

Saliba - direct

THEREUPON--

SOPHIA SALIBA

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

DIRECT EXAMINATION

BY MR. BIERMAN:

Q Mrs. Saliba, you have previously testified. At this time I would ask you whether you have had an opportunity to listen to certain tape recordings.

A Yes, sir, I have.

Q I call your attention to what has been marked Government's Exhibit 27 in evidence and ask you if this is one of the tapes you listened to.

A Yes, this is.

Q Did you prepare a transcription and translation of that tape?

A Yes, I did.

MR. BIERMAN: I believe, under the previously agreed procedure, the tape will be played at this time?

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THE COURT: All right, sir. They will be played with this explanation:

Ladies and gentlemen of the jury, I have admitted these tapes in evidence. However, the tapes contain a considerable amount of matter which I have deemed not material or relevant to this case. The tapes are in Spanish; and since none of you speak Spanish, it will not make much difference, but those parts which I have admitted into evidence will be translated by the lady. But so that you will understand, there will be parts that go on that you will not hear anything about or at all. They are parts which I have held are not relevant or material to these charges at all and have nothing to do with this case.

The fact that it is not translated in its entirety, you are not to draw any inferences at all from that. There is nothing being held from you that I do not feel is not material or relevant.

You may proceed.

BY MR. BIERMAN:

Q Do you know when you were told there

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was a recording, just for the purpose of identifying this exhibit?

A I believe September 30. I am not positive.

Q Will you examine the exhibit and look?

A 9-26-68. The tape was recorded at this time.

Q That is Exhibit No. 27?

A Yes.

Q Did you attempt to transcribe or translate that first section of tape?

A No, I did not. There was too much interference there--background noise--and I couldn't get it clearly enough. I am beginning at about this point here (indicating).

Q Thank you.

Mrs. Saliba, can you tell us how you prepared your transcriptions and translations of these tapes?

A First I listened to the tapes about two or three hours all the way through. Then I sat down and wrote what I could hear piece by piece until

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I had as much as I could get. Then I asked Mr. Dawson, a Spanish-speaking agent, to verify what I had written; and he did so. And then finally we had Mr. Morales come in and listen, also, to make sure that we were getting the right persons saying the right things.

Q And if you had any difficulty with any particular word, what did you do?

A Well, there were a few colloquial expressions that I wasn't--

Q Do you mean in hearing words?

A We played it over and over again until we did get it.

Q Did you use only the naked ear or did you listen with anyone else?

A Oh, we had headsets on. We used three different machines to listen to it, to make sure that we got as much as we could.

Q And did you, in your translations, translate any extraneous noises such as a radio or television?

A No, I didn't. I didn't attempt to.

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Q I want to ask you, Mrs. Saliba, to return to your own notes and translate what has previously been agreed upon in your presence as relevant portions of this tape and naming the speaker, and just commence to read, starting at Page 4. Start reading with "The bad thing about Orozquito."

A (Reading) "The bad thing about Orozquito is that he is a little, very poorly organized for the plan. He is not tractable. He is a fighter, he is good, he is a fighter, a real fighter. As I see it, it is hard to keep him in certain limits, well, it is difficult to fit him into anything.

"MORALES: He is the one who talked to you about the recoilless that you have, isn't that so? He told me that he had talked to you about the other recoilless that you have.

"BOSCH: Yes, I told him that I was lending it to him. That is the one that is outside." (A few words unintelligible)

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"MORALES: And they dumped it right there, Orlando?

"BOSCH: Yes, they dumped it right there (words unintelligible) the tide went out. (More words unintelligible) and Marcelino went and checked the next day to see more or less (more words unintelligible). When they were coming there, as they go there, they see the FBI, two cars of the FBI and some frogmen working in that place. They went around (some words unintelligible) and they saw him come out.

"MORALES: So that night they were the ones who first came behind Jorgito, when we came out discouraged looking for the car. Don't you remember?

"BOSCH: It was not they."

"MORALES: Listen, you know why it didn't hit the bridge?

"BOSCH: Why?

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"MORALES: When you fire from land, and the missile has to cross over water, the depth in ballistics causes the missile to descend."

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"MORALES: Come now, boy, why did that fellow stay there for two hours, for two hours?

"BOSCH: Oh no, a little boat there came to the other and it went along the whole coast. It was going around like mad.

"MORALES: Ah, that is what Jorgito said, that there was one which was. . .

"BOSCH: (Interrupts) Came back again. (Some words unintelligible) They saw two or three cars which they did not like.

"MORALES: There was no one there.

"BOSCH: Now they felt the stick.

The Spanish one was after this?

"MORALES: No, before, before.

"BOSCH: Carol was there! Carol was in Puerto Rico at the time of the clobbering.

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Ask him so that you can see the reaction of the people (some words unintelligible). We have those people going crazy.

"MORALES: Orlando, and that matter of your appealing for a million on television--

"BOSCH: (Words unintelligible) playing at revolution, as everybody here is, as we have been, but seriously (some words unintelligible) or I'm locked up in prison. These people are going to kill me (some words unintelligible) or one of those Fidelistas will blow up my house (words unintelligible). I am going all the way (words unintelligible).

"MORALES: What do you think the reaction of the people has been, Orlando? Because everybody is asking me questions, that is, about who the person wearing the disguise is.

"BOSCH: Well, boy, well, when you have these things before the people, the reaction varies, but in general, there is



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sympathy. Many deeds, Morales. We have hit very hard. One ship, and another ship, and another ship, and another ship (words unintelligible) and the explosion, and the hit there, and the hit here. I believe that we have worked intelligently (some words unintelligible). We have developed this matter intelligently.

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"MORALES: Orlando, what do you think of the press?

"BOSCH: Don't you worry about that. You keep on going ahead, for we will stand behind you. Don't worry. Don't take a step back even to give yourself a pushoff.

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"MORALES: Orlando, eh Orlando, you are not planning to have someone?

"BOSCH: Well, there is that thing, Morales. Financially, we are very weak, brother. Realize that, and now that work which is being done."

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Q Mrs. Saliba, when you translated that portion, which says "Financially, we are very weak," what is the literal meaning of that?

A The words used were "en panalles." "In diapers," and I interpreted that to mean that they weren't strong financially or they were very weak financially.

Q To your knowledge, does each language have its own idiom?

A Yes, it does. I wouldn't say that it is an idiom exactly but it is a figure of speech that is being used.

Q Continue.

A "Realize that, and now that work which is being done. Money is always (some words unintelligible). The Municipality of Santa Clara has come already and agreed to give me two hundred dollars. The other also in seven or eight days. Some people in a factory I'm going to see there have a fund of a thousand bucks which they are going to give us in a few

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days. Do you realize that? If we cannot do it and we spend all our pennies up to the day of the cannon blast, we only had enough with us for coffee with milk, or whatever it might be, and besides, since I have them watching me, well, I have not paid much attention to that thing. But I am going to do it, brother."

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"BOSCH: And did you see the people, 'Cuban Power! Cuban Power! Cuban Power!' The shouting! Didn't you hear the cable over the radio?

"MORALES: Did you see Rivero saying that the matter of the cannon blast was something Don Quixote would do?

"BOSCH: Ah, yes, praising it but calling it an extravagant action, when the extravagant actions were really theirs.

"MORALES: Yes.

"BOSCH: Damn, hell. I regret that all the bazooka shots they fired there were

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the ones I gave them. I have five or six bazooka shells left, as you know, because I gave those people about four or five. Dum jerks and all the trouble I went to for these perverts.

"MORALES: The impact on the ship was at the very center, Orlando.

"BOSCH: Yes, yes. You who are on the inside, for a man who has never done any firing, the truth is, dammit, it was a damn good job. The moral value that we attached to that was that it was a daring thing, you, that thing, dammit, to send the shot over the heads of the Coast Guard. Ay! I told the people many things, and there were two cars with those people riding around, and there were two companions on the beach with a walkie-talkie, and two at the Miami Herald with another walkie-talkie. It was we, and they were going around there and passed by, hell, it was a drama well thought up, and when two cars passed there

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'in about five minutes the cannon was fired, and the Coast Guard responded with machine guns, and, dammit, all that, it must be told, yes, my buddy, Morales, with what did we win the other war?

"MORALES: Propaganda.

"BOSCH: With what did we win the other war?

"MORALES: There are, there are those who do not like that. Orlando, didn't they show your documentary on NBC?

"BOSCH: No. If they show that, we've got it made."

Q Is that the idiomatic expression?

A Literally he says "We close up," and that is an idiomatic expression that means that things are so good that they can close up shop, everything has been accomplished already.

(Continuing) "Yes, indeed, that would be the end. I would like you to see those missiles lift off, solid fuel."

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"MORALES: Well, I will give you a call in two or three days, Orlando, because you are tied up and all that.

"BOSCH: Yes, brother, give me a call and we will talk. Give me a little whistle and I will sneak over there. Anyway, it does not matter if they see us, because they already know it."

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"BOSCH: About this matter, I will talk to them and will ask them, hell, and will ask them to use their influence on those people there not to put bombs here, for that does me harm. Tell them any kind of story.

"MORALES: Well, they know that, everybody knows that you are opposed to the problem of--

"BOSCH: (Interrupts) They know that our goal is sincere, and that there is nothing false about it, damn it. But what does not please them is the other, for the other is

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big. Paul Bethel told me that diplomatic pressure--terrible diplomatic pressure was put on by Spain and Japan in Washington really, damn it. Notice that Poland protested gracefully, but Japan and Spain did not protest. Because they are submissive to these people. They are under the boot of Yankee imperialism. Call me in two or three days so that we can chat.

"MORALES: O. K."

THE COURT: That, ladies and gentlemen, completes that portion of the first cartridge which I have ruled to be admissible.

MR. BIERMAN: I am prepared to proceed to the second tape now.

THE COURT: All right, sir.

MR. BIERMAN: I don't propose to play it unless counsel requests it. I don't see any value in it.

MR. GREENSPAHN: Well, play it, please, if you would, because I don't recall the tape.

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BY MR. BIERMAN:

Q Was the same method used as was used in listening to the first tape? That would be on tape No. 2.

A Yes. In this tape I wasn't sure sometimes who was speaking, because there is another speaker introduced here or two other speakers that I had never heard--Gonzalez and Prieto--and therefore I had to consult Mr. Morales.

Q So your statement is that those are as told to you who was speaking by Mr. Morales?

