected the dynamite and from my own judgment concerning my own training in demolition I determined that it was phony. I can tell you the difference.

Q At the time you picked it up or tested it with Dr. Bosch, did you tell Dr. Bosch your opinion

Navarette - cross

that it was phony dynamite?

A Yes, I told him.

Q He knew it from that point on?

A Yes.

Q He knew it from that point on?

A That's right.

Q Isn't it a fact on these various exhibits that you have identified there are markings which indicate that these are, in fact, dummy sticks of dynamite?

A Sir, outside of Bosch, there is a "D" means dummy.

Q On the sticks of dynamite isn't there a "D"?

A I didn't see it now, sir.

THE COURT: Let him look at it. He can't see it that far away.

A There is a "D," sir.

BY MR. GREENSPAHN:

Q And you said this looks just like the dynamite that you turned over to Dr. Bosch?

THE COURT: Yes, sir. That's what he said. He said it was similar to it.

Navarette - cross

BY MR. GREENSPAHN:

Q Does this look, in packaging and content, like dynamite as you have experienced it?

A Yes, sir.

Q With regard to the baralyme granules, did you give this package, Government's Exhibit No. 20, did you give this to the people you gave it to full or was it half full?

A It looks like that one. That one looks like the one I gave him.

THE COURT: The question he is asking you, sir, was the package which looks like this one he has in his hand full or was it half full?

THE WITNESS: It was full, sir.

BY MR. GREENSPAHN:

Q All the way up to the top?

A Yes, sir. It was sealed.

Q It appears to be in the same or appeared to be in the same condition this one appears to be?

A That's right.

Q Did you have any business with a man

Navarette - cross

named Theofilo Babon?

A I know him.

Q Did you have any reason to do business with him, any reason whatsoever?

A Business with him? No, sir.

Q Had you ever had experience with detonating devices?

A Yes, sir. All different kinds, sir. There are a lot of different kinds of detonating devices, sir.

Q Did you, on January 25 of this year, have in your possession detonating devices at your home?

MR. BIERMAN: I object to this as irrelevant, your Honor.

THE COURT: I am going to sustain the objection.

BY MR. GREENSPAHN:

Q Did you live at 921 Southwest 5th Street, Mr. Morales?

A I used to live there, sir.

Q Were you living there on January 25,

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navaratte - cross

1968?

A January?

Q Yes.

THE COURT: January 25, 1968, did you live at 921 Southwest 5th Street?

A Yes, sir, I was living at that address.

BY MR. GREENSPAHN:

Q Did you make independent notes as the days passed and the meetings occurred about the various people you have testified about?

A What do you mean by independent notes, sir? If I keep a diary or if I keep personal notes concerning the meetings?

THE COURT: Yes, sir. That's what he means.

A No, sir. For security reasons I never keep any notes concerning meetings and so on on my activities.

BY MR. GREENSPAHN:

Q Have you had occasion to see any notes or any official reports concerning your activities in this regard?

Navarette - cross

A Well, I saw all my reports with Mr. Bierman.

Q Have you studied them?

A We went through them ten or fifteen hours, sir, during the period of about four days.

Q Did you have any difficulty in recalling any of the events that were described in those reports?

A Not too much, sir. Not too much.

Q Do you recall if Agent Ball or Agent Davis ever put any markings of their own on any dynamite or on the box in which the dynamite was packaged?

A On the last delivery Special Agent George Davis took two sticks out of the box, and that is all I know about him touching the boxes and the dynamite. Special Agent George Davis, he took two sticks from the box.

Q What was the date of that last delivery?

A The day of that last delivery?

Q Yes.

A Sir, it was September 27, sir.

LEONARD LAIKEN

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U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

Q Was that the only time that any of these agents--

A So far as I am concerned, sir.

Q Did you ever deliver any on August 27?

A It was August 27, sir?

Q Was it? I'm asking you, sir.

A It was August 27, sir.

Q Is that what you are talking about when you said September 27, or is that a separate delivery?

A August 27, sir.

Q The date that Agent Davis took it from you?

A Not from me, sir. From the box.

