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# Court suppresses Tick-Talk tapes

## Drug probe apparently 'down drain'

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A thousand hours worth of surreptitiously taped conversations, the voluminous heart of last year's Operation Tick Talks cocaine trafficking investigation, were thrown out of court Friday.

"It is with great reluctance that this court suppresses the fruits of these wiretaps," said Dade Circuit Judge Gerald Kogan. "A thorough and expensive investigation is, in effect, washed down the drain."

Kogan ruled that the Miami Police Department and the Dade State Attorney's Office had ignored legal safeguards designed to keep electronic eavesdropping an extraordinary tool of last resort for law enforcement.

Twenty-three defendants were to have gone to trial Monday in this mysterious web of a case involving ex-CIA agents, plots against Fidel Castro, counterplots, bombings, local politics, disappearing witnesses and a key informant of murky and murderous credentials.

Asst. State Attorney Peter Outbridge asked for a delay immediately after Kogan's ruling. "A cook can't make an omelet without eggs, a baker can't bake bread without flour, the state can't go to trial without evidence," Outbridge said.

He said his office will decide whether to appeal the ruling by Thursday.

The wiretaps on the telephones of onetime drug informant Carlos F. Quesada and Roberto A. Ortega and a third bug, hidden in a clock in Quesada's living room (which inspired a catchy name for the investigation) were initiated in January 1981.

Nine months later, five pounds of cocaine, \$149,000 cash, \$430 in counterfeit money and an Uzi sub-machine gun were seized in police raids.

Arrest warrants were issued for 52 persons, ranging from Quesada to Rafael Villaverde, a controversial anti-Castro activist and, until his arrest, director of the Little Havana Activities Center, a program for the elderly.

The list of defendants had been pared down to 23 arrested, another five still at large and Villaverde missing. Friends reported April 2 that he disappeared after a boating accident.

"I'm only sorry that my brother wasn't here to enjoy this moment," said Raul Villaverde, brother and fellow defendant in the Tick Talks net. "Rafael always said this would happen."

Judge Kogan released his 29-page opinion with a short speech, noting that the abuses uncovered in the Tick Talks buggings were hardly isolated. He said the judiciary, which must approve wiretaps, must shoulder blame as well as police and prosecutors. "We've made it too easy," he said.

But Kogan's written opinion chastised Tick Talks investigators, charging that policemen

# Legal safeguards ignored by authorities, judge rules

TALKS / Front 1B

withheld pertinent, legally required, information from Dade Circuit Judge Thomas Scott, who approved the Tick Talks bugs.

Kogan found the prosecution's grounds for wiretaps wanting on four basic points.

Two might be dismissed as technical mistakes. The officers working in this case as agents of the State Attorney's Office were not properly bonded and, secondly, when the objects of the taps moved or changed telephone numbers, the officers failed to comply with laws requiring they re-demonstrate need with each new tap.

The sense of dismay the judge demonstrated during eight weeks of testimony into the evidence this summer was more apparent on two other errors he listed.

Kogan said officers from the police department's Special Investigations Section "deliberately" withheld information from Judge Scott:

The wiretaps were issued on the strength of information provided by Ricardo (The Monkey) Morales, who the judge said "was a man known to the police to sell his services to the highest bidder. He was a man highly suspect amongst the law enforcement community of South Florida."

Yet, Kogan said, Judge Scott was not told of any of Morales' failings, though the entire case hung on the informant's word. "He was not told of Morales' involvement in the murder of 76 persons in a bombed Cuban airliner or about numerous other bombings he committed," Kogan said.

The judge also noted that the policemen, although they were personally involved in the previous investigation, had failed to tell Scott that Quesada had been bugged previously — a requirement plainly spelled out in Florida law. Kogan charged the officers with "intentionally withholding from the court the history of four previous [wiretap] interceptions in 1978."

The stringent requirements "are not mere technicalities," he said. "Wiretapping is the ultimate in government intrusion into the private lives of every citizen."

Kogan said the rules were "enacted to protect the general public from the abuse of awesome power

of electronic surveillance."

Douglas Williams, a key defense attorney in the case and a former member of the State Attorney's Office, said, "I'm gratified that there is still a force to stand between the citizens and some overly zealous, sometimes unprincipled police."

The Miami Police Department issued a terse statement Friday evening:

"It is the Miami Police Department's position that the investigators from the Special Investigations Section did a professional and thorough job in attempting to stop the flow of narcotics that are poisoning our community." A police spokesman read the statement authorized by Special Investigations Commander Paul Oboz.

"All subjects identified and charged were identified as members of a highly sophisticated narcotics smuggling ring," it said. "This ruling will not affect the determination of the Miami Police Department in continuing to battle drug traffickers."

Defense Attorney Kirk Munroe said the handling of the case by both police and prosecutors was "mindboggling" when he examined the "lack of command and control" exercised. He said those involved in the case demonstrated "no real understanding of the most significant intrusions government can make."

State Attorney Janet Reno said Friday that the case had caused her to initiate new controls to double-check qualifications of anyone involved in such a sensitive investigation. She said she made those moves several months ago. She declined immediate comment on the judge's specific rulings.

Attorney Munroe charged that while the case involved the arrest of several characters whose ties with drugs were undeniable, "a lot of good people got smeared when they threw the net over Tick Talks."

Several defendants were known anti-Castro activists, some with old CIA connections. Defense Attorney William Cagney ventured that police were led into the case by Morales, who he said was acting as a Castro agent.

"He was out to smear these people," Cagney said. "In the beginning, I didn't believe it, but I do now."