A That's right, except that I recognized Morales' voice. It is only when Gonzalez and Prieto are speaking that I wasn't sure.

Q And after being told of the voice, Mrs. Saliba, were the others consistent with it?

A As far as I remember, they were.

Q When was that tape transcribed?

A Do you want to know the date that it was transcribed?

Q If you know, yes, ma'am.

A Well, we began the transcription--

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Q I mean when was it taped?

THE COURT: October 2, 1968, wasn't it?

THE WITNESS: No; September 30, 1968.

MR. GREENSPAHN: It is not necessary to play it. I will stipulate it is the tape and we will go into the transcript of it.

THE COURT: Mr. Reporter, please have the record show that counsel have stipulated that we can dispense with the playing of the tapes and proceed with the transcriptions.

BY MR. BIERMAN:

Q I will ask you to begin translating on Page 4.

A There were a few words at the beginning of the reel that I didn't get.

(Reading) "MORALES: In order that they could blow up the Polanica with the apparatus. Then Omar said to him that he was an expert in firing the 57.

"GONZALEZ: Yes.

"MORALES: Then you know the story?

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"GONZALEZ: Yes.

"MORALES: He went around the whole town looking for someone to fire the. . .

"GONZALEZ: A cannon.

"MORALES: A cannon.

"GONZALEZ: Everybody knew it.

There is the story going around that it was, that it was. . ."

And he is interrupted by Morales, but I couldn't get what he said.

"GONZALEZ: (I couldn't get the first part of his speech)--"It was not Chavo."

"MORALES: Because he went around the whole town looking for someone to shoot it. As I told Orlando, 'But, Orlando, come on, you are not still going to put in the hands of these people the instrumentality for an action, are you? That is a hell of a thing, Buddy.'"

Q Mrs. Saliba, is that a literal translation of what is contained there?

A I am just putting in what I think might

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be the equivalent if you weren't using obscene words.

Q Proceed on.

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A "MORALES: You know that we were confused and thought that Babi and Prieto had gone back because the other, Jorge, appeared. He came around there also. Then we got confused and thought that Babi and Prieto had gone. You learned about our confusion about you the other night, didn't you?  
\* \* \*

"PRIETO: No boy (some words unintelligible) what I do not understand is why it did not penetrate, boy.  
\* \* \*

"MORALES: Because it was fragmentation, and no more. I told him that night (some words unintelligible). There are three types of projectiles: fragmentation, armor-piercing, and (some words unintelligible).  
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"GONZALEZ: That which penetrates would have been damned good.

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"MORALES: And you know why you did not hit it (some words unintelligible) the superstructure? Because of a very elementary thing, for I did not know where you were going to shoot from. If you shoot from land and the projectile has to travel over water, it descends in accordance with the depth of the water, according to the number of feet it has. Gravity causes the projectile to descend by inches. That was all that happened there, but the shot was perfect.

"PRIETO: It was as difficult as hell. The fellow, brother, yes, indeed, the fellow was moving fast.

"MORALES: The Coast Guard?

"PRIETO: The Coast Guard."

Q In relation to the statement where it says "fellow, brother, was moving fast," what is the Spanish word for "brother"?

A He used the word "mano," which normally means "hand" but among Cubans they sometimes use the

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abbreviated form for "hermano."

MR. GREENSPAHN: Before you continue, I think perhaps there was an error in the reading. Back to the first indicated "Gonzalez" on Page 7, where it reads "That which penetrates would have been (2)" it was translated as "damned good," and I just looked at the list of obscenities and I don't really see the analogy.

THE COURT: No, it is not a literal translation, but if you want it and the lady does not mind giving it--

MR. GREENSPAHN: I just wondered if there isn't something that better describes the idiom than "damned good."

THE COURT: No, sir, it does not mean damned good.

MR. GREENSPAHN: Then we will leave it at that.

THE WITNESS: It could mean "hell of a thing."

MR. BIERMAN: No, I don't think so.  
We are getting too close.

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THE COURT: I do not think you can find any equivalent for it.

THE WITNESS: I thought they agreed that I could use a milder expression.

MR. GREENSPAHN: Well, "damned good" isn't mild, in my opinion.

MR. BIERMAN: Then let's give the complete translation if there is some confusion.

MR. GREENSPAHN: If I may, as to the word that has just been used--"mano"--I am curious to know if that word "brother" which she described as "mano" was "monkey." That's the only other thing I can think of.

THE WITNESS: No. It sounded definitely like "mano" to me.

MR. GREENSPAHN: Well, I have no objection.

THE WITNESS: There was no question in my mind.

THE COURT: Okay.

MR. BIERMAN: Am I to understand that counsel does not request a literal translation of

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Gonzalez's first statement?

THE COURT: He is entitled to have it if he wants it.

MR. GREENSPAHN: The Government's understanding is correct. I don't think it is necessary to go into the obscenity.

THE COURT: Then we will proceed on to Page 8.

THE WITNESS: (Reading)

"MORALES: In front and in back.

"PRIETO: In front and in back"--a few words I didn't understand--"stern. When we first arrived there (a few words I didn't understand)--

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"MORALES: Brother, you are the coolest person that I have seen in recent years, you know, because for you to stay there for two hours with that apparatus, the truth is that I do not have the nerve and the Doctor was in the back seat sleeping. And I said to Paulino, 'Paulino, what I

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would like to do is jump through the roof of the car.' (A few words I couldn't get) when we started to leave, a red Barracuda with a fellow dressed in evening clothes came along the Causeway. (A few words I didn't get) No, you should have shot that fellow in the face. The fellow must have seen you, because when he came to Biscayne, he ran the red light, and he did not know which way to turn, to the right or the left. (And here there are several people talking and laughing at the same time and I couldn't determine who was saying what)

"Forget the matter of the Barracuda, he was running away, and he came and stopped beside us, and that way he ran the red light. He did not know which way to turn, to the right or the left.

"PRIETO: When I was there about ten minutes, a fast little boat arrived.

"MORALES: Yes.

"PRIETO: Yes, and it was going at a



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hell of a speed.

"GONZALEZ: After you or before?

"PRIETO: No, no, before. After we had already been there around ten minutes, then the boat started to make its run.

"PRIETO: There was a hell of a going to and fro.

"MORALES: What I do not understand is the length of time you were staying on the Causeway on the 'No Fishing' side, why is it that a patrol car did not arrive there and stop you? Furthermore, when we made a turn the first trip, there was a car, and a Miami Beach patrol car, giving a ticket to a fellow who was about six or seven blocks away from where you were.

"PRIETO: Below us?

"MORALES: Below, close to Star Island. It had a light.

"PRIETO: Yes, yes, yes, yes, I remember now. A patience there of Job. I thought that my nerves would snap.

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Waiting, waiting, and it was moving, and afterwards a pile of cars kept coming.

(Some words I didn't understand)

"MORALES: And what were you waiting for? For the little boat to leave?

"PRIETO: The little boat left about... It stayed no more than five minutes.

"MORALES: The big Coast Guard? The big Coast Guard remained there."

BY MR. BIERMAN:

Q Where Mr. Prieto was speaking about the patience of Job, did you substitute in English an expression there?

A Yes, I did. There was an obscene word where I said "of Job," but in English we often use that expression. Therefore I felt that it was adequate here.

Q There had been no Biblical references in this tape?

A No, there hadn't been.

Q Continue.

A (Reading) "PRIETO: What we were

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waiting for also was the cars, buddy. A hell of a stream of cars kept coming. One could not fire in the presence of the cars. (Then some words I couldn't understand. They were laughing and talking at the same time.)

"MORALES: His face, the face of the fellow was one of despair, and then it was necessary to arrange for when not so many cars were coming by there.

"PRIETO: And that the Coast Guard fellow should be at the point. Didn't you see? He was glued there.

"MORALES: The shot was perfect, gentlemen. I have heard comments of the people in the street who say, hell, that the shooting must have been done by means of a lighted sighting device, and the projectile went lower when it passed over the water, period--that's all. If it hadn't, you would have put it on the deck (some words I didn't get.)

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"GONZALEZ: If it hit on top, on the flying bridge, it would have been damned good.

"MORALES: No, no. That Coast Guard would tear one's head off. They say that it had stopped.

"GONZALEZ: No, no, no (some words I didn't get) the upper part of the ship. You know that now they are of fiberglass. That really would have emasculated it. What comments are there in the street, horse? (Some words I didn't get.)"

BY MR. BIERMAN:

Q Do you know whether "Caballo" is a common calling name in among Cubans?

A I have heard people addressed that way, but I asked other people and they say that they have-- that frequently in the south particularly they heard someone say "Hey, horse" to a person with whom they are friendly. So I thought--and then in the dictionary, too, it gives justification for it. So I went ahead and used the word that was used here.

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Q Are there other diminutive, friendly terms throughout these tapes?

A Yes. They use "Chico" constantly, and "Chico" has many, many translations. You can translate it as "buddy," "my friend," "old man."

MR. GREENSPAHN: Can we stipulate on Page 11 where it says "If it hit on top, on the flying bridge," there would have been a word used in place of the obscenity "damned good" but the obscenity doesn't necessarily connote damned good? These are the words of the interpreter?

THE COURT: Yes, that is true. Actually, unless the obscenity were used it would have very little sense.

MR. BIERMAN: Well, we are going to get into a problem area if we continue to--

THE WITNESS: I am sure here it is used as an emphatic word.

MR. GREENSPAHN: It would be something perhaps of a nature--

THE WITNESS: What do you suggest, Mr. Greenspahn?

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MR. GREENSPAHN: I could suggest many things, Mrs. Saliba, but I think it is best not to.

THE WITNESS: Then we could leave it out and just say "obscenity" if you would rather have it that way.

MR. GREENSPAHN: In that instance, yes, considering the context in this case.

Judge, I think the words "damned good" add emphasis that is not intended.

MR. BIERMAN: Would you re-read that line which Gonzalez says and translate that using the proper word that is there, if the Court has no objection.

THE COURT: No. Counsel has a right to have it read in its entirety and literally.

THE WITNESS: All right.

MR. BIERMAN: Never mind. We will just leave it. Go ahead back to where we were.

THE WITNESS: It doesn't make any sense if you use the proper translation of it. It is just the--

THE COURT: It makes sense if you look

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at it purely and strictly from a masculine viewpoint.  
He figures that is something that is good.

THE WITNESS: Well, I said "It would  
have been damned good." I think that is more or less  
translating--

THE COURT: Let's go on. Let's go to  
Page 14.