Q How about September 27? Was there another delivery on that date?

A Sir?

THE COURT: Did you make another delivery of dynamite on September 27?

THE WITNESS: No, sir, September 26 is when I went to Dr. Bosch's house with the tape recorder, sir. No deliveries on September 27, sir.

LEONARD LAIKEN

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U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

BY MR. GREENSPAHN:

Q What was the date, if you can recall it, that you observed the unusual event of a circling airplane that you described to us?

A August 27, sir.

Q Was this a special type airplane?

A It was a Cessna 150.

Q How high off the ground was it?

A About 500 feet, sir.

Q Do you know who was occupying that airplane?

A The FBI, sir.

Q Do you know who was in that airplane?

A No, sir.

Q Have you had any conversations with anybody about that airplane since that time?

A Yes, sir.

Q Who?

A FBI agents, sir.

Q Who?

A Joe C. Ball.

Q Is that the only one?

Navarette - cross

A And George Davis, sir.

Q Is that the only other one?

A That's all, sir.

Q You testified that you and Aimee Miranda
--at Aimee Miranda's house you had seen, I think you
said, boxes of M1 rifles?

A Not M1 rifles, sir; M1 rifle grenades,
sir.

Q M1 rifle grenades?

A Yes.

Q Where did those come from?

A I don't know, sir.

Q Did you, during the period of from
April 25, 1968, up to and including the present date,
ever provide any M1 rifle grenades?

A No, sir.

Q At what time did you get to Aimee
Miranda's house on September 15?

A About eight-thirty, sir.

Q And at that time did you engage in any
lengthy conversations with any person there, or was
it just hello and--

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

A During what time, sir? Do you mean all the time that I remained in the apartment?

Q No. When you first came in the apartment.

A When I first came to the apartment, we have a little talk. At that time we were driving up there, sir.

Q Then you commenced working on the 57-millimeter, is that right?

A Yes.

Q How long did you work on it?

A About three hours, sir.

Q Did you do most of the mechanical work on the 57-millimeter?

A No, sir. All of them helped me on that.

Q Was the gun operable when you first went to work on it?

A No, sir.

Q Was it operable when you finished it?

A Yes, sir.

Q What happened to the two screws or the

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

two bolts which you had removed and the spring?

Where had they come from on this apparatus?

A Do you want me to show you where they came from?

Q Would you, please?

A Sure. These two screws there fit right into here, sir.

Q I don't want you to dismantle the evidence.

A Excuse me, sir. If you want me to show you where they go, I hate to take out the screws, because the spring goes right into here. That is the cocking rod of the weapon. That is where the spring goes.

Q Now, is this weapon in the same essential condition it was when you last saw it?

A It's a little rusty now, sir.

Q Other than the rust, does it appear to be about the same as it was when you last saw it?

A The only thing is you don't have the sight here, sir, that I fixed up for the L-shape coat hanger, plus the adhesive tape here, sir, plus

Navarette - cross

the string that was across here, sir, because you got the markings here.

Q In a mechanical sense is it any different now than it was before?

A Mechanical sense? Well, do you mean operating the weapon?

THE COURT: Yes, sir. Is it operable now, or is there any difference from when you last saw it? You testified it was operable for a single shot.

THE WITNESS: That's right, sir.

THE COURT: At the time you left it.

THE WITNESS: I can fix it up for a single shot now.

THE COURT: Is it essentially in the same condition?

THE WITNESS: Essentially the same condition now. I don't know if you can work with it now or not. If I test it, you know, I can tell you.

THE COURT: Well, let's don't put a shell in it.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

BY MR. GREENSPAHN:

Q What I would like to know, the spring mechanism that was out of it controls what portion of the apparatus?

A The cocking rod that goes right into here. And when you open the breech, sir, it cocks the weapon so you can fire after that. So you can use a screwdriver and push that cocking rod all the way to the back so the rifle will be set up in a cocking position.

Q Is the rifle in a cocking position now or has it been placed in a different position?

A There is a knob missing here, sir, that I notice now that I have to use to unlock it, to open this breech. Without that, I can't do it.

