

MR. GREENSPAHN: No, sir. I have stated them.

THE COURT: They will be noted by the Court and they will be overruled and the tapes will be admitted into evidence.

(Thereupon the tapes referred to were received in evidence as Government's Exhibits Nos. 27, 28, 29, 30 and 30-A, inclusive.)

MR. BIERMAN: I will recall Mr. Morales.

THEREUPON--

RICARDO MORALES NAVARETTE,
recalled as a witness, and having previously been duly sworn, resumed the stand and testified further as follows:

THE CLERK: Please state your full name for the record.

THE WITNESS: Ricardo Morales Navarette.

DIRECT EXAMINATION

BY MR. BIERMAN:

Q Mr. Morales, you previously testified

Navarette - direct

to having had a tape recorder upon your body and you recorded certain tapes; is that correct, sir?

A That's correct, sir.

Q Thereafter did you have an opportunity to listen to these tapes?

A Yes, sir.

Q Where was that, sir?

A At the FBI office, sir.

Q Did you, during the course of that time, sir, identify any of the voices on the tapes?

A Yes, sir.

Q To whom did you identify them?

A Mrs. Saliba and Agents Grogan and Agent Dawson.

Q And after these were identified and a transcription was prepared, sir, did you compare that with listening to the tape?

A That's right, sir.

Q Was there anything--is this how you made the identification?

A Yes, sir.

MR. BIERMAN: No further questions.

Navarette -

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

MR. GREENSPAHN: May we approach the Bench, your Honor?

THE COURT: Yes, sir.

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

MR. GREENSPAHN: One thing has been called to my attention earlier this morning, and I would ask the Court for a clarification of your prior ruling about Mr. Morales. He will be made available to me, I understand?

THE COURT: Absolutely.

MR. GREENSPAHN: Of course, I understand that when he goes on as part of my case, he cannot be put on for the purposes of impeachment.

What I would like to find out from the Court is whether I will then be permitted or if I can now be permitted to inquire of him as to an incident that allegedly occurred this morning where

he threatened a newsman relative to the publication of certain notes that were made in the course of the trial yesterday. I think if I can do it, then I will not do it now.

THE COURT: Well, I would prefer for your initial questioning to be done out of the presence of the jury. I will permit you to do it, but I would prefer, in the first instance, that it be conducted out of the presence of the jury.

MR. GREENSPAHN: You don't care whether it be done today or--

MR. BIERMAN: If he wants to do it right now, he can.

THE COURT: I do not care about a time limit, because I am giving him the privilege to do it. I am going to permit him to do it.

It is an incident that I do not know anything about at all. I am saying I will permit him to go into it, but I want him to do it initially outside the presence of the jury, because I do not know how the thing is going to develop or anything else, and I do not want a situation to occur where, if we get into something in the presence of the jury that is

normally not admissible or anything, conceivably it could result in a mistrial at this point. And I think that to protect everyone's rights, it should be a preliminary questioning and then we can proceed from there.

I have told counsel he has my permission to do it. And if it is agreeable with him, we will go ahead and proceed with this thing and then if he wants to, on Monday morning we can start with it then.

MR. GREENSPAHN: That's fine, sir.

THE COURT: All right, sir.

I want the record to further show that this inquiry is not being made or done as a witness for Mr. Greenspahn's clients. In other words, he is not calling him for the purpose of offering him as a witness on his behalf so far as any of this questioning is concerned.

MR. GREENSPAHN: I have no questions of this witness at this time.

THE COURT: You may be excused.

(Witness excused)