THE WITNESS: (Reading)

"BOSCH: Yes, they are here. Did you  
give me the clipping of the editorial?

"MORALES: No. Do you want it?

"BOSCH: Give it to me. Do me the  
favor, so that I can read it later calmly.  
(Some words I didn't get) that of this  
morning.

"MORALES: This morning's?

"BOSCH: (Some words I couldn't get)

"MORALES: This morning's. Well,  
Orlando, I am going to give it to you  
because I am cutting out.

"BOSCH: (Some words I didn't under-  
stand) Listen, how are you going to see me

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tonight, then?

"MORALES: You want me to give you a call?

"BOSCH: Here, ~~we do not~~ have a telephone (some words I didn't understand) the hounds are following us, right?

"AN UNIDENTIFIED VOICE: Yes.

"MORALES: (Some words I didn't understand) five or six cars.

"BOSCH: Five or six is very few. I went alone. They allowed me to go."

MR. BIERMAN: We are prepared now to go to the third tape.

BY MR. BIERMAN:

Q I show you the third tape, Mrs. Saliba. Is this the third tape which you translated?

A Yes, it is, and it was recorded on 9/30/68.

Q We will just play this very briefly for sound quality.

THE COURT: All right, sir.



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(Thereupon the tape referred to was played, pursuant to which the following proceedings were had:)

MR. BIERMAN: This is the tape that we stipulated certain parts would be omitted upon the Court's announcement upon our stipulation that Miss Miranda did, in fact, discuss her feelings about certain people, and this was not relevant and those people would be Barbaro Balan, Tony Prieto, Marco Rodriguez, Orlando Bosch, Paulino Gutierrez, Jorge Gutierrez.

THE COURT: I think that is correct.

THE WITNESS: (Reading)

"AIMEE: Look, (some words I didn't understand) I swear to you by my mother, that I never in my life ask questions.

(A few words I didn't understand) They tell me this today. You can be sure that one day they will put me in something and I will be taken to Cuba, and I will not find out when I am in Cuba, because I have never inquired.

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"MORALES: I did nothing but go. Well, now, I did not know either. Orlando was the one who told me in the car. You remember that when I said to him, 'Hey, why don't we let this matter of the spring go until tomorrow? I can go to Hialeah and look for the spring for you', or something like that. That was when he said, 'No, no, no.' I said, 'Oo.' Later in the car was when he told me. It made them crazy. If you saw that, you would die laughing.

"AIMEE: He told me that. He says that he was half asleep in back when the shot rang out. And you said, 'Now (some words I didn't get).' And he sometimes makes me pity him because he has to have his hand in everything. He has to (some words I didn't understand) everything, and he has to fight everything, Morales, until he is satiated.

"If you told me that, one of these petty leaders who says to go and get this thing and the other, forget the panorama.

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Orlando has to check, he has to find some place to keep (some words I didn't understand). Listen, everything. The contact which sells it, the contact, everything. I tell you that now 'Patria' says that there are some microphones which can catch what is said for a whole block around. It put the ten points on the last page. It seems that as this fellow. . ."

BY MR. BIERMAN:

Q Now we go over to Page 12.

A (Reading)

"MORALES: You know that was some party. Jorgito, Paulino, Orlando, Babi, Prieto and I. Everybody going around like crazy all over the place, and I believe that even Bombillo passed by.

"AIMEE: It was amazing that the filament in Bombillo did not break."

BY MR. BIERMAN:

Q What does "Bombillo" mean?

A "Bombillo" means "light bulb" and they

Saliba - direct

use the word "filament" jokingly; a play on words.

"MORALES: Incredible! I thought I was going to be arrested that night."

Q The use of the word "party" in Morales' speech, you made a note of that?

A Yes. The word here is that which is a dance, and it is used to mean a gathering, a dance or a party or some affair. So in this sense when Morales said there were so many of them gathered there, it was like a party.

Q Go ahead.

A Then at the bottom of the page, there were quite a few words that were unintelligible there.

"AIMEE: If they caught him in that, what a mess, what a terrible spot to be in. (Some words I didn't understand.) He is the only one I know for whom he remains quiet.

"MORALES: And Paulino got mad, too, because Jorgito showed up there. That fellow is as irresponsible as hell. 'What does he have to do here'?

"AIMEE: Now, I am going to tell you

Saliba - direct

something. For me, Paulino is a great person. Paulino for me is one, one of the persons who has cooperated most. I consider Jorgito and him the intellectuals.

"MORALES: But Jorgito has never participated in anything. What is this fellow waiting for to be put to work, my dear? You know how little I like that fellow.

"AIMEE: But, come now, if you do not see the day of the, there are things that I to Orlando, you know Orlando is lost here because he, you know that when I. . .I am going to tell you something, when something has to be said to me (some words I didn't understand) even though it may be while quarreling, there are times when he should be shaken, but I have never said that I wouldn't do it. And it is, 'Go here, go there. Do this, do that.' I have never refused, even though I might be scared to death. I have never seen Jorgito going

Saliba - direct

around with any package (some words I didn't understand) He is an intellectual. The

night of the interview with the press (some words I didn't understand) a little piece of paper and it was passed to him. Bah!

That is not the time. Orlando screwed himself up when the other day, when he learned

(some words I didn't understand). He says

that he was dismantling that and taking it out of there (some words I didn't understand)

He lives on his own and when he makes a

decision, leave it that way. (some words I didn't understand) No doubt, he is trained, but only for sitting down at a typewriter.

He wants to direct, you understand? I say to him, 'Listen to me, if a person here is not good for one thing, he is good for something else. But everybody is useful.

Because, look, Marcelino cannot be used to go out with a cannon, nor to be sent to war, but he is useful. You are not fit to pick up a dagger."

12-2

Saliba - direct

There were some words by Morales that I didn't understand.

"AIMEE: (Some words I didn't understand) He likes to be important, and because Orlando, Orlando is very. . .

"MORALES: The day of the hooded man, he was the one who was receiving the newspapermen. He was photographed there, and all that.

"AIMEE: Young man, do not say that, for the newspapermen, he wants to direct. He is mad about the press and all those things. (A few words I didn't get). He is one of the fellows from the action group. Bombillo cannot stand it."

THE WITNESS: The "it" should be "him."

"MORALES: Besides, do you think, for example, if they caught him, do you think that he would remain firm?

"AIMEE: Yes.

"MORALES: Do you believe that?

"AIMEE: Like his father, both are

Saliba - direct

short and small, but calm. (That word can also mean "courageous.")

"MORALES: I thought that the one on whom they had put the hood was the father.

"AIMEE: No.

"MORALES: A little man like the one who made the report. I do not remember. I believe that it was Garcia Fuste, or someone like that, a little man, about five foot four inches, something like that. I said they put it on the one without the ear, there, they put the hood on him, and since Jorgito was there--

"AIMEE: No, Jorgito, no. That fellow does not talk. I am familiar with, you understand, 'I know what is going on, and that is that he considers himself superior to everybody else.'"

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"MORALES: No, with all his difficulties and those things, he is the one who has lasted the longest in the street.



Saliba - direct

"AIMEE: That is why I, the only thing I am guided by, ~~is (some words I didn't~~ understand). Since I have known him ~~(some words I didn't understand)~~. It is not that I think he is especially gifted. He is just an average and normal man."

And here he uses an expression "I am not belittling myself."

"Now, you understand? That he is a superman? Not at all. In the street, he is the one who has been clearest in his aims, he has been the ~~(some words I didn't~~ understand), without any intense emotion, Morales, why don't you take it up with him, you know?

"MORALES: Aimee, but what I see is. . .

"AIMEE: (Interrupts) Is exact policy. He has followed a consistent course."

Q Mrs. Saliba, at the bottom of Page 18, where Morales is speaking, did he call the name "Aimee," is that correct?

A Yes.

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Q And then the next time you use the word and said that Aimee is speaking?

A Yes, Aimee is speaking. And I noticed here in the typing--I believe that is what Mr. Greenspahn is coming up to say. In having this typed, I did notice that the Spanish part of Aimee's speech was left out, but it might be in the original pages that I typed.

Q Was there a Spanish part which you translated?

A Yes, there was.

MR. BIERMAN: Then I will be glad to delete it from the jury's consideration since we do not have it.

MR. GREENSPAHN: Let the record reflect that this is exactly the kind of predicate I had laid at the time of making my objection, and I renew my initial objection.

THE COURT: All right, sir. The record will so note and your objection will be overruled.

THE WITNESS: Now we are on Page 19?

THE COURT: Yes, ma'am.

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Saliba - direct

A (Reading)

"MORALES: Aimee, what I see is the following: If we over here do not go to Cuba and do things in Cuba, Aimee, we are lost. With this playing around over here in the United States, we will not get anywhere. That is how I differ.

"AIMEE: Notice, the way that you differ, notice what I am going to say, Morales, there are contacts in Cuba, but don't think that what has happened has been for nothing. That is positive. Orlando possibly has not spoken to you much about these things.

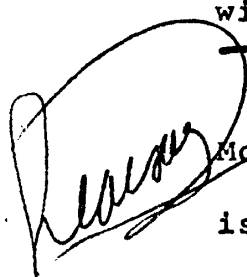
"MORALES: No, what I said to Orlando was, 'Look, Orlando, when the time for Cuba comes, speak to me of Cuba. Do not talk to me about here in the United States, because each one has his own theory.'

"AIMEE: (Some words I didn't understand) in the sabotage over there, forget that there was a connection. This is just

Saliba - direct

analyzing the truth without any smoke screen of any kind. Well, now, so far, aside from everything that, there is the one fact: If the insurance companies here are shaken up a little bit in this matter, the insurance companies will not insure ships. What Fidel is receiving is the minimum. Did you hear Fidel's speech yesterday?

"MORALES: Aimee, excuse me, no company on whose ships the bombs were placed, not a single one of those companies trades with Castro.

 "AIMEE: Yes, sir, that is a fact, Morales. You cannot believe that Orlando is working on his own. Orlando is being directed by two or three attorneys, people who know their stuff.

"MORALES: I know, I know.

"AIMEE: I mean people.

"MORALES: But the fact is that none of these companies, if tomorrow they say, 'We will not trade with Castro any more,'

Saliba - direct

they do not trade with Castro. There are only three companies which are the ones trading with Castro. And none of those ships touch American ports. That is where the attacks on this matter are going to come from.