Q Was that knob on this the last time you saw it?

A Oh, yes, it was.

Q So then this 57-millimeter is not in the same condition it was the last time you saw it?

A No, sir, except for the missing knob there.

Navarette - cross

Q That missing knob has some significance in the operation of the 57-millimeter?

A That's the only way you have to open that breech, sir. Now you can't open the breech.

Q In other words, you can't put a shell in there?

A Right now? No, sir.

Q Was that knob that you are talking about makeshift or improvised or was it actually a piece of that machinery?

A I can't hear you, sir.

Q Was the knob you are speaking about, which is missing, was it a makeshift knob or was it a part of the regular equipment?

A It was part of the regular equipment, sir.

Q How big is it?

A This big, sir (indicating).

Q Was it affixed to the apparatus the last time you saw it?

A Oh, yes, sir.

Q How is it affixed to it?

Navarette - cross

A It was screwed in, sir.

Q Was it welded to it or was it screwed into it?

A It was screwed in, sir.

Q Have you had occasion since the 15th of September to the present date to see this 57-millimeter rifle?

A In the paper, sir.

Q Have you seen the rifle itself?

A No, sir. This is the first time.

Q This is the first time you have seen it?

A Yes, sir.

Q Do you know what nationality the man you described as Tony Prieto is?

A (No response)

Q Are you having difficulty hearing me?

THE COURT: Sometimes I do, too. You can talk a little bit louder.

MR. GREENSPAHN: Certainly, sir. I'll do the best I can.

A Sir, I have a hearing condition in this

Navarette - cross

ear. So that's the reason, sir.

BY MR. GREENSPAHN:

Q Let's ask about that. What kind of condition do you have in your ear?

A I am a little deaf here thanks to an explosion, sir, in the Congo.

Q That is the left ear?

A Yes.

Q Do you have any trouble with your right ear?

A Not with the right ear.

Q Mr. Morales, the question I asked you was, is the man you identified as Tony Prieto, to your knowledge, a Cuban?

A Yes, sir.

Q Are there restrictions on the travel of Cubans in and out of the United States?

MR. BIERMAN: Your Honor, I am going to object.

THE COURT: I will sustain the objection.

Navarette - cross

BY MR. GREENSPAHN:

Q Do you know, sir, of your own knowledge whether Tony Prieto has ever been out of the United States since the time that he entered the United States?

A Only--

Q Of your own knowledge?

A No, sir.

Q On the night that the POLANICA was shelled, did you drive past the area where Balan and Prieto were?

A I didn't drive, sir. I was in the back seat of the car.

Q You were in the car?

A That's right.

Q Did you have a clear view out of the window of that back seat?

A Yes, sir.

Q Which side of the car were you--right or left?

A Right side.

Q In which direction were you going when

Navarette - cross

you first passed that area?

A When we first passed, where they were parked? We were going west, toward Miami, sir.

Q Did you look out to your right as you passed the area that they were in?

A Yes, sir, because I was--

Q What did you see?

A Sir, I saw a light green '57 Chevrolet parked off the side of the road. A man had a fishing line in his hand. And--Balan had the fishing line in his hand, and Prieto was leaning on the top of the hood of the car, and I was taking a good view, trying to get a good view of the car, just to get the license number, sir. That was not easy to get.

Q Did you see anything when you went by?

A No, sir.

Q Did you go by it again?

A A second time, sir.

Q What were they doing the second time you went by?

A The same thing.

Q Were there other people fishing on and

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

off?

A No, sir. They were the only ones at the causeway that night, sir.

Q Did you go from Miami to Miami Beach on the causeway?

A No, sir. We went up to Star Island. There is a traffic light there so you can make a U-turn and go back to Miami again, sir.

Q On the occasions that you passed back and forth did you ever see them do anything other than fish or sit and lean on the hood of the automobile?

A Fishing and leaning on top of the hood, sir.

Q What objects, if any, did you see other than their fishing rods, if they had them?

A No fishing rods, sir.

Q String?

A A line.

Q A line? That is the Cuban fashion of fishing, isn't it?

A That's right. That is Cuban fashion.