"After all, the bunch of these gangsters here are placing bombs, here and outside. Do you hear me? What is being created is a terrible confusion. I claim that it is necessary to go to Cuba, Aimee. That is my contention and I even said to Orlando a little while ago, 'Orlando, there is this and this and this and this. A little thing there in Cuba.' And he said to me, 'Morales, without resources, I am not going to get involved in anything else outside.' Then I said, 'Fine. Let me know when you have the resources, for I will be the first one to go over there on a boat.'

"AIMEE: I am going to tell you one thing. I want you to be sure that what has

Saliba - direct

happened in Cuba has been in combination with what has happened here. (Some words unintelligible) Here there cannot be launched (A few more words unintelligible) clandestinely to put what we need ourselves (some words unintelligible).

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"MORALES: What Fidel is heading for is a blood bath, Aimee, that is what Fidel is heading for.

"AIMEE: For a blood bath, that is right. (Then there were a few feet unintelligible) What I am afraid of is that this thing is going to begin to get difficult for us and they will jump on us, but I can be sure that" and then she is interrupted by Morales.

Now, on Page 25:

"AIMEE: No, no, but that is beginning now. That is beginning now.

"MORALES: They are hiding the news, they do not give it. They do not give it.

Saliba - direct

"AIMEE: And there have been many which have been placed and have not exploded.

"MORALES: They do not give it.

There was one bit of news which the FBI gave to Orlando (a few words unintelligible) the Mikagesan, I believe it was (a few words unintelligible)."

BY MR. BIERMAN:

Q Did you listen to a fourth tape?

A Yes, I did listen to a fourth tape.

Q Did you prepare a translation in the same method?

A Yes, except on this one, since the last part of the tape had been speeded up, it had to be sent to the Bureau Laboratory to be slowed down, and even at that the speed was not constant; so we had to use a machine on which the speed could be regulated in order to make it intelligible.

Q Did you listen to that for a number of hours?

A Yes, I did, many hours. I would say

Saliba - direct

about five or six hours.

Q And you prepared a transcription and translation?

A Yes, I did.

Q Will you proceed to read the relevant portions?

A I have part of the speech on Page 7 marked as "In" for the first one, is that it?

Q That's correct.

A (Reading) Gonzalez is saying this:

"Then everybody began to react. (A few words unintelligible) Even the businessmen began to realize that there were two powers, that one was composed of blackmailers, and that the rumor had already begun. Hell, the other one is that of Orlando Bosch and the prestige of Orlando in the revolutionary process, and then they said, 'Damn, already these people (a few words unintelligible) to stop them because they are going out as bombers, as persons who screw things up, and thinking also that these little crazy



Saliba - direct

people would make an attempt on Orlando's life, would explode a bomb at Orlando and would say that it was the CIA people. They used their heads a lot (some words I didn't understand) I told this same thing to Orlando long before. They are not going to act in your case. They are going to drop it or, if not, the court will absolve you.

"MORALES: I hope so.

"GONZALEZ: In Cuba, the CIA (some words I didn't understand) revolutionary action, action of Cuba. Now they see you connected here and they say, 'Hell, since we have caught this rooster, the other roosters will come out to strut.' They are going to scatter seed. They are going to act sympathetic toward the fellow and the side of terrorism, which they fear. The businessmen who are afraid, the people who are afraid, are going to respond (some words unintelligible). They know where they stand, horse. If now, at this time, they take

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Orlando, the businessman whom I, Prieto, or some other person goes to see, and we say to him, 'Listen, old man, you have to close up,' don't you think he will close up?

"MORALES: Of course.

"GONZALEZ: He'll say to you, 'Why, of course, if Orlando. . .' even though inside he may be saying, 'S.o.b., damn him, they are going to screw up my days,' and he will refer to you"--that referral there is not clear. I put it in, but I put a questionmark after it--"to you with sympathy. If the FBI goes there to ask him, 'Did these people order you to close down?' 'No, no, indeed not, I closed down because I sympathize with that fellow.'

"MORALES: Do you believe that they intend to apprehend Orlando?

"GONZALEZ: I do not think so. They are very much afraid of the reaction, for, look, they are going to come out for him

Saliba - direct

afterwards in Miami. For they know who Orlando is. Los Angeles, New York, New Jersey, Miami (some words I didn't understand) Then they say, '(some words I didn't understand). They will paralyze it.' The wise guys and the crazy ones will go out and place bombs. They are going to see a hell of a mess here. Uncontrollable for us, uncontrollable for them, and then if they arrest Orlando, the wise guys are going to place bombs here, bang! bang!, so they can see what the process is and they know all that. The other is going to come out because of sympathy, because it will be stirred up. We are not going to do anything like that, but on another terrain, a strike (in the sense of a work strike) dammit, with Orlando arrested (a few words unintelligible). You can believe that in their feelings, they do not have the desire to avoid the problem. The process of Orlando has already made so much progress (a few words unintelligible).

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"MORALES: Bombillo, give me a light.

"GONZALEZ: (Something unintelligible).

"MORALES: The people, the people support you one day, they support you two days and then they forget you (some words unintelligible).

"GONZALEZ: To the people, to the people, it is necessary to give them a piece of bread in one hand and a cudgel in the other. This is a process, after we have straightened ourselves out, we will leave only four s.o.b.s. Here, they have no prestige or for four perverts here. Orlando should be sent to prison, or I, you or somebody else. No, no, no, not for a-- damn it. These people move 1,300 men. For Felipe did not have that organization. The other factory, 700. During Felipe's time, he did not have that organization at the beginning. Something, which was just starting. Are we in the position that Felipe was in at the time of his trial, do

Saliba - direct

you remember? A little bit, a little bit, a little bit, and it kept growing and growing, and at the end of the week, it was tremendous, boy. If Felipe had had the procedure at the beginning that we have, they would not have arrested him (a few words unintelligible). Why do you think that we are in existence? For two reasons (a few words unintelligible). Because we are going to paralyze Miami, the hotels. Tourism is starting up now, brother (a few words unintelligible).

"MORALES: With tourism coming up now, if Miami is paralyzed by a protest because of the arrest of Orlando, just imagine.

"GONZALEZ: Why do you think that they are following us so closely there? In order not to permit us to do anything. They do not want to pick us up.

"MORALES: That's right, sir. That would call attention and things like that."

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"GONZALEZ: We have all the young pigeons behind us and they continue to bother us. What a bother. They have me as I leave the traffic and arrive at the house of the woman--(that could be his wife)--I return home. Then in the morning when I arrive, I pick up Orlando. Then it seems that they withdraw the guard. Two cars withdraw (a few words unintelligible) since they know that we go together, and when they saw, they return to the office."

That word "return" wasn't clear, either. And then there are a few words that are unintelligible.

"MORALES: Bombillo, that little apparatus, weren't they ever able to charge it for you?

"GONZALEZ: (A few words unintelligible) We found a guy who had thrown away five tanks of that.

"MORALES: No fooling, my good man.

"GONZALEZ: Who had thrown away five

Saliba - direct  
tanks of that (some words unintelligible)  
five little tanks of oxygen of those of  
3000 or 6000 pounds. 3000 pounds, wasn't  
it?

"MORALES: 3000.

"GONZALEZ: And he threw them away  
because he got frightened. They come  
separately--those balloons inside a  
container, right? So well taken care of,  
it seems, so that they wouldn't be hit, or  
something.

"MORALES: Yes, most likely.

"GONZALEZ: (Some words unintelligible)  
inside of a container with some of that  
stereofoam.

"MORALES: And he threw them away  
loaded? Because that was empty.

"GONZALEZ: Yes, that was empty. But  
the one who threw away the (some words un-  
intelligible) Orlando and I went around in  
all directions. That is a shame, boy!  
(some words unintelligible) You go to the

Saliba - direct

house way the hell out there and you go  
below for five hours, right?

"MORALES: No, three hours.

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"GONZALEZ: Very much screwed up.

The (a few words unintelligible) of these  
people is that they know that we here, if  
it were not for the ships. . .

"MORALES: The ships because of what  
has happened.

"GONZALEZ: Ah, yes, no, because, hell,  
we would never in our lives have wanted it  
for two reasons, for politics and for the  
security of moving about here. If they had  
exploded outside, in the house way the hell  
out there. They knew where they came from,  
more or less, but fine, they would have  
looked at it with a certain sympathy at  
least. . . less persecution. But they could  
say, 'You came loaded, you came with the  
prize on you from Spain, from Venezuela.  
The place they would have suspected the most

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was Venezuela, because one of the ships which (a few words unintelligible) the CARIBBEAN VENTURE, this was coming from Venezuela. Do you know that they refused to unload it there?

"MORALES: Ah, yes?

"GONZALEZ: Yes, the CARIBBEAN VENTURE was coming from Venezuela with the cargo which it had taken to Venezuela. The people in the port there refused to unload it. They could have suspected that it came with the prize on it if it explodes in the Gulf. It is a shame there were not a few dollars around. Everything was messed up, my money, that of Orlando (a few words unintelligible) from Venezuela.

"MORALES: Now you have to get some money.

"GONZALEZ: Eh?

"MORALES: Now you have to get some money.

"GONZALEZ: (A few words unintelligible)

Saliba - direct

I have to go to work.

"MORALES: You will have to get some money at any rate with the campaign of the million."

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"MORALES: What is needed is money for moving about.

"GONZALEZ: With this money here, no one is held back (a few words unintelligible) and cells of men with conditions to work at little things are not lacking (a few words unintelligible) horse, this we have done, damn it. It can almost be said with four men with guts, without being frogs (frogmen) and damn it if I fall in the water, I drown, damn it. This was put on with guts and how many men with guts like us can there be? To be good and to be ready, the two conditions, you understand me, because there was no faith, because that big pile of s.o.b.s, Arttime and the other, disappointed that whole team of good men."

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MR. BIERMAN: I believe that concludes the transcription. We have no further questions.

THE COURT: All right. Does defense counsel have any questions it desires to ask this witness?

MR. GREENSPAHN: Yes, your Honor.

In accordance with our agreed procedure on this, I was going to have the witness give us the portions that we felt were relevant in this. However, I note and I would call this to the Court's attention--that it is getting into the evening and I don't want to undertake something to the discomfort of either the Court, the jury or the witness if it can be better attended to in the morning or on Tuesday.

THE COURT: Well, we cannot do it in the morning.

MR. GREENSPAHN: I do not think Mrs. Saliba's presence is absolutely essential from this point forward. As to the reading of the transcript, which we all have copies of, if the Government has no objection, I can read these to the jury at some other time.