Q What other objects did you see?

Navarette - cross

A Nothing else, sir.

Q You did not see the cannon?

A No, sir.

Q Did you ever recover your screwdriver?

A No, sir.

Q Do you know where it is?

A I don't know, sir.

Q Now, I think you referred to it as an Edwards recorder. Can you hear me all right? I want to make sure I am not--

A Yes.

Q The Edwards recorder. What was the mechanism for turning it off and on and how did you go about turning it on and off?

A You have a little wire that goes into your pocket. So you make a little hole in the pocket and it goes right into the pocket so I could put my hand into the pocket. There was the off and on switch there. The on position is close to the wire and the off position is away from the wire. It's a little device this big, sir.

Q How many times all together did you

Navarette - cross

ever use the recording machine?

A I used it on September 26th and I used it twice on the 30th and I used it once on October 1.

Q The first time that you used it was on September 26th?

A Previously I was instructed how to work it.

Q The first time that you used it did you turn it on and leave it on throughout the entirety of any conversation that you had with any of these defendants?

A The first tape, yes, was Dr. Bosch.

Q And that was not stopped at any time?

A No, sir.

Q From that point that you turned it on until the point that it went off, there was the complete conversation you had?

A Definitely, sir.

Q How about the second time you used it?

A The second time that I used it, I turned it off and on about three or four occasions.

Q What was your purpose in turning it

Navarette - cross

off when you turned it off?

A Sir, my purpose was because there was so much noise of office equipment and getting into the building that I knew that the reception of the voices was impossible to be recorded.

Q Did you record anything with any other extraneous noises present--television sets, radios?

A On the first occasion there was a TV set going on. And during the time in Aimee Miranda's apartment, there was a radio on, also, and there had been elevator noises and office equipment getting into it.--

THE WITNESS: Well, he's not paying attention to me.

MR. GREENSPAHN: Don't worry whether I am paying attention or not. I am hearing you fine.

THE WITNESS: That's it, sir.

BY MR. GREENSPAHN:

Q You mentioned some nicknames. Do you know some of these defendants by nickname?

A I know them by their own names and by nicknames and supposed names.

Navarette - cross

Q Let's review the nicknames that you spoke about. Tell me whose nickname is which.

A Barbaro Balan is Bobby; Andres Jorge Gonzalez Gonzalez is Bombillo; Tony Prieto turns out to be Jose Diaz Morejon; Dominguez Benitez is El Isleno.

Q Are there any others?

A Jorge is Jorgito.

Q You have a nickname, do you not?

A In my schooldays I should have a nickname. Every--at school time when you are a kid you got a nickname.

Q You are known as Chivato, aren't you?

(Thereupon, pursuant to reaction from the spectators in the courtroom, the following proceedings were had:)

THE COURT: Ladies and gentlemen, I have told you at the beginning of this trial that there will be no noise, no talking, no demonstrations of any kind whatsoever on the part of the audience. At this time I am going to let you get away with it.

Navarette - cross

The next time that some person makes any kind of demonstration I am going to instruct the United States Marshal to place him under arrest immediately. And the rest of you are going to be ejected from the courtroom. I will not stand for any kind of demonstration or any noise of any kind or interference with this trial on the part of any spectator.

All right. Now you may proceed.

MR. BIERMAN: Your Honor, I have a motion to make outside the presence of the jury, if I could, sir.

THE COURT: All right, sir. Ladies and gentlemen of the jury, will you excuse us for a few minutes?

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

MR. BIERMAN: Your Honor, I would move that Mr. Greenspahn be forced to show a basis for the asking of this question. Mr. Morales has never been known by that name. And translated in English it

means "stool pigeon." It was a question asked for the purpose of embarrassing this witness.

THE COURT: All right, sir. What basis do you have?

MR. GREENSPAHN: Your Honor, this man has been referred to numerous times as Chivato.

THE COURT: By whom?

MR. GREENSPAHN: By a number of people. I can't give you specific names other than the fact that I have heard it repeatedly. I did not do this as a stage dramatic. If it had that effect, I'm sorry, your Honor.