THE COURT: All right, sir.

MR. BIERMAN: If it is only some further reading, it probably can be completed now or we can agree to allow the transcript to be read at any time, those portions that they wish.

THE COURT: Since we do not require this lady, I do not think there is any necessity that it has to be done tonight. The jury has had it not too long by hours but a pretty long day by time at least. And I have been here since six o'clock myself or since eight o'clock this morning, and I am about ready to quit.

Ladies and gentlemen of the jury, I am getting ready now to recess this trial until nine o'clock Tuesday morning, which I think is in accordance with the view of the majority of you ladies and gentlemen. During that recess, of course, the instructions which I have given you are still applicable.

If there is any question in anybody's mind, I will repeat them to you. If each of you indicate you remember them and know what they are, I will not repeat them to you. Does everybody on the

jury understand the instructions I have given you?

(The jury indicates in  
the affirmative.)

THE COURT: Then having indicated that  
you do, I will not repeat them. You may be excused  
then until nine o'clock Tuesday morning, and I hope  
that each of you has a nice weekend.

(Thereupon the jury was excused.)

THE COURT: All right, gentlemen.  
This case will be recessed until nine o'clock  
Tuesday morning. Good night.

(Thereupon at 5:51 p.m., the  
hearing was recessed to  
reconvene on Tuesday, November  
12, 1968, at 9:00 o'clock a.m.)

. . . . .

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MIAMI, FLORIDA

Tuesday, November 12, 1968

(The hearing resumed,  
pursuant to prior recess,  
in the North Courtroom,  
pursuant to which the follow-  
ing proceedings were had:)

THE COURT: Is the Government ready to  
proceed?

MR. BIERMAN: We are ready, your  
Honor.

THE COURT: All right, sir.

MR. BIERMAN: I believe, your Honor,  
when we left off on Friday, additional transcript  
testimony was to be given. And we had agreed that  
it was not necessary to call--

THE COURT: Yes, sir, that's right.

We had agreed, ladies and gentlemen,  
that it would not be necessary to replay these other  
three tapes and these portions would just be read  
to you, the portions of them which had been admitted  
into evidence. According to the law they have to  
play it. But it really does not mean very much to

you since you do not understand the language, but this will save some time.

All right. Are you ready?

MR. BIERMAN: Mr. Greenspahn said that he wanted to read additional portions in.

MR. GREENSPAHN: With regard to what has been recorded as to Tape 1.

THE COURT: All right, sir.

MR. GREENSPAHN: (Reading) Commencing at the bottom of Page 18, Morales is speaking:

"Buddy, if I get the continuance this coming month with the problem of not having Valdes show up, I already told that to Miguelito and Miguelito said, 'No. That's the way I am going to do it, not have Valdes show up. Let's see if they will tell the father of Jorgito to check this out well for me, or something like that, so that Valdes will not show up because he is a witness for the government. If he is not there, my attorney does not have to say why he has to have this witness present. You understand me? In that case, the continuance

is automatic."

Page 22--

THE COURT: I may explain to the jury since this is somewhat out of context, this conversation relates to the conversation or the testimony that you heard about of Mr. Morales being charged with another offense and his trial in that event; so that you can place it in proper context.

Go ahead.

MR. GREENSPAHN: Page 22, about half-way down the page.

"MORALES: No. They already know it, they already know it.

"BOSCH: Very well.

"MORALES: Well, so you have resumed your friendship with Dr. Bosch. Now that your trial is coming up, you chose a bad time, and all that sort of thing.

"BOSCH: Yes, yes, to blackmail you. Look, I have been a friend of Orlando for 20 years.

"MORALES: They know that already."

On Page 23--



MR. BIERMAN: Your Honor, before we continue from Page 22, could we have that idiom explained as to what that means, about the twenty years?

THE COURT: That is still in context with the same matter I have told you about before, the other pending charge against Morales, and Morales is talking allegedly to Dr. Bosch about the matter.

MR. BIERMAN: And the "For 20 years" is also an idiom in Spanish which means for a long time rather than literally twenty years.

THE COURT: All right, sir.

MR. GREENSPAHN: Now, Tape 2, Page 13, commencing about two-thirds of the way down the page:

"MORALES: Another thing, two months ago, a fellow named Hunt, who is a member of the Republican Party, was here, and he gave \$15,000 to some representatives of Cuban Power to place bombs.

"BOSCH: I knew nothing about that.

"MORALES: \$15,000 bucks they gave.

"BOSCH: You know, that makes two

people who tell me this. Not that about the \$15,000, but that Hunt had rounded up something here, something about that.

"MORALES: \$15,000?"

"BOSCH: No, Hunt. The one of the wells. (Then something apparently unintelligible) you, yourself (and something else unintelligible)."

Then over to Page 23 in Tape 3, this is in the conversation allegedly between Morales and Aimee Miranda. The third paragraph from the top:

"MORALES: In the end, on which level does one remain? Just the same old thing, the same old story? So we will remain here, fighting, one organization against the other, and fighting with the authorities here?

"AIMEE: That is precisely what Orlando does not want. He has his plans. You won't believe it. The money is not, you will not believe that it is not for putting little bombs everywhere, but for Cuba. What happens is that it is necessary to have, you know, things. . . Just think, Morales, it is nine

months since the first shaking up."

Tape 4, Page 16:

"GONZALEZ: Be happy. (Then apparently some words unintelligible). What you have never seen me with is pot smokers and criminals. You will see me with revolutionaries. I am a revolutionary.

"MORALES: I know that.

"GONZALEZ: You have never seen me with criminals. All the people that you (apparently some words unintelligible) pot smokers and criminals I really do not know them. The hell with them! He came and asked me the first time, 'Do you know anyone in Cuban Power?' I say to them 'Yes.' His eyes shone. He says to me, 'Which one?' I say to him, 'Omar Soto, the one who came out in the newspapers, who said so himself.' He says 'Ah,' (the next is an obscenity. Then another obscenity.) 'Isn't that what it is?

"MORALES: Yes."

Your Honor, those are the portions that

I wished to read.

THE COURT: All right, sir. Thank you.

MR. BIERMAN: We would just read one additional portion then, your Honor, following this last statement from Gonzalez about Omar Soto. Morales said "Yes" and then some obscenity. And then Gonzalez says:

"That Omar Soto is a damned fool.

Something like that, the fellow said to me. But he thought I was going to tell him. . ."

And then he laughed.

"Which one?"

"I say to him, 'This one.'

'Which one?'

'This one who is here in the newspapers, Omar Soto.'

'Ah, yes, that is. . .'"

And then there is some obscenity and a discussion of what this means in English.

THE COURT: All right. You may proceed.

MR. BIERMAN: I will call Mr. Killian.

THEREUPON--

CHARLES L. KILLION,

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: Charles L. Killion,  
K-i-l-l-i-o-n, 8317 Stanwood Street, Hyattsville,  
Maryland. I am a Special Agent of the Federal  
Bureau of Investigation assigned to the FBI  
Laboratory in Washington, D. C.

DIRECT EXAMINATION

BY MR. BIERMAN:

Q How long have you been employed, Mr.  
Killion?

A I have been a Special Agent for the  
past twenty years, assigned to the laboratory for the  
past eight years.

Q What is your field in the laboratory?

A I conduct explosives examinations and  
firearms and tool mark examinations.

Killion - direct

Q Is this what you have been doing for the last eight years, sir?

A Yes, sir.

Q How many bomb-type apparatuses have you examined during the course of that time?

A Many such apparatuses or parts of them.

Q Could you give us a rough estimate of how many?

THE COURT: Would it be hundreds or thousands or what?

THE WITNESS: I would estimate a couple of hundred.

BY MR. BIERMAN:

Q Have you ever given any instruction in the field?

A Yes, sir.

Q Did you have any special training in munitions prior to going into this field?

A Yes, sir.

Q What was that?

A During three years of military service

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Killion - direct

in the Corps of Engineers, I worked with explosives at that time; and then I have visited explosives manufacturers, conducted schools and conducted tests of my own.

Q Sir, did you have an opportunity to examine the vessel ASAKA MARU?

A Yes, sir.

Q When and where was that?

A On June 5-6-7, 1968, at the Alabama Drydock & Shipbuilding Company in Mobile, Alabama.

Q Would you describe to us what you found?

A I found that an explosive device had been placed on the ship and had detonated. It had been specifically placed on the ship within what is referred to as the rudder compartment. On the ship the rudder is attached to a large shaft, the rudder being the part that steers the ship. It is attached to a large shaft that runs vertically up through the ship and is connected to appropriate controls. The explosive device had been placed up in the compartment through which the rudder shaft extended.

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Q How is that compartment accessible, sir?

A At the point in the bottom of the ship at which the rudder shaft extends down through the ship, there is a space around the rudder shaft and the portion of the ship immediately around it.

THE COURT: What he means is how do you get to that section? Is it from the inside of the ship or from the outside of the ship?

THE WITNESS: Your Honor, from either the inside or outside. There is access from the inside and there is access from the outside.

BY MR. BIERMAN:

Q Do you have any photographs of that, sir?

A Yes, sir.

MR. BIERMAN: Will you mark these as a composite exhibit, please?

(Thereupon the photographs referred to were marked as Government's Exhibit No. 41 for identification.)

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BY MR. BIERMAN:

Q Referring to these photographs which are now marked as Government's Exhibit No. 41 for identification, do they accurately reflect what you saw upon the ASAKA MARU?

A Yes, sir.

MR. BIERMAN: Your Honor, I offer Government's Exhibit No. 41 for identification into evidence.

MR. GREENSPAHN: No objection, your Honor.

THE COURT: All right, sir. They will be admitted into evidence as Government's Exhibit No. 41.

(Thereupon the photographs referred to were received in evidence as Government's Exhibit No. 41.)

BY MR. BIERMAN:

Q Will you explain to us, sir, what each of these photographs represents?

A Government's Exhibit 41 consists of a group of photographs, some of which show the damage

Killion - direct

caused to the ship and the area on the ship in which the damage occurred.

Q Just a minute, sir.

MR. BIERMAN: Mr. Clerk, could you please mark these alphabetically so we will know what we are referring to?

(Thereupon the photographs referred to were re-marked Government's Exhibits 41-A through 41-I.)

BY MR. BIERMAN:

Q Starting with Exhibit No. 41-I, will you relate to us what these are?

A 41-I is the photograph taken from the starboard or the right side of the ship, back in the rudder area. It shows the rudder shaft which connects to the rudder. It shows the hull and portions of the ship which have been separated, deformed, torn by the explosion.

Q When the ship is in normal condition, sir, is this a solid piece across here?

A Yes, sir.

MR. GREENSPAHN: If it please the Court,

Killion - direct

I move to strike the answer. There has been no proper foundation for the expression of that opinion by this gentleman. I don't think he has testified yet that he ever saw the--

THE COURT: He hasn't shown any qualifications as to this particular part of the testimony.

BY MR. BIERMAN:

Q Mr. Killion, have you ever examined ships before?

A Yes, sir.

Q Have you ever examined the rudder areas?

A Not to get down and look in this specific area, no, sir.

Q From the outside?

A Yes, sir.

Q Have you ever examined a ship rudder area where there was an explosion in some other area?

A I have seen it, yes. I have not conducted a detailed examination of that area.

MR. BIERMAN: I will not pursue that any further.

Killion - direct

May I pass these around?

THE COURT: Yes, sir.

BY MR. BIERMAN:

Q The next photograph, sir?

A That is a photograph of the same area as depicted in photograph 41-I, this being photograph H, and it is a close-up of that area.

Q And what is the next one?

A Photograph 41-G is of the same area. Photograph 41-F is the same area at a greater distance, taken at a greater distance.

Photographs B, C, D and E show the area in which the explosion occurred. This shows the area after a portion of the outer hull of the ship had been cut out by a cutting torch to give access to the area.

Q What is the last one, sir, with what appears to be a measuring device?

A Photograph 41-A shows the aft or rear side of the rudder shaft showing a pockmarked area running the length of the shaft.

Q How long is that, sir?

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A Well, the major portion of the pockmarked area is generally about sixteen inches, but some more minor pockmarked area extends beyond the sixteen-inch area.

Q As a result of your examination, are you able to say what caused this pockmarking?

A An explosion.

Q Did you have an opportunity, sir, to examine the vessel COROMOTO?

A Yes, sir, I did.

Q When and where was that, sir?

A On September 15-16, 1968, at the Puerto Rico Drydock Company in San Juan, Puerto Rico.

Q What did you find?

A I found that an explosive charge had been placed on the outer hull or very close to the outer hull of the ship, placed specifically on the right side of the ship forward and just above the propeller; that is, the propeller shaft extending out the back of the ship, which attaches to the propeller. The explosive device was placed above the area--in the area above the propeller shaft and

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just forward of the tail end of the ship.

Q Were you able then to determine from your examination what was the result of that placing?

A This explosive device exploded. It had detonated and it had blown a hole through the hull of the ship into the interior of the ship approximately two and a half feet wide and approximately three and a half feet high.

Q Do you have with you photographs of that, sir?

A Yes, sir.

MR. BIERMAN: Will you mark this as Government's Exhibit 42-A through D, please?

(Thereupon the photographs referred to were marked as Government's Exhibits Nos. 42-A through 42-D for identification.)

BY MR. BIERMAN:

Q Do these photographs accurately represent what you observed?

A Yes, sir.

MR. GREENSPAHN: No objection, your

Killion - direct

Honor.

THE COURT: All right. They will be admitted in evidence as Government's Composite Exhibit No. 42.

(Thereupon the photographs referred to were received in evidence as Government's Exhibit No. 42.)

BY MR. BIERMAN:

Q Will you explain to the jury what each of these represents?

A The exhibit consists of four photographs.

Q Each one has got a letter on it?

A Photograph 42-D shows the general area of the right aft or rear end of the ship, this particular area. It shows a portion of the rudder extending up above the water and a blade of the propeller above the water. Just forward of the blade or the propeller in the hull of the ship is the hole to which I referred.

Photograph 42-C is of the same area, a closer view, and is a photograph after the ship had

Killion - direct

been placed in drydock. The previous photograph was while the ship was being placed in drydock.

Photograph 42-B likewise shows the area damaged, shows the hole and its relative position with the propeller and the rudder.

Exhibit 42-A is a close-up of the hole depicting the damage that was caused to the hull of the ship.

Q In your examination of this explosion, did you recover anything, sir?

A Yes, sir.

Q Do you have that with you?

A I do not have it with me, no, sir.

Q Did you bring this down from Washington with you today or yesterday?

A Yes, sir.

MR. BIERMAN: Mr. Clerk, will you please mark these as Government's Exhibits 43 and 44?

(Thereupon the items referred to were marked as Government's Exhibits Nos. 43 and 44 for identification.)

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BY MR. BIERMAN:

Q I will show you what is marked as Government's Exhibit 44 for identification. Will you tell me when and where you first saw that?

A Government's Exhibit 44 are three pieces of brass which join together to form a type of hook. Those I found in the damaged area of the ship, the COROMOTO, at the time I conducted the examination. They were specifically located inside the ship in debris that was placed on the top of the propeller shaft housing. So it was inside the ship near where the explosion had occurred.

Q Did you examine the ship itself, sir, to determine whether these were part of the ship or were from an external source?

A There was no indication that there was any such hook in this area of the ship.

Q And this also applies, sir, to the silver colored piece?

A No, sir. The other hook was a hook obtained from a known source from comparison. It was not found in connection with the material we located

Killion - direct

in the ship. This is the silver-appearing hook.

Q Did you compare this silver-appearing hook with the part that you found?

A No, I did not.

Q Then we will not put this in this envelope.

I show you, sir, what has been marked Government's Exhibit 43 for identification and ask you when and where you first saw that.

A Government's Exhibit 43 I likewise found in the same location as Government's Exhibit 44, in the debris on top of the propeller shaft housing of the COROMOTO. It consists of two links of chain and what appears to be a deformed metal hook.

Q Did you again, sir, examine the COROMOTO to determine whether this was from the ship or from an external source?

A I did. I found nothing in this area of the ship that could be associated with either the links of chain or the hook.

MR. BIERMAN: Your Honor, we would offer Government's Exhibit 43 and 44.

Killion - direct

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

THE COURT: All right, sir. The objection is overruled. The articles will be admitted in evidence as Government's Exhibits 43 and 44.

(Thereupon the items referred to were received in evidence as Government's Exhibits Nos. 43 and 44.)

MR. BIERMAN: You may inquire.

CROSS EXAMINATION

BY MR. GREENSPAHN:

Q Mr. Killion, going back to your testimony relative to the ASAKA MARU, how far up the rudder shaft, in your opinion, after studying the scene, was the explosive charge, if there was an explosive charge, placed?

A It was centered approximately three feet above the bottom of the ship.

Q As I understand it, the rudder shaft is actually a tunnel or an area enclosing the rudder apparatus itself, is that right?

Killion - cross

A That's correct.

Q And apparently this is cylindrical in shape?

A Yes, sir.

Q How far up that tunnel or tube, if we can call it a tube, were the explosives that initiated the explosion on the ASAKA MARU?

A If I understand your question, how far up the shaft from the hull of the ship?

Q From the external portion of the rudder shaft.

A Yes, sir. About three feet.

Q About three feet?

A Yes, sir.

Q And how far from that point was it to the first open accessible point within the interior of the ship into the rudder shaft?

A At the top of this compartment in that area was a--it was not an opening. It was an enclosure that was bolted to the top of the compartment through which access could be gained from the interior of the ship.

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Killion - cross

Q Was that top to the compartment sealed or bolted when you made an inspection of the vessel?

A It was bolted at that time.

Q Did you determine whether or not it was bolted at the time of the explosion?

A No, sir, I did not.

Q With regard to the motor vessel COROMOTO is this, in terms of the rudder shaft, similar to the ASAKA MARU?

A In the construction of the ship?

Q Yes, sir.

A It would be similar, yes, sir.

Q The same type of rudder shaft with access both from the interior and the exterior of the vessel itself?

A I would presume so, yes, sir.

Q When you looked about in the course of your investigation on the COROMOTO, did you see debris at the area of the explosion or in any of the compartments of the vessel?

A Yes. There was debris on the inside present on the top of the propeller shaft housing.

Killion - cross

Q Is this the area that you found the exhibits that you identified, the hooks that you referred to, and the chain as well?

A That's correct.

Q What other debris, if any, did you notice in the area at which the hooks and the chain were found, other than the hooks and the chain?

A As I recall, a small piece of wire, some pieces of torn and twisted sheet metal, and then the paint and rust that had come off the metal of the ship from the explosion.

Q What was the area used for, if you know, in which you found the hooks and the chain?

A It is my understanding that it is a water ballast area; that it contains water. But I don't know this for a fact.

12A-2

Q You had never been on the COROMOTO before this visit of yours on September 15-16?

A That's correct.

Q Incidentally, where was the vessel when you boarded it?

A At the Puerto Rico Drydock Company.

Killion - cross

Q That is in San Juan?

A In San Juan, yes, sir.

Q In your experience on board motor vessels or steamships, have you had occasion to become familiar with the mechanical compartment of the ship, the places where the ship's workings are to be found?

A Just in general.

Q Have you, during the course of such experience, noted hooks and chains in and about vessels?

A Yes, sir.

Q Is it fair to say that it is common on a large vessel of this sort, of the sort of the COROMOTO, to find hooks and chains that are used in the workings of ships and for the service of the ship?

A That's correct.

Q Was there any basic distinction, again based upon your training and experience and upon your observations of the ASAKA MARU and the COROMOTO, in terms of the manner in which the

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Killion - cross

explosives were placed or in the manner in which they affected the vessels?

A There was, yes.

Q What were the distinctions, sir?

A First, in the ASAKA MARU, the explosive was placed on the interior of the hull of the ship against the rudder shaft. On the COROMOTO the explosive was placed on the outside of the ship forward of the area as used in the ASAKA MARU.

Q Then there was no common feature between the two explosions as to the manner and mechanism of the explosive device itself, was there, other than the fact that they both exploded? There were two different means of placing the explosives and causing the explosives to do the damage that they did--one inward and one outward?

A To that distinction, that's correct.

Q Now, did you find any apparatus or any portion of an apparatus or any portion of any type of detonating device in the course of your investigation?

A No, sir.



Killion - cross

Q Had you understood that the COROMOTO and the ASAKA MARU were both, in essence, in the same condition at the time of your examination of them as they had been at the time immediately after the explosions?

A That was my understanding, yes, sir.

Q Did you find any debris of any particular consequence or significance to you aboard the ASAKA MARU?