THE COURT: I am quite sure it did have. I don't know whether it was for the purpose of the audience or what. I don't believe it was. I don't believe it had any effect on the jury because I don't believe anybody on the jury can speak Spanish. So I think it is probably a loss as far as the jury is concerned. But I think the thing was entirely brought out by you voluntarily, and I think it was solely for the purpose of making an impression on these Cuban people sitting out in the audience.

I am going to ask the witness now:

Navarette - cross

To your knowledge were you ever called by that name prior to the time that these people were indicted?

THE WITNESS: No, sir.

THE COURT: All right, sir. Do you have any witnesses who will testify that that was a common nickname used by him prior to the time these people were indicted?

MR. GREENSPAHN: Your Honor, I hadn't given any thought to providing such witnesses.

THE COURT: Well, I am going to strike that last question and answer, and I don't want any more of it.

Do not bring the jury in right at this point. We'll be in recess for a few minutes.

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

THE COURT: All right, Mr. Greenspahn. You may continue. But before you do that, however, ladies and gentlemen: I have stricken from the record the last question and answer as having no basis in the record for such a question to be asked. So you

Navarette - cross

will disregard it completely.

BY MR. GREENSPAHN:

Q Mr. Morales, do you have an opinion as to the truth and veracity of Orlando Bosch?

A Sir?

THE COURT: Just a minute.

MR. BIERMAN: I object, your Honor.

THE COURT: I will sustain the objection unless it is first established that this witness is familiar with his general reputation for that characteristic in the neighborhood and if he is asked in the proper manner whether he has an opinion.

MR. GREENSPAHN: All right. If I may backtrack.

MR. BIERMAN: Your Honor, I will withdraw my objection to that.

MR. GREENSPAHN: I will withdraw the question, your Honor.

THE COURT: All right, sir.

BY MR. GREENSPAHN:

Q Mr. Morales, during the considerable portion of the time that you have spent with Dr.

Navarette - cross

Orlando Bosch in the last several months, have you become familiar with Dr. Bosch's claims with regard to his anti-Castro activities; that is, those activities that are directed to Fidel Castro in Communist Cuba?

A Not like he was claiming.

Q From the way you said that, I get the impression that you don't believe him.

A That's right, sir. And the fact that none of the ships that were bombed nor the companies that owned those ships have been making any kind of trade with Cuba. They have not touched Cuban ports and they are claiming that the sabotage had been done in Cuba, and he has got no connection with that sabotage here, and he was hiding the fact that there was a true clandestine move down in Cuba.

Q In other words, you are telling me that you don't believe Dr. Bosch when he tells you about his activities in Communist Cuba?

A He has never done any kind of activities in 1968 against Communist Cuba, sir, concerning the ships and the companies that own those ships. And

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

concerning this recent sabotage that has been done in Cuba, he has got no connection with those, sir.

Q So that when he told you again a good many of these things that he told you, you just didn't believe him?

A I knew it wasn't true, sir.

Q Did Dr. Bosch at any time tell you that he was opposed to the bombings that were taking place in the Miami area?

A Yes, sir.

Q He did tell you that?

A Yes, sir.

Q I may be repeating myself--bear with me if I am--but the very first time on April 25 that you made contact with Orlando Bosch, how did that contact come about?

A As I told you before and as I told the Court before, I was driving on 1st Street in the southwest section going east, and I happened to run into him. He was riding in a black Falcon two-door.

Q Who uttered the first word? Who said "Hello" first, do you recall?

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross

A Both of them the same time.

Q Did you tell him that you had something you wanted to talk to him about?

A No. We just stopped the cars there and we started engaging in conversation, sir.

Q That was the extent of it?

A Sir?

Q That was the extent of that conversation at that time?

A Sir, the extent of the conversation I explained and testified before in this Court, sir. Do you want me to go over that conversation again, sir?

Q It's not necessary. It's repetitious.

MR. GREENSPAHN: Your Honor, subject to the Court's ruling as to the availability of the witness I have no further questions.

THE COURT: All right, sir. Redirect examination?