A No, sir.

Q Nothing?

A No, sir.

Q Did you cause to be made any written reports relative to your studies of the two vessels?

A I did.

Q Were these filed as a matter of course in the usual course of your professional activities?

A Yes, sir.

MR. GREENSPAHN: Your Honor, I would ask that I be permitted to see such 302s if they are, in fact, available.

Killion - cross

MR. BIERMAN: We have no objection.  
I think Mr. Killion has some with him. Otherwise we  
will have to search our files.

THE COURT: All right, sir.

THE WITNESS: I have a copy.

BY MR. GREENSPAHN:

Q May I see those, sir?

A Yes, sir.

Q Is this everything that you have,  
sir?

A Yes, sir.

MR. GREENSPAHN: Your Honor, may I  
have a moment?

THE COURT: All right, sir.

Ladies and gentlemen, we will take  
a recess for about five minutes. During the recess  
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

Killion - redirect

following proceedings were had:)

MR. GREENSPAHN: I have no further questions of the witness, your Honor.

THE COURT: All right, sir.

MR. BIERMAN: Just one question on redirect.

MR. GREENSPAHN: Excuse me a minute, your Honor.

REDIRECT EXAMINATION

BY MR. BIERMAN:

Q Mr. Killion, in your examination of ships, have you ever seen chains and links in the rudder area of ships?

A No, sir.

MR. BIERMAN: Nothing further.

THE COURT: All right, sir. Thank you. You may be excused.

(Witness excused)

THE COURT: Call your next witness.

THEREUPON--

EDWIN B. ZEHNDER,  
called as a witness on behalf of the Government,

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Zehnder - direct

having first been duly sworn, was examined and testified as follows:

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

THE WITNESS: If you will excuse me, sir. I have a little problem of hearing.

THE COURT: Please state your name, your address and occupation.

THE WITNESS: Officer Edwin B. Zehnder, Public Safety Department, Dade County. Officer in Charge, Underwater Recovery.

DIRECT EXAMINATION

BY MR. MORRIS:

Q Officer Zehnder, can you hear me from here?

A Yes, sir.

Q What are your duties with the Dade County Public Safety Department primarily?

A Underwater recovery, sir.

Q How long have you been engaged in that type of work, sir?

A Ten years with the County.

Zehnder - direct

Q Mr. Zehnder, during the month of August, 1968, did you have occasion to examine the vessel LANCASTRIAN PRINCE?

A Yes, sir, I did.

Q Where was that, sir?

A Excuse me, sir?

Q Where was it when you examined it?

A It was anchored off of Miami Beach north of Government Cut, in the anchorage area.

Q How did you conduct your examination, sir?

A Under water, sir, with scuba equipment.

Q What, if anything, did you find?

A I found an object attached to the bilge keel--the starboard bilge keel of the ship--which I determined was an explosive device.

Q What did you do, sir?

A I released it from the bilge keel of the ship.

Q Then what?

A It was hauled above by Captain Tom Brody of our bomb squad and disarmed aboard ship.

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Zehnder - direct

Q Mr. Zehnder, will you step down here, with the Court's permission, and examine Government's Exhibit 45 for identification?

A Yes, sir.

Q Have you ever seen that object before?

A Yes, sir, I have.

Q When and where did you see it before?

A I first saw it attached to the star-board bilge keel of the LANCASTRIAN PRINCE.

Q Is this at the time that you made your examination that you discussed previously?

A Excuse me, sir?

Q Did you discover this at the time you made the examination in August that you previously told us about?

A Yes, sir.

Q Could you state whether or not this object is in approximately the same condition now as it was when you examined it?

A Approximately the same condition except that a chain--I had to sever the chain to release it from the ship.

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Zehnder - direct

THE COURT: You did say it was disarmed, didn't you?

THE WITNESS: Yes, aboard ship.

MR. MORRIS: I will offer Government's Exhibit No. 45 into evidence.

MR. GREENSPAHN: Before making my objection, there are notations written on the face of what appears to be a yellow paint, and I think that this should be qualified.

THE COURT: I agree with you, if there is anything on that that has been put on there.

BY MR. MORRIS:

Q Officer Zehnder, there are some markings in paint on this object. Do you recall whether or not those markings were on the object at the time you examined it?

A No, sir, I don't.

Q You do not recall?

A No.

MR. MORRIS: I think we can clarify that later.

THE COURT: All right, sir.

Zehnder - direct

MR. GREENSPAHN: Your Honor, I object to the introduction at this time of this exhibit inasmuch as it has not been properly identified, inasmuch as there appears to be on the face of it, and now that Mr. Bierman has opened the inside of it, markings that have been made obviously subsequent to its recovery, which have not been properly explained. It is apparently not in the same condition it was when it was recovered by Officer Zehnder, and I submit to the Court it is not material or relevant in any way as to these defendants, there being no showing of any relationship in connection between these defendants and this object. And I really am very much at a loss to understand what all of the several markings on it are--some in black paint, some in yellow paint.

MR. BIERMAN: We will be able to explain these as simply being further in the chain of custody with the appropriate markings. And since they mean obviously nothing to Mr. Greenspahn, they mean nothing to anyone else.

THE COURT: I am going to sustain the



Zehnder - direct

objection until such time as they are explained.

MR. GREENSPAHN: Thank you, sir.

MR. MORRIS: You may inquire.

CROSS EXAMINATION

BY MR. GREENSPAHN:

Q Where was the object on the occasion when you made the recovery, the object that has been identified? Was that the only occasion that you made any visual observation of this object or of the motor vessel?

A Excuse me, sir. Will you repeat it?

Q You stop me if you cannot hear me. Was the occasion that you have described out at Government Cut the only time that you had any connection with this matter about which you are testifying today?

A No other occasion; just that night.

Q Just that night?

A Yes, sir.

Q Now, was that, in fact, during a period of darkness or was it twilight or was it day-time?

Zehnder - cross

A This was in a period of darkness.

Q Will you describe to me, sir, the chain that you referred to and the method by which the device was secured to the vessel?

A It was secured to the bilge keel. I have a drawing of how it was attached to the bilge keel.

Q Do you know what disposition was made of the chain itself after you had removed it from the object or from the vessel?

A Do I know what, sir?

Q What happened to the chain, sir.

A To the chain?

Q Yes, sir.

A A part of the chain was still attached. Like I say, I had to sever one length to release it from the bilge keel.

Q Do you know what happened to either the piece that you severed or the piece that was attached to the bilge keel?

A There should have been two pieces attached to it yet when I had them hoisted aboard the

Zehnder - cross

ship.

Q Attached to the object that you had identified down here?

A Yes, sir.

Q What about the remaining portion of the chain? There was more chain, wasn't there, other than that portion?

A Yes, there was another piece of chain on the forward portion of the object which I had snapped to attach to one side of it.

Q Was any portion of the chain itself still attached after you severed it? Was any part of it attached to the vessel?

A No, sir, not to the ship.

Q It was all removed?

A Yes.

Q What were the lengths of chain, if you can approximate them for us?

A I would say approximately eighteen inches to two feet.

Q How many pieces all together?

A There would be four pieces of chain.

Zehnder - cross

Q . And just finally, if you will explain to us verbally in words with relation to the vessel where the starboard bilge keel is in lay terms. What is that area of the ship?

A There is a port and starboard bilge keel aboard a ship to keep it from rolling, and it runs forward and aft approximately halfway between the waterline and the keel itself.

Q This being starboard, it was on the right side of the vessel, is that right?

A Yes, sir.

Q How far from either the tailend of the vessel or the very front of the bow portion of the vessel was it?

A It was directly under the stag of the ship, just forward of the lifeboat amidships.

Q Amidships? In the center of the vessel, is that right?

A Yes, sir.

Q Do you know of your own knowledge whether that vessel had been in the Miami port prior to the time that you made your examination of it?

Zehnder - cross

A No, sir.

Q Do you know, when you went aboard the vessel, in what direction it was headed? Was it coming into or going out of Miami?

A No, sir. It was laying at anchor.

MR. GREENSPAHN: That is all I have.

Thank you, sir.

THE COURT: Redirect examination?

MR. MORRIS: No redirect.

THE COURT: Thank you, sir. You may be excused.

(Witness excused)

THEREUPON--

FRED N. HENDON,

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: Fred N. Hendon, Birmingham, Alabama. Plant manager, duPont Company Birmingham Works.

Hendon - direct

MR. MORRIS: Your Honor, there are several objects inside this previous exhibit which I would like marked as a composite exhibit.

THE COURT: All right, sir. They will be marked as a composite exhibit. If there are separate objects, it is probably better to designate them A, B, C.

MR. MORRIS: They are all alike, sir.

THE COURT: All right, sir.

DIRECT EXAMINATION

BY MR. MORRIS:

Q How long have you been employed in your present position?

A At the Birmingham Works, some sixteen years.

Q Mr. Hendon, are you acquainted with Special Agent Geary of the FBI?

A Yes.

Q During the month of June of this year, did you have occasion to see Mr. Geary?

A Yes.

Q Would you relate for us what happened on that occasion?

Hendon - direct

A Mr. Geary visited the plant and asked if we could make a simulated dynamite for the FBI. I told him that we could but we would have to get the concurrence of the home office. We got the concurrence of the home office and made some simulated dynamite for Mr. Geary.

Q Did you make this dynamite yourself?

A It was made under my direction.

Q What directions did you give, sir?

A To two of our men--our foremen--I asked them to make a simulated dynamite, and we agreed on the formula that we would use.

Q What formula, sir?

A Well, it is inert ingredients comprising salt, starch, another combustible and some engine oil.

Q Did you give your people any other instructions with regard to it?

A Yes, sir. By agreement with the home office, I had suggested that we mark it in some manner that it could later be recognized as far as we were concerned, so that if it did get into

Hendon - direct

legitimate trade, it could possibly be identified; at my suggestion, we put a "D" on each side of the sticks and on the box.

Q Referring to this "D," is this a marking that is generally used to designate simulated dynamite?

A No. As far as I know, this was the first time that the "D" had been used in marking simulated dynamite for exhibition. So we put the word "Dummy" in large letters across the stick and on the box.

Q Aside from the "D" which appears on these sticks that you mentioned, what other distinction is there, if any, from real dynamite?

A It is a duplicate of the markings that were used on the real dynamite.

Q After giving these instructions, was the simulated dynamite manufactured in accordance with your instructions?

A Yes.