REDIRECT EXAMINATION

BY MR. BIERMAN:

Q Mr. Morales--

MR. GREENSPAHN: Your Honor, just one

Navarette - cross

further thing. May I open up my cross?

THE COURT: I will permit you to continue your cross.

CROSS EXAMINATION (continued)

BY MR. GREENSPAHN:

Q Mr. Morales, I am going to show you two objects and ask you if you will identify each of them. The first one is a magazine. I want to ask you to turn to Page 50 and see if you can identify that. What is the object itself, before going into the contents of Page 50?

A Well, this is my own account of what happened in the G2 during the time that I was there, sir. And as I told the newspaperman, I told him the details and he made all the write-ups and he--

Q What is the publication--

A And the format of the articles and so on.

Q What is the publication in which that is contained?

A The Bohemian Magazine.

Q Is that a magazine, to your knowledge,

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - cross
of general circulation in the South Florida area?

A At that time, yes, sir.

THE COURT: What is the date on that,
sir?

BY MR. GREENSPAHN:

Q Do you see the date on that, sir?

A February 19, 1961, sir.

Q I show you a continuation of that in a
subsequent magazine. This, too, is Bohemia, is that
correct?

A Yes.

Q What is the date of this?

A February 26, 1961, sir.

Q And at page supplement 8, is this the
continuation of that article?

A Well, it is the continuation of all the
details that I gave the newspaperman and he finished
up his work, sir.

Q Is the article in the first and second
Bohemia that you referred to, is it correct and have
you read it and understood it to be a correct
restatement of what you said?

Navarette - cross

A There are some misunderstandings due to the work of the newspaperman. We can't go into too many discussions about things and so on, because newspapermen, once in a while they change little subjects and so on.

Q Your direct quotes in here are relatively accurate, are they not?

A The direct quotes might be. Some of them are made by the newspaperman, because he was trying to make some sort of a--you can't help it. It was just to prepare it, not the plain facts, but just to fully describe it. The newspaperman was a very capable person, anyway.

MR. GREENSPAHN: Will you mark these as a composite exhibit?

THE COURT: Mark them as Defendants' Composite Exhibit No. 1 for identification.

(Thereupon the magazines referred to were marked as Defendants' Composite Exhibit No. 1 for identification.)

MR. GREENSPAHN: I have nothing else.

Navarette - redirect

REDIRECT EXAMINATION

BY MR. BIERMAN:

Q Under what conditions did you leave Communist Cuba?

A Very difficult conditions, sir. I went to the Brazilian Embassy because I got a price on the top of my head.

Q Who put that price on the top of your head?

A The Communist government of Cuba at that time, sir.

Q When you said you were a hostage in the Brazilian Embassy, did you go there voluntarily?

A Oh, yes. I needed a place to be away from them, and I asked for politican asylum of the Brazilian Ambassador, and he granted it.

Q In other words, you were under their protection?

A Yes, sir, definitely. I was living in the embassy for eighty-two days, sir.

Q How did you get out of the country?

A Well, finally the ambassador got a

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - redirect

safe conduct from the government, and he put me on a Pan American flight down here to Miami, sir.

Q And since leaving Cuba on that date have you ever worked for the Government of Fidel Castro?

A No, sir.

Q Have you been opposed to it in any way?

A Oh, yes, sir. All the way, sir.

Q Referring you, sir, to Government's Exhibit No. 19, this box marked "Dynamite" and Government's Exhibit No. 22, which purports to be a stick of dynamite, would the letter "D" mean anything to you if you did not previously know that it was dummy dynamite?

MR. GREENSPAHN: Your Honor, this is a leading question and it is counsel's witness.

THE COURT: Since he is apparently now qualified as an expert on explosives, I will permit him to answer the question.

Would that letter "D" have any particular significance to you if somebody was just

Navarette - redirect

to hand that to you?

THE WITNESS: Dummy, defective.

THE COURT: Could it mean "Dangerous"?

THE WITNESS: That's right, sir.

THE COURT: But to you it meant "Dummy"?

THE WITNESS: Dummy and defective.