Q Did you inspect it?

A Yes, in my office.



Hendon - direct

Q Then what did you do with it, sir?

A I turned it over to Agent Eubanks, as I recall, in my office.

Q How much of it was there?

A As I recall, there were two boxes totalling, let's say, a hundred pounds.

Q Did you have occasion thereafter to have simulated dynamite made?

A Yes. Mr. Geary called again shortly thereafter and asked if we would make up another quantity. Here again we got the concurrence of the home office and manufactured it exactly as at first and turned it over to Mr. Geary.

Q Was this also marked in the same manner, sir?

A Yes.

Q I show you Government's Exhibit 45-A for identification and ask you whether you can identify that.

A Well, it looks very much like the cartridge that we used. I frankly do not see the marking. They are very faint here. Yes, this is our

Hendon - direct

marking.

Q You say that is your marking. For what, sir?

A Red Cross Extra 50.

Q Does that have the "D" on it which you mentioned before?

A I think I can see it right in this location. It is somewhat faint, however.

Q It is there?

A Yes.

Q From examining this exhibit which I just showed you, can you determine whether or not that was manufactured in your plant?

A Yes, sir.

THE COURT: You had better come down. Are you talking about that single stick or the rest of it, too? If you are talking about the rest of it, you had better go down there and look at it.

BY MR. MORRIS:

Q Why don't you come around and look at it?

A Yes, sir.

Hendon - direct

THE COURT: How many sticks are down there?

THE WITNESS: I didn't count them.  
Shall I count them?

THE COURT: Have you looked at each and every one of them?

THE WITNESS: Yes, sir.

THE COURT: All right.

BY MR. MORRIS:

Q Can you state that all of these were manufactured in your plant, sir?

A Yes, sir.

Q I show you Government's Exhibit 19 and ask you whether or not this box is similar to the one which you turned over to the FBI agents containing these sticks of dynamite.

A Yes, sir.

MR. GREENSPAHN: May it please the Court, I am going to object and ask that the answer be stricken, because the question was whether the box is similar to these exhibits which are not yet in evidence. Secondly, it is not material or relevant

Hendon - direct

whether it is similar. It is material and relevant only if that is allegedly the box in which the exhibits, which are not yet exhibits, were delivered in.

THE COURT: I will sustain the objection to the question.

I will permit you to ask him if that box is similar to the box in which the simulated dynamite which he manufactured was packaged.

BY MR. MORRIS:

Q Would you answer that question?

A It is. It is the type and number of box that we used for that grade of dynamite.

Q With regard to this simulated dynamite which you turned over to the Special Agent of the FBI, has any such dynamite or simulated dynamite marked in this manner been manufactured by your plant before or since?

A Not to my knowledge.

Q Are you in a position to know that?

A Yes, sir.

MR. MORRIS: You may inquire.

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Hendon - cross

CROSS EXAMINATION

BY MR. GREENSPAHN:

Q How many plants does duPont have in which the manufacture of explosive materials takes place?

A Three others other than the Birmingham Works.

Q Where are they located, sir?

A One is in duPont, Washington; one is in Louviers, Colorado, and another one is in West Virginia.

Q And have you, sir, ever before either participated in the making of or had anything to do with the making of simulated dynamite?

A Yes. We make exhibits up for the police departments for lectures on safety, along with dummy blasting caps. We also use a simulated dynamite to run a machine in after it has been overhauled to be sure your bearings are okay.

Q You did manufacture it before and probably after the manufacture of the simulated dynamite that you are referring to now?

Hendon - cross

A I don't recall any before. Certainly we have in the past, in my experience, for the purposes that I mentioned.

Q Now, sir, showing you again the exhibits for identification--I'll just take one at random. Were all of the sticks--and for want of a better word--that you prepared the same dimensions, the same size?

A Oh, yes.

Q And did they have a uniform weight to them?

A I think so, yes. The powder has a certain density; so it is bound to come out approximately correct.

Q Do these sticks that you have seen lying on the floor here resemble the sticks that you saw as you transferred them to Mr. Geary and the other special agents?

A Yes, sir.

Q Do the wrappings of the sticks appear to be about the same as they were when you saw them?

A Well, they are much dirtier now, of

Hendon - cross

course.

Q Let me ask you this about the wrapping.  
What are the materials of the wrapping?

A A Manila and a craft paper.

Q Is there any process that you are  
aware of that that paper has been put through prior  
to the time that it was used for the wrapping of  
these things?

A Well, no. It comes directly to the  
plant from the paper mill, if that answers your  
question.

THE COURT: Is it waxed or water-  
proofed or any other things done in the manufacture  
of it? In other words, do you use any special  
paper as distinguished from ordinary brown wrapping  
paper?

THE WITNESS: Yes, sir. This is a  
special paper, and it is waxed. And after the tubes  
are wound, it goes through an oven in which the wax  
is sprayed on the tubes.

BY MR. GREENSPAHN:

Q You referred to motor oil, I believe,

Hendon - cross

as being part and parcel of the simulated dynamite?

A Yes, sir.

Q What is the purpose of the motor oil?

A Well, that is to simulate and give it somewhat the appearance of nitroglycerin.

Q Is this dry or in a liquid state as opposed to a solid state?

A Well, it coats the dry materials in the stick.

Q To your knowledge, does any of that motor oil, as a rule, seep through and come out onto the face wrapper itself?

A I would not think so. That could only be determined after a prolonged storage. However, we use a very small quantity, and I would say that it may under certain storage conditions--hot storage, for instance.

Q Based upon your length experience in the business, would you look at this piece and tell me if any of this dirty marking or any of this apparently greasy substance--is any of that motor oil?

A That can best be determined by smell,

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and it smells like oil to me, frankly.

Q " It does smell like oil to you?

A Yes.

Q Would the appearance, then, of the wrapper be consistent with your statement that it does smell like some oil has gotten out?

A It smells like oil, and certainly the appearance is not the same as it was originally.

Q Between the time that the objects that are on the floor were manufactured and the time that they were transmitted to the special agent of the FBI, how many people at duPont had contact with them sufficiently, were enough to have placed their hands on them?

A I would say a minimum of three. I have no knowledge of any more. That is the two foremen and myself. And then, of course, Agent Eubanks went over them with me when we had it in my office.

Q Is your plant engaged in any government work? I do not want to go into any detail, but are you engaged in Government work?

Hendon - cross

A Yes.

Q Are your employees required, at the time of their hiring or at any other time, to have their fingerprints taken and filed with the Federal authorities?

A Oh, yes.

Q Were your employees, during the period that this exhibit was manufactured, all of record with the Federal authorities, probably the Federal Bureau of Investigation, as to fingerprints?

A I'm reasonably sure they were or are.

Q All together, how many sticks of simulated dynamite were prepared?

A Well, theoretically this runs a little over ten sticks per case. I would imagine this ran a little bit light. There may be twelve sticks. I don't recall counting them exactly, however.

Q And they were all the same size?

A Yes.

Q In your examination of the sticks of simulated dynamite that lie in front of you, did you notice any difference in the size of any of the sticks?

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A No.

Q Do you not, sir, remove from the canister some sticks and then put them back in as you--

A Do you mean in the canisters?

Q Yes. There was one, I think, that I seem to remember was appreciably shorter than the others. Is this the one that you are referring to?

A Yes.

Q The difference appears to be some four to six inches?

A Around six.

Q In size?

A Yes.

Q You did not manufacture any of this size--that is, the smaller size?

A No. They were all the same size as manufactured.

Q Did the special agent with whom you dealt or any other representative of the Government place a written order with you for the purchase of these manufactured articles?

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A No.

Q Is there any written order or memorandum reflecting the order of purchase or the sale?

A No.

Q Were these articles paid for or were they gratuitously furnished?

A They were furnished.

Q Mr. Hendon, is your job as an administrator or are you completely familiar with the workings of explosives and dynamite?

A My work during this period of time is largely administrative, although I am reasonably familiar with some of the details, yes.

Q This 50 percent Red Cross dynamite that the box bears the label of, what kind of dynamite is that? Does it have a generic name?

A Dynamite is the most common name. There are two types of dynamite: There is the gelatin type and then what we term regular dynamite in which the ingredients are all dry, and it has a granular feel as opposed to a gelatin dynamite which

Hendon - cross

has the appearance of gelatin, a cohesive mass.

Q The kind that would come packaged in the kind of wrapping or package that these are?

A This is a granular dynamite.

Q Are there any other types of dynamite than gelatin or granular?

A Yes, there are a few; not that we make them, but there are some different types. We use nitroglycerin as a sensitizing agent, whereas, let's say, Trojan Powder uses a nitro starch.

MR. GREENSPAHN: I have no further questions, your Honor. And I would ask the right to hold this witness.

THE COURT: All right, sir.

MR. GREENSPAHN: Thank you.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. MORRIS:

Q With regard to the discoloration which you mentioned on these sticks, do you know from your own knowledge how these happen to become discolored?

A No, I don't know, although I have seen

Hendon - redirect

similar powder that was recovered from coal mines.

Q With reference to this stick which is shorter than the others, did you examine it and determine whether or not it was one of those which was manufactured in your plant for the FBI?

A I'm reasonably sure it was, yes.

Q Does it appear to have been altered since you turned it over to the FBI?

A Well, one end has been mutilated, let's say. I frankly do not see the cartridge markings on here.

Q What is this right here?

A Frankly I can't see. It appears to be some marking under there, but they are not too distinguishable.

Q With reference to the manufacture of the dynamite and simulated dynamite by other plants of duPont, do you have any particular reason to believe that this is the only dynamite which has been marked with the "D"?

MR. GREENSPAHN: If it please the Court, objection. His belief is a conclusion.

Hendon - redirect

THE COURT: I will sustain the objection as to what he might or might not believe.

You can rephrase your question in a more positive manner, if you wish.

BY MR. MORRIS:

Q How do you happen to arrive at the decision to mark this dynamite with "D"?

A Well, I agreed with--

THE COURT: He has already testified that basically in exhibitions, et cetera, they mark it "Dummy." In this particular instance he said that they decided on "D"; is that correct, sir?

THE WITNESS: Right, sir.

THE COURT: Let us proceed.

MR. MORRIS: No further questions, your Honor.

THE COURT: All right, sir. I'm sorry I cannot excuse you, sir. You will have to remain around a little while subject to call.

THE WITNESS: May I ask one question, please? Do you have any idea what time it will be? I have a plane reservation this evening to fly out.