BY MR. BIERMAN:

Q Did you ever explain, prior to the date of testing, to Dr. Bosch or any of these people that you previously testified about, that this was not genuine dynamite?

A I told him the night that we tested that at the canal, but not previously.

Q On one occasion did he ask you whether it was dangerous?

A Oh, yes. The night of the first delivery.

Q What did you tell him?

A I know I told him--

THE COURT: He said no, it wasn't dangerous to drop it if it dropped. That was the question that was asked him. He was asked whether or

Navarette - redirect

not it would be dangerous to drop it and he said no.
Is that right?

THE WITNESS: That's right.

THE COURT: That was the conversation.

BY MR. BIERMAN:

Q Now, Mr. Greenspahn asked you whether or not you personally viewed the firing of this 57-millimeter rifle, and your reply was no. Did you have any discussions with anyone after the firing of this weapon?

A Oh, yes.

THE COURT: That is repetitious. He testified that all he heard was a boom, zip, boom. And later on he talked to people about it at length.

MR. GREENSPAHN: This was an area which I did not discuss, your Honor.

THE COURT: If you want to get into the area he didn't discuss, go ahead, but I don't want all this other conversation repeated again.

BY MR. BIERMAN:

Q Did you have any specific conversation with Tony Prieto about the actual firing of this rifle?

Navarette - redirect

A Yes, sir.

Q What was that?

A About being deafened by an explosion.

When he fired the rifle, sir.

Q The sound?

A The sound of the explosion, sir.

Q And you were apparently qualified as an expert on 57-millimeter rifles at one time. What, sir, would have been the effect had this projectile hit the wheelhouse of the POLANICA?

MR. GREENSPAHN: May it please the Court, it calls for a conclusion for which he is not qualified.

THE COURT: I will sustain the objection.

BY MR. BIERMAN:

Q Can a projectile of the type that you have seen penetrate fiberglass?

MR. GREENSPAHN: Same objection. It is a leading question.

THE COURT: This is asking an opinion now. And I will permit him, if he has an opinion.

LEONARD LAIKEN

OFFICIAL COURT REPORTER

U. S. DISTRICT COURT

MIAMI, FLORIDA 33101

Navarette - redirect

I will permit him to express it.

A It all depends, sir, about the thickness of the fiberglass.

BY MR. DIERMAN:

Q Do you know whether the plan, prior to the firing, was to hit the hull of the boat?

A It was to hit the deck, sir.

Q Mr. Greenspahn asked you about the tapes and when you turned them on and off. Do you know whether there was any limit to the amount that you could record on these tapes?

A Oh, yes, sir. Only forty minutes, sir.

Q You mentioned, sir, that you were known by a nickname in school. What was that nickname?

A Monkey, sir.

Q How is that said in Spanish?

A Mono.

Q Did you, sir, ever bargain with the Federal Bureau of Investigation for payment?

A No, sir.

Q Did you ever tell them anything whether

Navarette - redirect

or not it was too much or too little or anything else?

A No, sir.

Q Mr. Greenspahn asked you some questions whether or not you believed as to what Dr. Bosch was doing.

Did you, sir, believe him when he told you which ship he was shelling or which he was causing to be bombed?

MR. GREENSPAHN: If it please the Court, again this is a leading question.

MR. BIERMAN: There was some confusion in that area, your Honor.

MR. GREENSPAHN: There wasn't any confusion in that area.

THE COURT: Well, I will permit the question to be answered.

BY MR. BIERMAN:

Q You may respond.

A Will you repeat it, sir?

THE COURT: Yes, sir. Do you know what the question is?

THE WITNESS: Will you repeat it again?

Navarette - redirect

THE COURT: The question was this: Did you--you testified, in substance, that you knew he wasn't telling the truth about his purported clandestine activities in Cuba and that you knew some of the things that he claimed credit for that he had not done and wasn't deserving of the credit. The question now is, did you believe him when he told you about the sabotage or the attempted bombing of certain ships?

THE WITNESS: Sir, he was claiming that he was bombing ships that were trading with Cuba, sir, with Communist Cuba. And none of those ships that were being bombed--

THE COURT: That was not the question, sir. The question was, as I understand the testimony up to this time, Dr. Bosch is supposed to have claimed credit for the bombing or attempted bombing of certain named ships.

THE WITNESS: That's right, sir.

THE COURT: Now, the question is, with respect to those particular ships, regardless of whether they were trading with Cuba or not, did you

Navarette - redirect

believe him in his statement that he had something to do with those bombings or attempted bombings?

THE WITNESS: Definitely, sir.

MR. BIERMAN: We have no further questions.

MR. GREENSPAHN: May I exercise just a short recross?

THE COURT: All right, sir. We have gone a little wide. So I will permit you to ask additional questions.

RECROSS EXAMINATION

BY MR. GREENSPAHN:

Q You have just told Mr. Bierman that you are opposed to Fidel all the way. Those are your words?

A And Communists, sir. And I can prove it. All my life, sir.

Q How have you proven it in the last year or two?

A In the last year or two, sir?

Q Yes.

A I have been disconnected with any

Navarette - recross

clandestine activities because of lack of support, and because where I have been waiting for help to do something for my country against international Communism, it has not come, sir. That is all. I have been in a standby position for almost two years now, sir.

Q Were you on a standby position on January 25 of this year?

MR. BIERMAN: I am going to object. Counsel knows this is an improper question. The ruling was made on this previously.

MR. GREENSPAHN: I don't know of any such thing. If it upsets Mr. Bierman so much--

THE COURT: Just in case, we will settle any doubts--

MR. GREENSPAHN: I will withdraw the question, your Honor.

THE COURT: All right, sir. Good.

BY MR. GREENSPAHN:

Q Mr. Morales, the vessels that Dr. Bosch talked about and the countries that they were flying the flag of, to your knowledge were these flags of

Navarette - recross

these vessels engaged in commerce with Communist Cuba?
I am not talking particularly about these vessels.

MR. BIERMAN: I object to the question.

MR. GREENSPAHN: You raised it,
Counsel. That's the only reason I am bringing it up.

THE COURT: I don't think it makes a
great deal of difference or not, but we have gotten
into some discussion with respect to that. So I will
let him answer it. We are speaking now about Spanish,
English and Polish vessels.

MR. GREENSPAHN: That's right, sir.

THE COURT: Is the question now as to
these particular vessels or these particular countries?

MR. GREENSPAHN: The countries, your
Honor; not the vessels.

THE WITNESS: The United States
Government trades with Communist countries. That
means we don't have to bomb them just because they
trade with Communist countries, sir.

BY MR. GREENSPAHN:

Q Cuba is what I asked about, Mr. Morales.

A Do you know what flag convenience is,
sir?

Navarette - recross

Q No, I don't.

A England, Mexico, Spain and Japan, they trade with Communist Cuba, sir.

Q And finally, I hope, as to one of these forty-minute tapes that you referred to, is that forty minutes consecutive running on one side of the tape or do you have to turn the tape?

A No, no. Consecutive.

Q Forty minutes on one side?

A Yes.

Q Is there a second side to the tape so that you can get an aggregate of eighty minutes?

A No. You put a new reel on.

Q Is it a cassette type or is it a long time?

A Sir?

THE COURT: Is it a type that is within a little case or is it separate on a reel?

THE WITNESS: In a little case.

THE COURT: You insert the case in the recorder?

THE WITNESS: No. You have a little

Navarette - recross:

case and you place the two reels in.

THE COURT: Two separate reels?

THE WITNESS: Two separate reels.

MR. GREENSPAHN: Thank you, sir.

THE COURT: All right. Now, is there anything else of Mr. Morales?

(No response)

THE COURT: Mr. Morales, you may now be excused, but you will have to remain subject to call, sir. So if you will keep in touch with the United States Attorney so that he can get in touch with you if it is desired to recall you back, you can be called back. But you may now be excused subject to being recalled, sir.

Thank you.

(Witness excused)

THE COURT: Call your next witness.

THEREUPON--

BERNARDO M. PEREZ,
called as a witness on behalf of the Government,
having first been duly sworn, was examined and
testified as follows: