

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF CONNECTICUT

3 * * * * *
4 UNITED STATES OF AMERICA :

5 vs. :

6 ISAAC CAMACHO-NEGRON :

7 * * * * *

CRIMINAL ACTION

NO. H-85-50

8
9 Before: HON. T. EMMET CLARIE, SENIOR U.S.D.J.
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14 A p p e a r a n c e s :

15 For the United States of America:

16 CARMEN ESPINOSA VAN KIRK, ESQ.
17 Assistant U.S. Attorney
18 450 Main Street
Hartford, Connecticut 06103

19 DAVID BUVINGER, ESQ.
20 Trial Attorney
Department of Justice
Washington, D. C.

21 For the Defendant:

22 RICHARD REEVE, ESQ.
23 Assistant Public Defender
New Haven, Connecticut

24 Also Present:

25 PEDRO SEGARRA, Interpreter

Elliott Sperber
Official Court Reporter

1985 JUN 5 11:33
U.S. DISTRICT COURT
DISTRICT OF CONNECTICUT

1 THE COURT: Good morning, ladies and
2 gentlemen.

3 Are we ready to proceed?

4 The record will disclose that the defendant,
5 Isaac Camacho-Negron is now present in the courtroom.
6 Is there an interpreter?

7 MS. VAN KIRK: Yes, your Honor, there is. An
8 interpreter is required.

9 THE COURT: Is counsel satisfied with the
10 interpreter?

11 MR. REEVE: Your Honor, it is my understand-
12 ing that this interpreter has interpreted in this case
13 in the past, as well as for Mr. Camacho-Negron. I have
14 not personally reviewed the situation, but I believe
15 it is satisfactory.

16 Perhaps the interpreter can address the
17 Court.

18 THE COURT: Will you give your full name?

19 MR. SEGARRA: Pedro Segarra, S-e-g-a-r-r-a.

20 THE COURT: And Mr. Segarra, have you prev-
21 iously testified before the Magistrate -- I say
22 "testified" -- have you acted as an interpreter in the
23 Magistrate's hearing that was held back in September,
24 September 20th?

25 MR. SEGARRA: Yes, your Honor.

1 THE COURT: And you translated for Mr.
2 Camacho?

3 MR. SEGARRA: Yes, I did, your Honor.

4 THE COURT: And could you understand him and
5 could he understand you?

6 MR. SEGARRA: Yes, your Honor.

7 THE COURT: All right. Do you want to ask
8 him now in Spanish whether he wants you as his inter-
9 preter in this hearing?

10 (Pause)

11 MR. SEGARRA: Yes, your Honor.

12 THE COURT: Very well. The interpreter may
13 be sworn for the purposes of this hearing.

14 (Pedro Segarra was sworn as interpreter.)

15 THE COURT: Very well. The Court will so
16 appoint Mr. Segarra.

17 Is there going to be a submission of new
18 evidence in this hearing, Counselor, or are you going
19 to rely on the original record?

20 MR. REEVE: Your Honor, there will be sub-
21 mission of new evidence. There are some pieces of
22 documentary evidence that I have requested the Clerk
23 to pre-mark.

24 In addition, I would seek to call two wit-
25 nesses at the present time. Their names are Jose

1 Camacho-Negron and Marino Camacho-Negron, both of whom
2 are brothers of Isaac Camacho-Negron, and both of whose
3 testimony would be, in effect, as character witnesses,
4 to establish his ties in the community, the nature of
5 his family background, and his connections with his
6 family, and their willingness to post their property,
7 should the Court make a determination that bond is
8 appropriate in this case.

9 I am not seeking to introduce or to call an
10 FBI agent at this time. I have reviewed the transcript
11 of the initial detention hearing which was held before
12 Magistrate Eagan. I was not a party to that, as the
13 Court knows. But I have reviewed that transcript, and
14 I do not intend to in effect request re-cross-examination
15 of Agent Rodriguez, who testified at that earlier
16 hearing.

17 THE COURT: Very well.

18 MR. REEVE: I should also note for the
19 record, your Honor, that there are a number of con-
20 stitutional issues which have been raised with respect
21 to the preventative detention statute, both facially,
22 that is, that the statute is unconstitutional on its
23 face, as well as applied to the particular facts of
24 individual cases.

25 I would adopt the constitutional arguments
that have been made. It is my understanding that prior

1 to the time I was a party, as a lawyer in this case,
2 that a brief labeled on behalf of all defendants was
3 filed by the offices of, I believe, William Kunstler.

4 There may be other issues that I would seek
5 to raise to the Court -- I don't believe that they
6 require any evidence. I would request after the hearing
7 today that I be given a small amount of time -- it won't
8 be a lengthy process for me -- to present to the Court
9 any claims on the legality of the statute, and the
10 legality of the detention order in this case, in
11 writing.

12 I don't believe there is any necessity for
13 evidence on those issues. I just state that for the
14 record, to preserve the claims at this time.

15 THE COURT: I think Mr. Kunstler is supposed
16 to be here tomorrow to argue that same point, on
17 another case, and argue the briefs -- whatever he is
18 advocating.

19 All right. What is the wish of counsel? The
20 Clerk asked me at the beginning, should we label the
21 new exhibits today, whatever they may be, as a separate
22 identification? Or should we take the same exhibits
23 and add to them by number?

24 As long as we are in agreement there will be
25 no problem.

1 MS. VAN KIRK: Your Honor, I believe in the
2 prior hearings at this level we have had new numbers.

3 MR. REEVE: Whatever is acceptable to the
4 Court. I think it ought to be dated today, so it is
5 clear that these exhibits were introduced at this
6 hearing today. But whatever is convenient to the Clerk
7 and to the Court.

8 THE COURT: We will use new numbers, Madam
9 Clerk.

10 All right. you may proceed, Counselor.

11 MR. REEVE: Thank you, your Honor. At this
12 time I would call Jose Camacho-Negron.

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1 J O S E C A M A C H O - N E G R O N, appearing as a
2 witness, being duly sworn, testified as follows:

3 THE CLERK: State your name and spell your
4 last name.

5 THE WITNESS: My name is Jose D. Camacho-
6 Negron, C-a-m-a-c-h-o - N-e-g-r-o-n.

7 THE CLERK: Your address, please?

8 THE WITNESS: 442 San Leandro, Sagrado
9 Corazon, Rio Piedras, Puerto Rico 00926.

10 DIRECT EXAMINATION BY MR. REEVE:

11 Q Good morning.

12 A Good morning, sir.

13 Q Should I refer to you as Mr. Camacho or Mr.
14 Negron, or Mr. Camacho-Negron?

15 A We usually, in Puerto Rico, in writing we use the
16 two last names. Commonly we use the first name, the first
17 last name, Camacho.

18 Q How old are you, Mr. Camacho?

19 A I am going to be 42 years old in December.

20 Q Are you employed at the present time?

21 A Yes, I am self-employed.

22 Q And can you tell us what that employment is?

23 A I'm an attorney-at-law.

24 Q And where do you practice?

25 A At presently I am practicing in Puerto Rico. My

1 law firm is now in Puerto Rico. But I am licensed to prac-
2 tice in other states.

3 Q What states are you licensed to practice in?

4 A I am licensed to practice in the State of New
5 Jersey and the State of Pennsylvania.

6 Q Are you licensed to practice in any other courts?

7 A Yes, I am. Besides the New Jersey Supreme Court
8 and the Pennsylvania Supreme Court, I am licensed to prac-
9 tice in the United States District Court for the District of
10 New Jersey; the United States District Court for the District
11 of Puerto Rico; the Appeals Court, First Circuit, and the
12 U.S. Supreme Court.

13 Q Where did you receive your law degree?

14 A I studied law at Temple University in Philadelphia,
15 Pennsylvania.

16 Q When did you receive that degree?

17 A In 1978.

18 Q And what is your relation to Isaac Camacho-Negron?

19 A Isaac is my younger brother, younger son from my
20 mother.

21 Q He is how many years younger than you are?

22 A Four years.

23 Q How many other brothers and sisters do you have?

24 A All together we are sixteen, brothers and sisters.

25 Ten from my mother and father, and six half-brothers from my

1 father's side.

2 Q Your father remarried?

3 A My father remarried.

4 Q And had six children as a result of this second
5 marriage?

6 A That's correct.

7 THE COURT: You are of the first marriage,
8 or the second?

9 THE WITNESS: The first marriage.

10 Q And Isaac, I think you said, is the youngest son
11 of the first marriage?

12 A The youngest male, son of the first marriage.

13 Q And there are two --

14 A Two daughters after him.

15 Q Can you tell us briefly what kind of law you
16 practice in Puerto Rico at the present time?

17 A Yes, my practice is specialized in civil litiga-
18 tion. We would defend mostly banks. We are attorneys for
19 Banco de Ponte, one of the largest local banks in Puerto
20 Rico.

21 My firm also represents Chase Manhattan Bank and
22 J.C. Penney Corporation, another corporation. We are mostly
23 in contract and banking law.

24 Q Can you describe the nature of the relationship
25 within your family; that is, do you have a close family? Do

1 you consider your family not to be close? How would you
2 describe it?

3 A Okay. In essence we are a very close family. Now
4 being a large family, it is impossible to be together all
5 the time. But we are very close. We come from a very poor
6 background. My father was a farmer; we lived in the country,
7 and we moved to a small town in Yauco. That is a town in
8 the southern part of Puerto Rico.

9 So we were very poor. The only richness that we
10 had was our mind. So we always were encouraged to be good
11 in school and get scholarships, so we could go ahead and
12 study.

13 The nature of that, we had to be superior --

14 Q Mr. Camacho, you might need to slow down a little
15 bit for the excellent Court Reporter here, who is sometimes
16 disturbed at the level of speech that I have, and I think
17 certainly may be a little bit concerned about the speed at
18 which you are speaking.

19 A I am sorry. My apologies.

20 I was saying that because of the nature of the
21 family background that we had, that we had to sometimes
22 take separate ways, so at some point in our life we had
23 separated one time or another. But we always kept very
24 close.

25 Our major relationship, we are close by in Puerto

1 Rico. Our major wealth was that we had the closeness of our
2 family, helping each other. So we had problems with money,
3 and to get homes, and whatever, so we are very close, although
4 not all the time we have been together.

5 Q Of the sixteen brothers and sisters, how many
6 reside in Puerto Rico at the present time?

7 A All of them except two sisters that live in New
8 York. And, of course, my brother right now, in Otisville.

9 Q And is your father still alive?

10 A Yes, he's still alive. He is 78 years old.

11 Q And what about your mother?

12 A My mother died in 1970.

13 Q For what periods of time have you lived in the
14 United States -- obviously you lived in the United States
15 when you attended Temple Law School, but what periods of
16 time --

17 A Okay, I lived in Puerto Rico until I was 23 years
18 old. That is when I finished my Bachelor's Degree from the
19 University of Puerto Rico.

20 Then I moved to New York. I was to work with the
21 Puerto Rico Economic Development Administration, and at
22 the same time I attended NYU, where I obtained a Master's
23 Degree in Economics, under a scholarship of the Martin
24 Luther King foundation.

25 Then I moved to New Jersey. I was working for the

1 U.S. Government as an economist for the Federal Housing
2 Administration.

3 That all together took me about 13 years. So from
4 1966 to 1978 I was in the States.

5 Q And in 1978 you went back to Puerto Rico and
6 established a law practice?

7 A Yes, after I finished law school I returned to
8 Puerto Rico, yes.

9 Q And with specific reference to the period of time
10 after you returned to Puerto Rico in 1978, can you indicate
11 to the Court the nature and extent of your contacts with
12 your brother, Isaac?

13 A Since 1978, to begin with I left my family in New
14 Jersey with my four daughters and my wife. And I went to
15 Puerto Rico and stayed with my brother for some months, until
16 I set up a new office, and what have you.

17 So I lived with him. And from that point on we
18 have kept a very close relationship.

19 Later on, a few months later, when I did open my
20 office, he worked for me. And we have been in constantly
21 in contact. We saw each other, if not every day, almost
22 every day.

23 Q How far is your home from Isaac's home?

24 A It is about fifteen to twenty minutes' drive.

25 Q And how far is your office from Isaac's home?

1 A About fifteen minutes' drive.

2 Q There has been testimony before, but I am not sure
3 if the Court is aware -- can you indicate what your brother's
4 employment is, and where his office or shop is located in
5 reference to his home?

6 A Okay. He lives in Carolina, near the airport. He
7 finished the locksmith course in New York around '78, '79 --
8 or late '78. So when he moved to Puerto Rico, after finish-
9 ing the course -- when I say moved to Puerto Rico, I mean
10 went back to Puerto Rico -- his wife and kids stayed in
11 Puerto Rico while he was in New York.

12 He worked for me from that time, and he was also
13 working as a summons server for the Chase Manhattan Bank,
14 and doing some collections for them.

15 In 1979 he decided to open a locksmith shop, and
16 he rented a place for his business, together with my other
17 younger brother. And he kept that place for about a year,
18 a year-and-a-half or so.

19 Then he sold the house that he was living in, and
20 he moved to another section, where he bought a house. And
21 in the back of his house, being in a commercial area, he
22 opened, he rehabilitated that area, and made a shop there.

23 Then he attended that shop, or worked in that
24 shop during the last year or so. He had an acre of space,
25 and he decided to build up, to build another place for a

1 cafeteria. And that is what he has been doing the past six
2 months, building up the place for a cafeteria, together with
3 a shop.

4 Q And [REDACTED] indicated that he served summonses, and
5 did some collection work for a bank and for your law office
6 as well?

7 A That is correct.

8 Q In terms of the period of time that he did that
9 work, what period of time are we talking about? From 1979
10 until when?

11 A 1979 until the present date. He never quit doing
12 summons service; he would keep his work. But the summons
13 server, he would work at night or weekends, when the families
14 -- in Puerto Rico there is a requirement now in our rules of
15 civil procedures that the summons has to be served personally.
16 So that personal contact has to be made by the server. So
17 sometimes people will be working, and so on, so it is at
18 odd hours.

19 Q And to your knowledge was there any complaints
20 at any time regarding the nature of Isaac's work, or his
21 contact with people that he was serving the summons upon?

22 A None at all. All the service that we had in the
23 office and in the bank, he was one of the most decent -- and
24 thousands of summons were served by him, and no problem
25 whatsoever.

1 Q Can you indicate something to the Court about
2 Isaac's family and his relationship with the family, the
3 immediate family?

4 A Yes, he's married and he has three children. The
5 ages of 13, 11 and 9. Two girls, the first one is Carla,
6 and Jerinina (phonetic) is the second one. And Isaac, Jr.,
7 the third.

8 They are very close relationship. I don't know
9 of any time he has not provided for his family. The wife --
10 they got married 15 years ago -- never worked outside, so
11 he's been a good provider, and always kept the family
12 together.

13 Q Mr. Camacho, I am going to show you what has been
14 marked as Defendant's Exhibit A for purposes of this hearing.
15 I would ask you, can you identify this packet of material?

16 A Yes, sir. This packet of material is the medical
17 records from the medical center of Puerto Rico.

18 This packet of materials came to my hands -- I
19 called the Director of the Legal Division of the hospital
20 and requested for them to send me a copy of the medical
21 records of my brother, when he had an accident in 1981. And
22 also a translation from those records, and in typewritten.
23 And they came to me through messenger.

24 Q All right. And then you gave these records to me
25 yesterday?

1 A That's correct.

2 MR. REEVE: Your Honor, I have given the
3 Government a copy of this Defendant's Exhibit A, and
4 I would request that it be admitted as a full exhibit
5 for purposes of this detention hearing.

6 THE COURT: No objection?

7 MS. VAN KIRK: No objection, your Honor.

8 THE COURT: Full exhibit.

9 MR. REEVE: Your Honor, for the Court's
10 information, there are -- the first few pages have
11 a typewritten recitation of the medical records, which
12 are in handwriting. They were somewhat illegible,
13 mostly I think because of the doctor's handwriting. So
14 I requested that they be done in typing.

15 I have submitted in that exhibit both the
16 handwritten original notes, as well as the typewritten
17 transcripts of those records.

18 Just for your Honor's information, as I
19 read the transcript in Magistrate Eagan's decision,
20 regarding detention in this case, one of the main
21 findings of fact that it seems he relied on was the
22 Government's claim that Isaac Caracho was involved in
23 an operation known as the La Gaviota, which was the
24 destruction of the aircraft in January -- and I may
25 not be absolutely accurate, I believe it was January

1. 14th, 1981.

2 What those medical records demonstrate is that
3 Isaac Camacho-Negrón broke his leg on January 5, 1981. And
4 that it was in a full-length cast at the time of the opera-
5 tion known as La Gaviota.

6 BY MR. REEVE:

7 Q Mr. Camacho, I would also show you what has been
8 marked as Defendant's Exhibit B and C, and ask you if you
9 can identify those two photographs.

10 A Yes, sir, these are two photographs of my
11 brother, with a cast, when he broke his leg in January 5,
12 1981.

13 Q And can you tell by looking at these pictures
14 about when they were taken?

15 A Yes, they were taken the same week he broke his
16 leg. It depicts actually the way he looked at that time.
17 As you can see, one of the things here is the clean cast,
18 which later, after he broke his leg, and the cast was put
19 on, I remember the kids writing something on the cast, and
20 whatever. And this is very clean, and that is the way it
21 was at the time, a few days after he broke his leg.

22 MR. REEVE: Your Honor, the Government has
23 a photocopy of these two photographs, as well. I
24 request they be admitted in full.

25 THE COURT: Did he work at the airport at the

1 time?

2 THE WITNESS: Work at the airport? No, he
3 never worked at the airport.

4 THE COURT: Never worked around ~~there~~?

5 THE WITNESS: Worked at the airport? No, sir.

6 THE COURT: Never did any work at the airport?

7 THE WITNESS: No.

8 MR. REEVE: Your Honor, is the Court referring
9 to the -- I understand the Court's question, and I
10 think it ought to be answered by the witness.

11 I will pursue that.

12 Q As I understand it, the planes that were destroyed
13 were at the Air National Guard Station, or something like
14 that; is that right?

15 THE COURT: Muniz Airport.

16 Q Muniz.

17 A Yes, but there is the Muniz base, but I believe
18 it is behind the airport.

19 Q When you say he wasn't working at an airport --

20 A Yes, the airport.

21 Q Was there any connection that your brother had to
22 the Muniz base?

23 A Yes, he served on the National Guard. He was a
24 member of the National Guard.

25 Q And do you know approximately what times that

1 would have been?

2 A I believe he was a member there from 1980 to
3 '82, I believe.

4 THE COURT: 1980 to '82?

5 THE WITNESS: '82 or '83.

6 THE COURT: When did this happen?

7 MS. VAN KIRK: 1981, your Honor.

8 THE COURT: 1981.

9 MR. REEVE: Excuse me, your Honor, I don't
10 believe these have been fully -- I don't know if the Govern-
11 ment has an objection to these or not.

12 MS. VAN KIRK: No objection.

13 MR. REEVE: The photos.

14 MS. VAN KIRK: No objection.

15 MR. REEVE: Thank you.

16 BY MR. REEVE:

17 Q I also show you what has been marked as Defendant's
18 Exhibit D for identification. Can you identify that exhibit?

19 A Yes, this is a record from the Puerto Rico Police
20 Department that I requested, that indicates that my brother
21 does not have a criminal record in Puerto Rico.

22 Q All right. And with reference to Defendant's
23 Exhibit E for identification, can you identify that
24 document?

25 A Yes, this is a statement given and signed by the

1 President of the shop that sells firearms, certifying as to
2 the minimum of ammunition that can be bought in Puerto Rico.

3 MR. REEVE: I would ask that Defendant's
4 Exhibits D and E be admitted in full.

5 MS. VAN KIRK: No objection.

6 THE COURT: Without objection, full exhibit.

7 BY MR. REEVE:

8 Q Mr. Camacho, you have considered, and I believe
9 committed yourself to putting your home up, your property,
10 as part of the bond, should this Court determine that a
11 bond is appropriate. Is that correct?

12 A That's correct, sir.

13 Q And can you tell us what the nature of your
14 property is, and the estimated value that that property has?

15 A Yes, that is a single-family home. That is where
16 my home and four of my kids and myself reside. It is a
17 house I have -- I have an approximate half-acre of land,
18 with a one-level, single-family home, with approximately
19 value of \$190,000.

20 Q How much equity do you have in that property?

21 A I have a first mortgage of \$65,000. That would
22 make it around \$125,000.

23 Q Now, do you understand the potential consequences
24 of putting your house up as part of a bond in this case?

25 A Yes, I do.

1 Q And what are those consequences?

2 A That if my brother doesn't show for trial I would
3 be losing the home -- or find a way somehow to get the
4 money to pay the equity of the home, because I want to retain
5 that home.

6 Q Do you have the kind of money that you could buy
7 the home with?

8 A No, I do not. That home is my only savings, and
9 my wife's only and children's savings. Everything is in
10 that home.

11 Q So if your brother did not appear in court you
12 would lose your home?

13 A That's correct.

14 Q And you are willing to assume that kind of a risk?

15 A Yes, I am. I don't think it is a risk.

16 Q Why do you say that?

17 A Because my brother will be here at the time of
18 the trial.

19 Q And what about your brother convinces you of
20 that?

21 A I know my brother since he was born. Being the
22 younger of the males, we used to call him "Baby," and he
23 is still "Baby." We still call him "Baby." Because my
24 mother believed that he was going to be the last one. That
25 turned out not to be the truth.

1 So we are very close, our brothers, when he was
2 born. With the exception of those years I was away, study-
3 ing and working. But I have been with him, I know him, I
4 know how he feels, I know the respect he has for his family,
5 not only for us, for our father, the respect he has for my
6 mother. And there is nothing in his life in the past
7 history that would indicate to me that there is anything
8 contrary to that.

9 On top of that, his character, he is the kind of
10 character that he always faces reality. He always faced
11 the truth. He never turned his back to anything.

12 So, if anything else, he will be here, just to
13 show that he hasn't done anything wrong. And he would be
14 here to be cleared of whatever misunderstanding was done.

15 For that alone he will be here. On top of that,
16 his commitment to the truth and to our relationship there,
17 he will be here.

18 Q Have you ever known him to run away from any kind
19 of responsibility that he ever had in his life?

20 A No, never, never.

21 Q Have you ever known him to harm, financially or
22 otherwise, any member of his family, or anyone,
23 intentionally?

24 A Not intentionally, without intention; not the
25 family, and not to anybody.

1 MR. REEVE: May I have one moment, your Honor?

2 (Pause)

3 Q Mr. Camacho, are you aware of the reasons, some
4 reasons that individuals might be given a permit to carry a
5 firearm in Puerto Rico?

6 A There are only two requirements that someone has
7 to meet in order to get a firearm permit. He has to be
8 either a police officer, or has to be a person that justifies
9 to the Court that his responsibility is to protect the
10 property of valuables of somebody else. A special police
11 that works for the bank, or something like that.

12 Q Is there anything about your brother's employment
13 background, living situation, or anything else, that would
14 make him eligible for getting a permit to carry a firearm?

15 A Yes, because of the type of jobs, he is collecting
16 the monies, and that falls into the category, collections of
17 money that he has been doing, and for different concerns,
18 including my office. And that falls in the category that
19 he has to protect valuables.

20 Q Are you aware, or is it true that other employees
21 that you have had, who have collected money and valuables,
22 also have been given permits to have firearms in Puerto
23 Rico?

24 A Yes, most of them have firearms, yes.

25 MR. REEVE: I have nothing else. Thank you,

1 your Honor.

2 CROSS-EXAMINATION BY MS. VAN KIRK:

3 Q Good morning, Mr. Camacho.

4 A Good morning, ma'am.

5 Q How often do you socialize with your brother?

6 A As I said before, we see each other every day, or
7 almost every day. Socialize, I think we spend almost all
8 weekends together.

9 Q All right. And do you know his friends?

10 A I know some of his friends.

11 Q Do you have common friends?

12 A Yes, we have common friends.

13 Q Do you know Filiberto Ojeda-Rios?

14 A No, I don't know.

15 Q Never met him?

16 A Yes, I did meet him about three weeks ago at
17 Otisville Correctional Center, when I went to see my
18 brother, and he was there.

19 Q Have you ever spoken to him?

20 A I was just introduced by one of the attorneys.

21 Q Before then you hadn't met him?

22 A Never in my life.

23 Q Have you ever met Orlando Gonzalez-Claudio?

24 A No, ma'am.

25 Q Are you aware of all the defendants in this case?

1 Do you know who they are by name?

2 A Okay, not by name. Well I know -- I am familiar
3 with some of the names, because I was present when the court
4 hearing in Puerto Rico, where they were first arrested. I
5 was present in this courtroom for a few times when the
6 hearings. So I have heard some of the names.

7 I cannot associate the names with that particular
8 person -- Mr. Ojeda -- and the other person -- the others
9 I cannot.

10 I have seen them around when they approached the
11 court.

12 Q Before the court appearance in Puerto Rico you
13 had never met them before?

14 A Never met them, never saw them in my life.

15 Q You never saw your brother with them?

16 A I never saw my brother with them.

17 Q What is the name of your brother's, the
18 defendant's business?

19 A Presco -- Puerto Rico Excellent Security
20 Corporation.

21 Q Do you have an association with that business?

22 A I was the attorney that drewed the corporate
23 papers in 1979.

24 Q Are you listed as an officer of the business?

25 A No, I'm not.

1 Q Do you know who is?

2 A Mr. Camacho is.

3 Q Is he the only officer?

4 A I believe he is the only officer. In Puerto Rico,
5 to incorporate, a minimum number persons has to be three.
6 I believe if I recollect correctly his wife is also an
7 officer there. And there is one other. I don't remember
8 who he is.

9 Q A third individual, but you don't remember his
10 name?

11 A I don't remember. The last time I saw those
12 papers was in 1979 when I drewed those papers.

13 Q Now, did you know from where he obtained the
14 funds to buy that business?

15 A He didn't buy the business.

16 Q He didn't?

17 A No, he formed the business. When he started he
18 rented a place and made some contact with the distributors
19 that supplied the documents -- I am talking about inventory
20 and so on. So he made some contract with those people, and
21 they would supply some, and some he bought, to get up the
22 inventory.

23 Q All right. Do you know today what the value of
24 the business is?

25 A No, I don't.

1 Q Do you know how much income Mr. Camacho has from
2 the business?

3 A I cannot tell you exactly how much in the business,
4 because he files two returns, his personal return and
5 the business returns.

6 I can tell you more about his income, his personal
7 income.

8 Q What was his income last year, in 1984?

9 A In 1984 his income should have been approximately
10 around \$10,000. I think before, the question of Mr. Reeve,
11 last year he was starting to build the cafeteria -- before
12 last year he had more than that.

13 Q What about 1983?

14 A 1983, around \$25,000.

15 Q 1982?

16 A About that amount of money.

17 Q About the same?

18 A About the same, yes.

19 Q And you don't remember what the income from his
20 business was?

21 A No, I don't remember.

22 Q Was it more -- well, was the majority of his
23 income in 1984 from the business or from his process
24 serving?

25 A No way I can answer that, because I don't know

1 exactly in 1984 how much was in the business. The reason
2 why I can talk about his income, his personal income, is
3 because my office was one of the sources of that income.

4 Q You had to prepare some kind of 1099 form, or --

5 A Yes, that's correct. I don't remember the number,
6 but we had to provide it.

7 Q A form, saying how much you paid him?

8 A Yes, right.

9 Q Now you stated that the defendant, your brother,
10 was in the National Guard; is that correct?

11 A Yes, correct.

12 Q And is it not true that where he was a member of
13 the National Guard was the same location where the planes
14 were blown up?

15 A I believe the Muniz base, yes.

16 Q And you stated that he lives in Carolina; is
17 that correct?

18 A That's correct.

19 Q Isn't Carolina near the base?

20 A It is about a ten-minute drive -- well, Carolina
21 -- I mean the base is within the Carolina municipality. He
22 lives about ten minutes away, drive, yes.

23 Q Now, concerning the exhibit about the ammunition,
24 are you familiar with the laws, or -- well, the firearms
25 laws of Puerto Rico?

1 A To some extent.

2 Q And is it a law of Puerto Rico that you cannot
3 sell less than fifty rounds of ammunition?

4 A No, I don't believe there is a law that would say
5 this. It is a question of practice. You cannot go and buy
6 one or two bullets out of a box.

7 Q Now, are you familiar with your brother's travel
8 outside of the United States -- excuse me, outside of
9 Puerto Rico?

10 A He traveled when he was a veteran, in Vietnam.
11 I know he was in Vietnam when he was a veteran -- I mean
12 when he was a serviceman in Vietnam. He went to Vietnam,
13 and I believe was a member of the National Guard, and he
14 traveled for some training period to the United States. I
15 know that he traveled in 1978, when he was starting up the
16 locksmith shop.

17 Then I know he traveled in 1967, when he went to
18 New York and he attended my wedding -- I don't remember
19 whether he was just in Vietnam, or he was on leave at the
20 time.

21 Q Did he make any other trips to the continental
22 United States?

23 A Not that I know of.

24 Q Did you ever see your brother use a firearm?

25 A No, never.

1 Q Did you know that your brother was a member of the
2 group known as the Macheteros?

3 A No, I don't know.

4 THE COURT: When did you first learn that?

5 THE WITNESS: When I heard Mr. Rodriguez
6 testify here, the first hearing.

7 THE COURT: You were that close and you
8 didn't know about it?

9 THE WITNESS: No, I know about it, and I
10 don't believe he was a member. To the best of my
11 knowledge and belief he is not.

12 MS. VAN KIRK: Nothing further, your Honor.

13 REDIRECT EXAMINATION BY MR. REEVE:

14 Q Mr. Camacho, do you know whether or not your
15 brother even has a passport?

16 A To the best of my knowledge and belief he has
17 never obtained a passport.

18 Q I am not sure I asked you this earlier: Do you
19 have any knowledge as to the relationship that your brother
20 might have with the neighbors that he presently has, or the
21 neighbors in the community where he resided prior to moving?

22 A Yes, I do. We visit each other frequently, if
23 not on weekends, almost every weekend. And I have known his
24 neighbors in the place before, the prior residence, also
25 this residence, and their relationship is excellent. We

1 have played dominos together in some of the parties we have
2 attended. And the personal relationship has been excellent.

3 Q Is it your feeling that you probably know most of
4 the people that your brother socializes with?

5 A Yes, I do.

6 Q So from that I would take it, based on your answer
7 earlier, to the Government's question about do you know any
8 of these people who are named in this indictment, that it is
9 your belief that your brother does not socialize with those
10 people?

11 MS. VAN KIRK: Your Honor, I am going to
12 object. That is a conclusory, leading question.

13 MR. REEVE: I will rephrase it.

14 THE COURT: It is harmless. It is a Court
15 case.

16 THE WITNESS: Answer it?

17 Q Do you know if, in fact, based on your knowledge,
18 are you aware whether or not your brother socialized in the
19 past --

20 A To the best of my knowledge and belief he did not
21 only not socialize with them, but he saw these people the
22 first time when they were arrested.

23 Q Assuming that your brother is a member of the
24 Macheteros, does that change your position in any way with
25 respect to your willingness to put up your house, effectively

1 your life's savings, as part of a bond in this case?

2 A That is a big assumption, but assuming, as you
3 said, no, I would not definitely -- I would not change my
4 position.

5 Q Why is that?

6 A Because I believe that being a member of an
7 association -- you assume that he is a member of the
8 Macheteros -- that does not make him a person to commit
9 those acts that the Government says he has committed.

10 So even if he were a member of that group, that
11 doesn't mean that he would be doing, committing these acts.

12 And I have known him, and I know how he feels,
13 how he acts. He is not capable of committing any of those
14 acts.

15 So, therefore, no, definitely, it would not
16 change my decision on that.

17 MR. REEVE: Thank you.

18 MS. VAN KIRK: I have no further questions.

19 THE COURT: Thank you.

20 (Witness excused.)

21

22

23

24

25

1 M A R I N O C A M A C H O - N E G R O N, appearing as a
2 witness, being duly sworn, testified as follows:

3 THE CLERK: Please state your name and spell
4 your last name.

5 THE WITNESS: Marino Camacho-Negron.

6 THE CLERK: Your address, please.

7 THE WITNESS: I live at 18th Street, QQ No.
8 13, Jardines de Caparra, Bayamon, Puerto Rico.

9 DIRECT EXAMINATION BY MR. REEVE:

10 Q Good morning, Mr. Camacho?

11 A Good morning.

12 Q Are you related to Isaac Camacho?

13 A Yes, he is one of my sixteen brothers and sisters.

14 Q And where do you work, sir?

15 A I work at Chase Manhattan Bank, Assistant Manager
16 in the Legal Division.

17 Q What kind of job responsibilities do you have
18 there?

19 A We are in charge to collect those bad loans,
20 where the people doesn't pay in time, repossessing auto-
21 mobiles, and demanding money -- demands.

22 Q Can you briefly describe the nature of the
23 relationship within your large family?

24 A Well, we are a real happy family. We are together,
25 all together. My father is a wonderful man. My brothers

1 and sisters are beautiful.

2 Q Does the family spend a lot of time together?

3 A Yes, we do. We spend -- we visit each other,
4 because I have four children, and Isaac, he has three
5 children -- the others have five, or have nine -- so we get
6 together much of the time.

7 Also on holidays we get together. We go visit
8 our father, because we live in the north part of the Island,
9 Puerto Rico, and we go to the south part of the Island where
10 my father lives. And we get together in his house.

11 Q How often in the last several years, how often
12 have you seen your brother, Isaac?

13 A Isaac, I would say that I see him on an average of
14 twice a week. Because he lives close to a shopping center
15 where my wife -- she loves to go shopping, and we get there
16 for shopping, and also on Saturdays we go to visit my
17 brother. My children, they love to be with his children.

18 Q And how far is your home from Isaac's home?

19 A If there is no traffic, I would say that driving,
20 twenty minutes, driving. Not too far.

21 Q Can you describe for the Court what your brother
22 is like, what kind of person he is?

23 A Well, I would say he is a good son, a good
24 brother, a good husband, a good father, and a good citizen.

25 Q And with respect to his relationship to family

1 members, are there occasions in which he helps other members
2 of the family, whatever way he can? Or does he distance
3 himself from the family? Or what?

4 A We are so close family that any time I need some-
5 thing I call him, or I call any other brother. If my car
6 breaks down I call him, because he has some knowledge fixing
7 the car. So I call him to help me out.

8 Any time I need him he is there, because he owns
9 his own locksmith shop, and I am in the office most of the
10 time. So any time I need help, even in my house, or any of
11 the family needs help, we just call each other, and we get
12 together to help each other.

13 Also, if I need a lock for the church I belong to,
14 a lock for the door, or if I need a key, I just go to his
15 shop, because it is cheaper to buy in my brother's shop
16 than other places.

17 Q You indicated that you belong to a church. Does
18 it go beyond being a member of the church? Are you involved
19 heavily --

20 A Well, after work I do direct the Theological Bible
21 Institute in Santurce, for the Assembly of Christian Churches.

22 Q What does that mean? You say you are the Director
23 of that Institute?

24 A I have been in charge -- I am in charge of about
25 17 Bible teachers. We teach the Bible -- we have an

1 enrollment of 125 students there, in Santurce.

2 Q Based on your visits to Isaac's house, contacts
3 with Isaac, do you have an impression as to his relationship
4 with his neighbors?

5 A Everybody loves him there, because he helps
6 everybody.

7 Q You have indicated, I believe, your willingness
8 to put up your home as part of a bond in this case; is
9 that correct?

10 A That's correct.

11 Q Can you indicate approximately the value of your
12 home?

13 A The market value, it is around fifty-eight to
14 sixty thousand dollars.

15 Q And is that a single-family residence?

16 A It is a single-family residence, with four bed-
17 rooms, a kitchen, a living room, a dining room, a family
18 room, porch, and a carport.

19 Q And do you know approximately how much equity you
20 have in that property?

21 A Yes, I owe \$25,000 to the bank. And if I sell it
22 for \$60,000, so I would have thirty-five.

23 Q What do you understand the practical consequences
24 to be if the Court set a bond and you posted your house as
25 part of that bond? Do you understand that there are some

1 possible consequences that attach to that?

2 A Yes, could be consequences.

3 Q What are the consequences as you understand them?

4 A Well, in the times that we live in, anything could
5 happen. And my brother, he could go to jail, possibly, in
6 the times we live in. Anything could happen.

7 Q Well, what I am asking you is, are you aware that
8 if your brother did not appear in court when he was required
9 to appear in court, you could lose your house?

10 A I'm sure he will appear in court.

11 Q Why are you sure he will appear in court?

12 A I know his character. I know that he will not
13 let my wife or my children without the house. And he has
14 shown me that he is a responsible, and amiable person.

15 Q Have you ever known him to damage in any way,
16 financially or otherwise, any other family member, or any
17 other person, as far as you know?

18 A We are sixteen members in the family, and no one
19 of us has been accused or processed of any wrongdoing. This
20 is the first time that a member of my family is accused of
21 some things.

22 Q Do you think that your brother, if he was released
23 on bond, would run away?

24 A No, he would never run away, I'm sure.

25 Q Why do you think that?

1 A For his character. He is not a person to run away
2 from responsibilities. He is a responsible person. He will
3 be there, any time they need him.

4 I do remember one day when we were four brothers
5 at the same time in the Army. And he was supposed to show
6 in California, to go to Vietnam. And he shows up -- he went
7 to Puerto Rico on this military leave, to see my mother. And
8 a day before to be showing in California he came to my house,
9 really shaking: "Look, Marino, I have to go to California;
10 I have to show up in the base to go to Vietnam. And, you
11 know, the airplane left me off. I'm late."

12 And that was a day before. So he really had the
13 time to catch another plane and go to California, and from
14 there go to Vietnam. And yet he was so excited not to be
15 in time in California, that he was really upset.

16 So I said to him, "Don't worry about it. You have
17 a day to get there. You will be there in time, don't worry
18 about it."

19 And so that was -- I am mentioning one of the
20 incidents in his life, that he had to show in a day, a
21 specific date, and he was there to show up. And that was
22 the time when in Vietnam we were losing thousands of our
23 young people, and that was the time when many of our young
24 people flew away from our nation to stay away from the Army.

25 But my brother, he was there to show up.

1 So that shows me that he will be, any time in
2 court that they will call him he will be ready to come.

3 Q Did you discuss with other family members the
4 possibility of putting up property as part of the bond?

5 A Yes. All our brothers that have houses, they are
6 willing to give their properties for the bond.

7 Q Is there anyone in your family who feels that it
8 would be too risky to put your property or their property
9 up as part of a bond, because they are afraid that Isaac
10 will not show up in court?

11 A Until now no one has said no. Everybody is
12 willing to give the property. Even my brother -- or my ex-
13 brother-in-law.

14 Q Mr. Camacho, I am going to show you what has been
15 marked as Defendant's Exhibit 5 and ask you if you can
16 identify that letter.

17 A Yes, this is a letter from the Assistant Treasurer
18 of Chase Manhattan Bank in Puerto Rico.

19 Q And did you bring that letter to court with you
20 today?

21 A Yes, I did.

22 MR. REEVE: I would offer this letter as a
23 full exhibit, your Honor.

24 THE COURT: Without objection?

25 MS. VAN KIRK: May I see it?

1 No objection.

2 THE COURT: Full exhibit.

3 MR. REEVE: May I have one moment, your
4 Honor?

5 I have no further questions.

6 CROSS-EXAMINATION BY MS. VAN KIRK:

7 Q Good morning, Mr. Camacho.

8 A Good morning.

9 Q Were you present on August 30th when your brother
10 was presented in court after he was arrested?

11 A No, I was not.

12 Q Have you been present at any time in Hartford for
13 any of the proceedings before today?

14 A I haven't. It is the first time I come here, and
15 I give the reason for it.

16 Q Do you know the names of any of the other people
17 that were arrested with your brother?

18 A No, I don't.

19 Q Have you ever heard the name Filiberto Ojeda-Rios?

20 A No, it is the first time when I read it in the
21 newspaper.

22 Q You don't know him?

23 A No, I don't know him.

24 Q How about Jorge Farinacci-Garcia?

25 A Not either.

1 Q Hilton Fernandez-Diamante?

2 A No.

3 Q Avelino Gonzalez-Claudio?

4 A No.

5 Q Juan Segarra-Palmer?

6 A No, I don't.

7 Q You don't know any of the defendants?

8 A I don't know any of them. I only know my brother.

9 Q You never saw your brother with any of these
10 people?

11 A No, I did not. If I would have seen them I would
12 know those people, because I know the people that my brother
13 spoke to.

14 Q You know your brother's friends?

15 A Most of them. When I go to his house and they
16 are there, he presented me his friends. Also when he goes
17 to play golf sometimes, and if I go with him, so he presents
18 me his friends.

19 Q Now, do you know whether your brother has traveled
20 outside of Puerto Rico to the continental United States in
21 1984?

22 A No, I don't.

23 Q You don't know whether he did?

24 A No, I don't.

25 Q If I told you that he was seen in New York in

1 March of 1984, what would be the explanation for that?

2 A I would say I don't know, because I have no know-
3 ledge that he has traveled in 1984.

4 I know he came to New York once to study a lock-
5 smith, but I don't know if it was in 1984 or 1983. I can't
6 recall that.

7 Q Do you know that your brother was a member of the
8 Macheteros?

9 A The Macheteros? It is the first time I heard
10 that my brother is a member of the Macheteros.

11 THE COURT: Have you ever heard it in Puerto
12 Rico, the word "Macheteros"?

13 THE WITNESS: Yes, what I see in the newspapers.

14 THE COURT: Who are they, in Puerto Rico?

15 THE WITNESS: The Macheteros?

16 THE COURT: Yes.

17 THE WITNESS: It is in the newspaper some-
18 times, like when it was an incident of blowing some
19 airplanes, in the newspaper came the word "Macheteros"
20 that this group of people was the ones that blew up
21 the planes.

22 But only the things I read in the newspapers
23 about them.

24 BY MS. VAN KIRK:

25 Q Do you know that they are a clandestine

1 organization?

2 A No, I do not.

3 Q Do you know that they advocate the independence
4 for Puerto Rico?

5 A The only thing I know about Macheteros is the
6 things that I read in the newspapers.

7 Q That is what I am referring to.

8 A And the Press sometimes, sometimes they incline or
9 go to one side or another. Not all the time what is in the
10 newspapers is what is really happening.

11 Q What you are saying is that you can't always
12 believe what you read in the Press; is that correct?

13 A Yes, what I am saying is that if whatever is in
14 the Press, the person that is writing the news sometimes,
15 like we have a newspaper in Puerto Rico that we call the
16 "blood" newspaper, because if nobody dies they try to find
17 somebody to kill it, and put it in the newspaper, just to
18 sell the newspaper.

19 And that is not only in Puerto Rico, that happens
20 also in New York. Like any other paper, that they want to
21 impress people today, just with big letters, you know, some
22 type of thing.

23 Q You have read that the Macheteros do violent
24 acts, have you not?

25 A Yes, it was in the newspaper.

1 MS. VAN KIRK: Nothing further, your Honor.

2 MR. REEVE: I have nothing further, thank you.

3 THE COURT: Thank you.

4 (Witness excused.)

5 THE COURT: Any other witnesses, Counselor?

6 MR. REEVE: No, your Honor. There are some
7 other documents that I would seek to introduce.

8 I have a number of affidavits from various
9 people within the community in Puerto Rico. There were
10 affidavits that were filed at the first hearing -- I
11 believe there were five affidavits. These are
12 additional. These are additional affidavits.

13 Three of them are affidavits of first, Jose,
14 and the second witness, Marino, the two witnesses that
15 just appeared before the Court, and the third is an
16 affidavit of Mercedes Fontanez, who is Isaac Camacho's
17 wife.

18 All of these indicate a willingness to put
19 up the property which has been mentioned in this
20 hearing, and in the earlier hearing.

21 The other affidavits are affidavits by
22 community members, which either speak to Mr. Isaac
23 Camacho's abilities and conscientiousness while
24 employed, or are affidavits from neighbors, indicating
25 his good standing in the community. And I would seek to

1 introduce all of these affidavits.

2 I have not provided a copy of all these
3 affidavits to the United States Attorney's Office, and
4 I apologize for that. I don't know if they want to
5 review them before admitting them.

6 MS. VAN KIRK: No objection, your Honor.

7 THE COURT: Full exhibits.

8 What was the date of the Gaviota?

9 MS. VAN KIRK: January 12, 1981.

10 Your Honor, I would like to call a witness,
11 with the Court's permission.

12 THE COURT: January 12, '81?

13 MS. VAN KIRK: Yes, your Honor.

14 THE COURT: I was looking at these medical
15 papers. I see here January 20, '81. And I was going
16 to ask somebody to translate these for me. I wanted
17 to have determined when this medical report was written.

18 MR. REEVE: Your Honor, I believe that the
19 first admission to the hospital is on the date of
20 January 5th. The first typed portions there, it
21 indicates he was admitted on January 5th.

22 THE COURT: You can't tell from the dates
23 on here, Counselor. That is what I wanted to get
24 cleared up, if they were going to be meaningful at
25 all, they would have to be properly translated.

1 MR. REEVE: Your Honor, there is a mistake on
2 the original records that indicates January 5, 1980.
3 There is an attachment from the Director, and he
4 indicates that that date was incorrectly placed there;
5 it should be January 5, 1981, rather than 1980.

6 And that the reason for the error was that
7 the year had recently changed, and the individual had
8 probably put down that date.

9 THE COURT: Where does it say that?

10 MR. REEVE: Can I have one moment, your Honor?

11 THE COURT: Do you have a copy of these,
12 Counselor?

13 MS. VAN KIRK: Yes, your Honor, I do.

14 THE COURT: Well, I am looking at page number
15 -- there is quite a few pages. I guess it is 11.

16 Do you want to hand this down to counsel, so
17 we will both be looking at the same page?

18 MR. REEVE: Yes, your Honor. That date is
19 listed there -- may I have one moment, your Honor?

20 I am glad the Court pointed that out. I
21 gave the full records -- I have a full copy for myself,
22 and I omitted what would be pages 2, 3, 4 and 5, which
23 are the typed translations of all the entries that the
24 Court has. I apologize.

25 THE COURT: What about that January 5, 1980,

1 date?

2 MR. REEVE: Your Honor --

3 THE COURT: It is a year out of the way.

4 MR. REEVE: Your Honor, there is a note which
5 is dated October 23, 1985, encaptioned, "To whom it may
6 concern."

7 THE COURT: Who wrote that?

8 MR. REEVE: This was written by the supervisor
9 of the Medical Information Department.

10 THE COURT: How do we know that?

11 MR. REEVE: Well, your Honor, that is who it
12 is signed by.

13 THE COURT: Do you know him?

14 MR. REEVE: It is on that stationery -- I do
15 not, your Honor.

16 THE COURT: Couldn't anybody write that?

17 MR. REEVE: Yes, your Honor, anyone could
18 write that.

19 I would suggest to the Court that when the
20 records are evaluated, it indicates, for example, that
21 the treatment, for example, on January 13, 1981,
22 January 20, 1981, and it indicates, for example, on
23 January 20, 1981, on that entry, it indicates that the
24 33-year-old male patient suffered fracture two weeks
25 ago -- which would be January 5, 1981.

*Where Lucy
Barrion worked?*

1 All the dates, January 13th, January 20th,
2 February 11th -- all the treatment is in 1981.

3 THE COURT: Does it say how it happened?

4 MR. REEVE: It does, your Honor. It indicates
5 on January 5th that he slipped on a skateboard, suffer-
6 ing trauma to the right leg. X-rays show fracture, and
7 distil third of tibia -- that is the entry dated January
8 5, 1981.

9 And that is consistent with all the entries
10 beyond January 5th.

11 THE COURT: When was that made up? When was
12 that typed up?

13 MR. REEVE: Your Honor, this was typed up, I
14 believe, on October 23, 1985. And that was done at
15 my request, because I believed that the handwritten
16 medical records were somewhat difficult to decipher.
17 And so we requested that the hospital redo those
18 records.

19 THE COURT: Take the last one, June 2, 1981.

20 MR. REEVE: Yes, your Honor.

21 THE COURT: Well, I guess that conforms -- I
22 thought it didn't conform, but it does conform with
23 the first. All right.

24 MR. REEVE: I believe it does conform.

25 I reviewed them -- I may have missed

1 something.

2 THE COURT: The Government can check it out.

3 MR. REEVE: I believe it does conform, your
4 Honor. But that is why I submitted both the handwritten,
5 as well as the typed transcription.

6 THE COURT: What is your claim, that he was
7 in the hospital during this period, or was he around
8 on crutches, or what is your claim?

9 MR. REEVE: Well, your Honor, my claim is
10 that he was on crutches. He was, as I understand the
11 medical records, he was released the day that the cast
12 was set. The pictures document that it was a full-
13 length cast.

14 The Government's claim at the original hearing,
15 as I understand it, and based upon the exhibits that
16 were introduced, was that Isaac Camacho-Negron the
17 Government believes to be "Frank," and was one of the
18 parties directly responsible -- that is a conversation
19 in which there are references to the individuals who
20 got stuck in the swamp. And I would suggest to the
21 Court that it is strange credibility to suggest that a
22 man who has a full-length leg cast on, as a result of
23 a broken leg, seven days before, is moving through the
24 swamp in the middle of the night.

25 THE COURT: Wasn't there somebody alleged to

1 be just standing there, watching the planes burning on
2 the beach?

3 MR. REEVE: There is a reference to that in
4 one of the Government's exhibits. Perhaps it is the
5 Government's position that Mr. Camacho was the indivi-
6 dual standing there. I, frankly, don't know what the
7 Government's position is.

8 THE COURT: In other words, was he part of
9 the burning of these nine planes, \$45,000,000 worth
10 of property?

11 MR. REEVE: Well, your Honor, I don't know
12 what the Government -- my position is that the Govern-
13 ment has the burden of establishing by clear and con-
14 vincing evidence --

15 THE COURT: That's right.

16 MR. REEVE: And that this evidence does not
17 establish that my client was involved in this La
18 Gaviota incident.

19 THE COURT: On the top of page 76 in this
20 transcript from the Magistrate, it has Frank, Jose,
21 you, Jumbo and Y-Yo. They were the ones that were
22 supposedly primarily responsible, according to the
23 transcript, most responsible -- or really responsible,
24 change "mostly responsible" to "really responsible".

25 MR. REEVE: That is correct. The only other

1 documentary evidence I would seek to introduce is a
2 Xerox of page 63 of the search warrant affidavit for
3 Mr. Camacho's residence, which I believe is part of
4 the Court file in this case, or it should be part of
5 the file. That is the search warrant and affidavit.

6 THE COURT: The page again, please?

7 MR. REEVE: Page No. 63.

8 THE COURT: All right.

9 MR. REEVE: And the final document -- I
10 apologize to the Court for not having a copy --

11 THE COURT: What does it say, Counselor, on
12 page 63?

13 MR. REEVE: 63, the second full paragraph,
14 indicates: "On May 14, 1984, Special Clerk (SC)
15 Antonio Rodriguez, observed Filiberto Ojeda-Rios
16 return to his Levittown, Puerto Rico, residence at 9:47
17 p.m., but not enter the residence. SC Rodriguez ob-
18 served Camacho-Negron arrive at the residence at 10:01
19 p.m., but neither Ojeda-Rios nor Camacho-Negron was
20 able to enter the residence."

21 As your Honor might be aware, in our review
22 of the transcript in this case the Government's claim
23 is that Isaac Camacho-Negron is "Frank," and that the
24 basis of that claim is surveillance, as testified to
25 by Agent Rodriguez at that hearing. He testified, I

1 believe at least three times on Direct, on Cross and on
2 Redirect, that there was surveillance on May 14th at
3 approximately 6:00 p.m. It was right after he left
4 his office, and that is exactly why he remembered the
5 time.

6 And that is how they established that Mr.
7 Camacho-Negron is "Frank."

8 It is our position, based on the search
9 warrant affidavit, as well as based on the logs -- and
10 that is the final exhibit that I was going to seek to
11 introduce, the log, the bug of the Levittown residence,
12 which was the residence of Ojeda-Rios -- these are logs
13 taken by a monitoring agent, and on May 14th, which is
14 the date in question, there are, in fact, log entries
15 which start at 10:18 p.m. And it indicates persons
16 entering an apartment, and conversations which went on
17 at that point.

18 I think that the combination of the logs,
19 these two pages of the logs from May 14, 1984, which
20 are marked in Volume 2 of an 18-volume set, disclosed
21 by the Government to all defense counsel, on pages 248
22 and 249 of Volume 2, those entries, combined with the
23 search warrant affidavit and the testimony of Agent
24 Rodriguez, it is our position establishes substantial
25 doubt, and simply the Government has failed to meet

1 their burden of establishing the corollary to all
2 their arguments, which is that Isaac Camacho-Negron
3 has a code name in the Macheteros of "Frank."

4 And so I would seek permission to have page
5 63, which by the way, is a search warrant affidavit,
6 which was sworn to by Agent Rodriguez, the same Agent
7 who testified at the detention hearing, marked as a
8 full exhibit.

9 THE COURT: Without objection, full exhibit.

10 MR. REEVE: And I would also seek to have
11 page 248 and 249 of Volume 2 marked as a full exhibit.
12 And, your Honor, I do not have copies of those.

13 THE COURT: The Clerk will make a copy, or
14 a Xerox.

15 MR. REEVE: I would request a copy be made
16 and filed, and it can be marked, if that is acceptable.

17 THE COURT: You can do that after court, if
18 counsel has no objection, she will verify what you
19 are referring to.

20 MR. REEVE: Thank you, your Honor.

21 MS. VAN KIRK: Your Honor, I would like to
22 call a witness in rebuttal. And perhaps if the Court
23 is going to take the morning recess, it will give me
24 a chance to look at --

25 THE COURT: How long is your witness?

1 MS. VAN KIRK: It should be about ten minutes.

2 THE COURT: Our Stenographer is ready; you
3 can finish it right now.

4 MR. REEVE: I would prefer to proceed now.

5 THE COURT: Let's proceed and complete it.

6 MS. VAN KIRK: I would like just a minute to
7 look at this.

8 THE COURT: All right, the Court will wait
9 for you.

10 Has counsel for the Government -- well, I
11 will wait until you finish.

12 Has counsel for the Government, through your
13 investigatory agencies, determined whether this man
14 did have a broken leg during the period of the Gaviota,
15 or not? Has that been ascertained?

16 MS. VAN KIRK: No, your Honor, that was not
17 confirmed.

18 However, the witness that I intend to put
19 on is going to explain a little bit more about his
20 role with the National Guard, and etc.

21 It is our position that he at the time that
22 the explosion occurred, he was a member of the
23 Macheteros and the National Guard, and that he is an
24 inside man.

25 And he, as the Court said -- it doesn't say

1 that, it doesn't mention it, the transcript says the
2 people most responsible that made it happen were -- and
3 they named the four people, including the defendant.

4 And our position is that even though he may
5 not have been the one that actually went up and put the
6 dynamite under the planes, that if he was involved in
7 other respects, that makes him, of course, as guilty
8 as any of the others.

9 Your Honor, the Government calls Jose
10 Rodriquez.

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1 J O S E P. R O D R I Q U E Z, appearing as a witness,
2 being duly sworn, testified as follows:

3 THE CLERK: State your name and spell your
4 last name.

5 THE WITNESS: My name is Jose, middle initial
6 P., as in Paul, Rodriquez, R-o-d-r-i-q-u-e-z.

7 THE CLERK: Your address?

8 THE WITNESS: GPO Box BT, San Juan, Puerto
9 Rico 00936.

10 DIRECT EXAMINATION BY MS. VAN KIRK:

11 Q Agent Rodriquez, you testified at the previous
12 hearing before the Magistrate, did you not?

13 A Yes, ma'am, I did.

14 Q And do you recall the conversation which was
15 introduced by the Government concerning the incident known
16 as La Gaviota?

17 A Yes, ma'am, I do.

18 Q And was the defendant involved in that incident?

19 A Yes, ma'am, he was, according to that conversation.

20 Q How is that?

21 A That conversation took place on May 17, 1984, in
22 the residence of Filiberto Ojeda-Rios, which was 3384 Levit-
23 town Boulevard, the upstairs east side apartment. The per-
24 sons involved in the conversation were Filiberto Ojeda-Rios
25 and Juan Enrique Segarra-Palmer.

1 In that conversation they state -- and I read it
2 into the record in the previous hearing -- Juan Enrique
3 Segarra is telling Ojeda that the persons most responsible
4 for making the operation of La Gaviota a success, and he
5 lists Frank, Jose, Jumbo, and he refers to Ojeda, you and me,
6 speaking about himself, Juan Enrique Segarra.

7 They continued speaking later in the conversation
8 again on that same date, where they mentioned that they were
9 describing Tino was the one sitting on the beach, watching
10 the fire. Tino is Avelino Gonzalez-Claudio.

11 And when they talk about, "We're the ones that
12 went into the swamp; we got fucked in the swamp while Tino
13 was watching the fire" -- we have not confirmed or uncon-
14 firmed that the defendant did have a broken leg on this
15 date, however he was a member of the National Guard from
16 January, 1980, to January, 1983, which encompasses the date
17 that La Gaviota occurred.

18 There were, according to information that the
19 Macheteros organization released to the Press, subsequent
20 to La Gaviota, there were a total of seven security person-
21 nel and four who had gone in and actually placed the bomb.

22 If you will notice in the conversation he is
23 saying the persons who made the most, or who are most
24 responsible for making it successful are those five. The
25 information they released to the Press was four that went in

1 to place the bomb. He lists five, making it most successful,
2 including the defendant, who was a member of the National
3 Guard.

4 Q And he was a member of the National Guard at the
5 base where the planes were blown up?

6 A That is correct.

7 THE COURT: Was that the Air National Guard?

8 THE WITNESS: Yes, sir.

9 THE COURT: Or the Ground National Guard?

10 THE WITNESS: No, it is the Puerto Rico Air
11 National Guard.

12 THE COURT: What was his standing in that?
13 Was he a Sergeant or a Corporal, or --

14 THE WITNESS: Your Honor, I do not recall the
15 exact rank. As a matter of fact, I don't recall -- I
16 have reviewed his records from the Puerto Rico National
17 Guard, but at this time I don't recall what his military
18 specialty was.

19 THE COURT: All right.

20 BY MS. VAN KIRK:

21 Q Now, is there any question in your mind, based
22 upon the investigation that you are aware of, as case agent,
23 that this defendant is "Frank" within the Macheteros
24 organization?

25 MR. REEVE: Your Honor, I object to that. The

1 question is for the Court. And by asking the witness
2 the ultimate question --

3 THE COURT: I think you are asking him his
4 opinion, has he established an opinion?

5 MS. VAN KIRK: Well, your Honor, opinions
6 are admissible, if it is based upon a sufficient
7 amount of information. And he is the case agent of
8 the case; he has reviewed all the files pertaining to
9 the investigation, and is capable of entering an
10 appearance -- an opinion in that respect.

11 THE COURT: Well, I suppose if you ask him,
12 after having read all of the documentary evidence and
13 transcripts available to him through the FBI, does
14 he have an opinion as to the identification of who he
15 is, he can give it to you.

16 BY MS. VAN KIRK:

17 Q Based upon your review of the reports of the
18 investigation concerning the Macheteros, you were the case
19 agent of all that investigation; is that correct?

20 A That is correct.

21 Q Based upon your review of the investigation, the
22 electronic surveillance, the interviews of witnesses, physi-
23 cal surveillances of the suspects and defendants, do you
24 have an opinion as to who Frank is within the Macheteros?

25 A Yes, ma'am, I do.

1 Q Who is that?

2 A Isaac Camacho-Negron, the defendant.

3 Q Do you have before you Government's Exhibit No. 1
4 for identification?

5 A Yes, ma'am, I do.

6 Q What is that?

7 A This is a two-page financial ledger that was
8 seized in the residence of Sylvia Mulling-Cowart on August
9 30, 1985, the date that the defendants were arrested.

10 Q And is there a reference to Frank in this
11 document?

12 A There are seven references to Frank on these
13 two pages.

14 MS. VAN KIRK: Your Honor, we offer it as
15 a full exhibit.

16 MR. REEVE: Your Honor, I object on the
17 grounds that it has nothing to do with establishing
18 whether or not that Isaac Camacho-Negron is Frank.
19 That is what the Government put this witness on the
20 stand to do.

21 MS. VAN KIRK: Your Honor, that is not
22 correct. This document is in rebuttal to the defense's
23 portrayal of the defendant as a hardworking individual,
24 with several ties in the community, a very close
25 family, who is the owner of a locksmith business, and

1 therefore, would not be likely to flee.

2 This document shows evidence of a large
3 amount of money that this defendant has access to, and
4 is in rebuttal to the evidence presented by the
5 defense.

6 THE COURT: The Court will allow it, a full
7 exhibit.

8 I would ask the witness if he knows, up at
9 the top, the first column across the top, Fecha, and it
10 goes on to proceed to the right. What does that say
11 in that first --

12 BY MS. VAN KIRK:

13 Q Would you translate the top portion?

14 A Yes, "Fecha" is a date. "Por Concepto de" is "for
15 the concept of." For the concept in this case, it would
16 mean. They are listing, it is a listing of the persons who
17 did the actual transaction, who are involved in the actual
18 transaction.

19 The other words I can't read in the column. Numbre
20 is "name," and "Inger" stands for "income."

21 And the next column is the initials, I believe it
22 is E.G.R., and I do not know what that stands for. But they
23 are listing the amount, the last column is the balance,
24 "bal."

25 THE COURT: So under income, you come down

1 here to this September 9th, "de Frank" --

2 BY MS. VAN KIRK:

3 Q What does that mean?

4 A Yes, sir, that means from Frank.

5 THE COURT: \$36,000?

6 THE WITNESS: That's correct.

7 THE COURT: Then we go down further, to the
8 30th of that month, "de Frank" \$20,000?

9 THE WITNESS: Correct.

10 THE COURT: That's \$56,000.

11 Then we come to the 22nd, "de Frank" -- that
12 is the 22nd of October.

13 THE WITNESS: Yes, sir.

14 THE COURT: \$10,000.

15 THE WITNESS: Your Honor, you missed one up
16 on line 5 of the ledger. In very small letters it has
17 got "a Rafi," which means to Rafi, "de Frank," petty
18 cash.

19 THE COURT: Yes, I did miss that.

20 THE WITNESS: \$2,000.

21 THE COURT: \$2,000, right.

22 Then there are a number of other names on
23 there, of course.

24 BY MS. VAN KIRK:

25 Q Then on the second page --

1 THE COURT: Yes, there is one there, "De
2 Frank, \$7,000."

3 Q Is that correct?

4 A Yes.

5 THE COURT: Then on the 19th, "a Rafi de
6 Frank, \$4,400."

7 And on the 30th it looks like "de Frank, a
8 Jose, \$2,000."

9 THE WITNESS: Correct.

10 THE COURT: All right, a full exhibit.

11 MS. VAN KIRK: Nothing further, your Honor.

12 MR. REEVE: Can I have one moment, your
13 Honor?

14 Your Honor, I am asking the Clerk for
15 Government's Exhibit No. 4, which is a sealed exhibit.
16 And I would like to use that exhibit. The Government
17 has referred to it in their examination of Agent
18 Rodriguez. I wonder --

19 THE COURT: I don't know what is in it. We
20 will leave it to Government counsel. If it was given
21 to the Magistrate in camera, or what were the
22 circumstances?

23 MR. REEVE: I believe it is Title III
24 material, your Honor. And as I read the transcript,
25 that is the reason it has been sealed. It is Title

1 III intercept summaries of conversations, and the
2 Government at that original hearing before Magistrate
3 Eagan requested that those transcripts be sealed.

4 I don't know what the Government's position
5 is at this point. They refer to that exhibit, not by
6 number, but in questioning Agent Rodriguez.

7 MS. VAN KIRK: Your Honor, may I unseal it?

8 THE COURT: It may be opened, and see whether
9 or not it is in camera material, or whether it is
10 evidence that was sealed by the order of the Magistrate.

11 MS. VAN KIRK: Yes, your Honor, that's
12 correct. They are the transcripts that were used at
13 the detention hearing before Magistrate Eagan.

14 THE COURT: Why don't we keep them clipped
15 together?

16 MS. VAN KIRK: With the envelope, perhaps?

17 THE COURT: So there will be no separation.

18 MR. REEVE: With the Court's permission, I
19 would just remove number four, and put the remaining
20 exhibits back in the envelope. And I will place number
21 four in there, with the Clerk's assistance, at the
22 termination of our hearing.

23 THE COURT: Very good.

24 Are you going to mark this for identification
25 for this hearing, so that when you refer to the

1 witness you will say, "Showing you Exhibit so and so
2 of this hearing" --

3 MR. REEVE: Well, your Honor, I will do that
4 if the Court desires. My position on this is that I
5 think the Government is -- all of the exhibits which
6 were entered at the initial hearing before Magistrate
7 Eagan remain as exhibits.

8 THE COURT: Do you both agree?

9 MR. REEVE: For this hearing.

10 MS. VAN KIRK: Yes, your Honor. It is a
11 matter of different identification, so that we know
12 what hearing we are referring to.

13 THE COURT: Very well, okay.

14 MR. REEVE: I will refer to it by the date
15 that it is marked, as well, your Honor.

16 CROSS-EXAMINATION BY MR. REEVE:

17 Q Agent Rodriguez, I direct your attention to
18 Government's Exhibit No. 4, which is dated 9/19/85, and ask
19 you if this is the transcript of the conversation you just
20 referred to, a conversation which occurred on May 17th
21 between Ojeda-Rios and Segarra-Palmer?

22 A Yes, sir, this is a part of it, and there is
23 another part in the exhibit.

24 Q Now, you have indicated that based on your -- as
25 I understand it, based on your review of the transcript of

1 the May 17, 1984, conversation, as well as a communique from
2 someone to the newspaper, I take it under the name of
3 Macheteros? Is that what the communique you were referring
4 to was?

5 A Yes, sir.

6 Q All right.

7 A The communique and other subsequent information
8 that was given to the media by the Macheteros includes a
9 videotape, and other information that came to us from the
10 Press.

11 Q Do you have any of those communiques with you?

12 A No, sir, I do not have them.

13 Q And the reason you believe those are relevant is,
14 as I understand your testimony, is because there is a refer-
15 ence to five individuals in one, or several of those com-
16 muniquees?

17 A No, sir, the reference to the five individuals is
18 made in the conversation which you have a part of there,
19 May 17th, where he lists, where Segarra is listing the
20 people most responsible for making the operation of La
21 Gaviota successful. He lists five persons.

22 Q And the reference in the communique is to four
23 individuals; is that right?

24 A I have read the files of the investigation of the
25 destruction of the nine A-7 aircraft, and I do not believe

1 that the exact number of participants -- and I could be
2 wrong -- was in this communique. We did get information from
3 the Press; they gave the Press subsequent information, and
4 through the videotape, the original of which was never re-
5 covered by the FBI, so the Press refused to give it to us.
6 We eventually recovered a copy, and they were giving informa-
7 tion to the Press about the operation, and why they had done
8 it.

9 And as I just stated, I do not know if the number
10 of individuals was listed in the communique itself, or it
11 came through the Press, through subsequent information.

12 THE COURT: This was a moving picture of
13 the burning?

14 THE WITNESS: No, sir, your Honor, they
15 furnished the Press, in particular a reporter by the
16 name of Carmen Aovet, a videocassette of the Macheteros
17 in training for the operation. The persons in the
18 videotape were all wearing hoods, and fatigues, so
19 they could not be identified. This was in training for
20 the operation of the destruction of the aircraft.

21 THE COURT: You do have a copy of that,
22 though?

23 THE WITNESS: Yes, sir.

24 BY MR. REEVE:

25 Q And how long would it take you to make that

1 available?

2 A We would have to bring it up from San Juan.

3 MS. VAN KIRK: I am going to object to that.
4 That is an ongoing investigation. That incident is
5 being investigated by the FBI, and we would object to
6 any disclosure of the evidence regarding that
7 investigation.

8 MR. REEVE: Well, your Honor, then I would
9 object and ask that the Government's questions and the
10 agent's answers be stricken. If they can ask about the
11 substance of a document, but the Government refuses to
12 provide a copy of that document, then it seems to me
13 that is a totally improper approach to the evidence,
14 and the Government ought not to be able to proceed in
15 that way.

16 If they want to make that part of this
17 record, then the Government has an obligation of pre-
18 senting that exhibit.

19 The best evidence of what this individual
20 is referring to -- and he has already testified as to
21 what that document says. If the Government wants to
22 strike part of that document, I want that part of the
23 document which refers to the number of people who were
24 responsible. And I think the Government has an obliga-
25 tion to produce.

1 MS. VAN KIRK: Your Honor, this is a pre-trial
2 hearing. Hearsay is admissible. The rules of evidence
3 do not apply.

4 The number of people, and the whole issue, was
5 brought up by the defendant; they are the ones who are
6 claiming that this defendant couldn't possibly be in-
7 volved, because he had a broken leg.

8 MR. REEVE: No, your Honor. The second part
9 of that is absolutely correct; the first part of that
10 is absolutely not correct. The Government is trying
11 to convince the Court that because there are some
12 communiques to the Press which says four people are
13 involved, and there are a mention of five names here,
14 that the Court should draw the inference that the fifth
15 person is Frank, who is not the person who is directly
16 involved, because he had a cast on his leg. That is
17 the Government's offer.

18 I didn't bring up the numbers in any way.
19 The Government has made this offer about the number of
20 people, and they want the Court to make a finding,
21 which the Court may or may not find -- I don't know.

22 THE COURT: It is harmless. I see no reason
23 why the Government shouldn't produce it. It isn't
24 going to hurt your case; it isn't going to hurt your
25 investigation, either.

1 MS. VAN KIRK: Excuse me, your Honor, the
2 production of the actual videotape?

3 THE COURT: Is that what you are asking for?

4 MR. REEVE: I am asking for any documents --
5 this agent has testified that there are documents
6 which support, in which a number four is indicated -- I
7 understand from his testimony that there are written
8 communiques which may not be available.

9 THE COURT: Of course this isn't discovery
10 at the moment. The point is, is there a document that
11 says -- if it were received from the Press, or any
12 other source that you can identify, that says there were
13 five or six or ten or three in that document? If you
14 know?

15 THE WITNESS: Yes, sir, your Honor. As I
16 stated, your Honor, I received the files of the inves-
17 tigation of the aircraft destruction. And as I stated,
18 I do not know that the number is mentioned in the
19 communique. I do know in the files of the FBI there is
20 information received by the FBI that the Macheteros
21 claimed a total of 11 people were involved in La
22 Gaviota. Seven were security personnel; four went in
23 and placed the bomb,

24 THE COURT: What do you mean, security
25 personnel?

1 THE WITNESS: We have determined not only
2 through this one, but in actual investigations, that
3 on actions that are committed by the organization they
4 not only have the actual perpetrators of the act, but
5 they will have an outside perimeter -- in particular
6 what I am thinking about is a Wells Fargo robbery which
7 occurred at the Wells Fargo truck in a shopping center.
8 As the robbery was occurring in the shopping center a
9 gas station attendant, removed from the actual scene,
10 but he could see the scene, took a pistol out and was
11 going to help the individuals being robbed. An outside
12 perimeter guard came up and shot this man with an AK-47.
13 He subsequently died from that wound.

14 When I say security, the documents also state
15 that they do have outer security from the actual scene
16 of the crime, to make it impossible for an intrusion
17 by whoever is in the actual crime scene.

18 BY MR. REEVE:

19 Q' So when you refer to these security personnel you
20 are effectively talking about individuals who surround the
21 area and who assist, or who are there to assist, should
22 that be necessary?

23 A More or less like guards, yes, sir, security,
24 outer security, that guard the inner premises.

25 Q So when you are reading in your opinion of those
communiques and communications that the Macheteros have

1 indicated that 11 people were involved --

2 A Correct.

3 Q -- that four of them were actively involved in
4 placing the bomb?

5 A Correct.

6 Q And that seven of them were operating as a perimeter
7 defense?

8 A Correct.

9 Q All right. There is no indication in those docu-
10 ments, is there, that there was an individual who was re-
11 sponsible by way of giving inside information, correct?

12 A Not in the documents, that's correct.

13 Q In fact you refer to this conversation of May
14 17th, and I show you a separate part of this, which I
15 believe you referred to -- this is Government's Exhibit 5,
16 dated 9/19/85, which is the second part of the May 17, 1985,
17 conversation between Ojeda-Rios and Segarra-Palmer; is that
18 correct?

19 A That is correct.

20 Q And this is the conversation that you rely on,
21 these two separate portions of the conversation, Government's
22 No. 4 and 5, both dated 9/19/85, in your conclusion that
23 Frank was involved in La Gaviota?

24 A Correct.

25 Q All right. And, in fact -- which comes first, by

1 the way; is Government's Exhibit No. 5, the handwritten, did
2 that precede the portion of the transcript which has been
3 marked Government's Exhibit 4?

4 A I don't know.

5 Q All right. Now in Government's Exhibit No. 4 the
6 portion that you were referring to has on the bottom of what
7 is page 3 of the exhibit, marked 1538 -- this is the page
8 where an individual marked JPM, who you believe to be
9 Segarra-Palmer, is mentioning about, "We were the ones who
10 went in and got fucked there in that swamp, unintelligible"?

11 A Correct.

12 Q And it is clear, is it not, that the substance
13 of this conversation, at least with respect to that part of
14 this conversation, they are talking about what appears to be
15 the individuals who went in -- not the perimeter security
16 people, but the people who went in?

17 A Correct.

18 Q Because the assumption would be, and it seems to
19 make sense, that the perimeter people aren't going to go
20 through that swamp?

21 A In reading that conversation, sir, he is talking
22 to one person, Filiberto Ojeda-Rios, who apparently, if you
23 read in the upper portion of the same page, is reading a
24 letter received from Tino, Avelino Gonzalez-Claudio, and
25 when he says "we" I interpret that as meaning "you and I" --

1 Ojeda-Rios and Segarra, "we're the ones that got in there
2 and got fucked in the swamp."

3 Q Tino didn't go in there?

4 A He stayed on the beach, according to that.

5 Q So he would have been the security people, one of
6 the seven security?

7 A Correct.

8 Q Then as I understand it, what your testimony is,
9 is that the communiques, the video, whatever information you
10 have in your files in Puerto Rico, suggests four people are
11 responsible primarily; that is that they went in and planted
12 this explosive device?

13 A Eleven persons are responsible at the scene.

14 Q Right.

15 A Correct.

16 Q The four directly, and the seven in the perimeter
17 defense?

18 A Correct.

19 Q And is it correct that in this conversation on
20 what is marked at the top as page 7, which is the last page
21 of Government's Exhibit No. 5, which is dated 9/19/85, that
22 JPM, who you identify as Segarra-Palmer, indicates at the
23 start of that sentence three or four people that are really
24 responsible?

25 A That is correct.

1 Q Correct?

2 A That is correct.

3 Q And then it appears that there are mention of five
4 individuals?

5 A That's correct.

6 Q And now when you testified on direct examination
7 you were referring to the five individuals, correct?

8 A Correct.

9 Q All right. But, in fact, what he does indicate
10 is that there are three or four people who are really
11 responsible, correct?

12 A That's what he says.

13 Q All right. And when he says there are three or
14 four people who are really responsible, that is entirely
15 consistent with the information that you have, that is,
16 that four people went in and were responsible for the
17 planting and the detonation of the explosive devices,
18 correct?

19 A You are not reading that correctly. He is saying
20 --

21 Q I am not asking how I am reading. I am asking --

22 A Well, that is not consistent. No, not with that
23 transcript.

24 THE COURT: I think this was gone over in
25 the Magistrate's transcript, as you know, pretty

1 thoroughly.

2 MR. REEVE: Yes, your Honor. I, in fact,
3 have no other questions.

4 THE COURT: Anything new, Counselor?

5 MS. VAN KIRK: No, your Honor.

6 THE COURT: Thank you.

7 (Witness excused.)

8 THE COURT: Nothing further from counsel?

9 MR. REEVE: May I have one moment?

10 THE COURT: Do I understand now, have you
11 cleared up this issue of the documents, so that there
12 will be no misunderstanding, by your cross-examination?
13 Is that cleared up?

14 MR. REEVE: No, I renew my request to have
15 access to whatever verifying documents the Government
16 has. And if the Government is unwilling to provide it,
17 then I would request that the Court order the Govern-
18 ment to do so.

19 THE COURT: Well, the Court would request
20 that the Government provide any documents that they
21 have -- not in the way of discovery, but on which they
22 rely as to the number of people who were participants --
23 I presume it would be consistent with the witness'
24 testimony.

25 MR. REEVE: If the only document they have is

1 the video, then I would request access to that video.

2 THE COURT: In other words, the eleven? I
3 understand there are eleven in the video; is that right?

4 MR. REEVE: My understanding is that there is
5 some reference to four and eleven -- four and seven and
6 eleven. And that the Government is trying to have the
7 Court draw an inference from the numbers in there. And
8 we are entitled to review those, to make determinations.

9 THE COURT: I don't think we need the video.
10 I think we need any documents you got that would, on
11 which you relied for the testimony of the witness who
12 just testified.

13 MS. VAN KIRK: That there were eleven?

14 THE COURT: That will be sufficient.

15 MS. VAN KIRK: Very well, your Honor. We will
16 do that.

17 THE COURT: All right. And when will you
18 have that, so that we won't prolong this unduly?

19 MS. VAN KIRK: We will have Puerto Rico
20 telefax a copy of it.

21 THE COURT: And give a copy to counsel.

22 MS. VAN KIRK: Yes, your Honor, we will.

23 THE COURT: And file it with the Court.

24 Thank you.

25 MR. REEVE: Your Honor, with respect to the

1 filing of a brief --

2 THE COURT: The brief was on the constitution-
3 al issue, I understood; is that right?

4 MR. REEVE: Well, yes, your Honor. I would
5 also like to present to the Court what my position is
6 regarding the facts which have been proven, and to com-
7 bine in that the testimony of today, with the Court's
8 permission.

9 THE COURT: When will you have that? Today
10 is the 31st.

11 MR. REEVE: Your Honor, I would like to get
12 it in by -- I believe it is Wednesday, the 6th. Next
13 Wednesday?

14 THE COURT: Is that agreed, Counselor?

15 MS. VAN KIRK: No objection, your Honor.

16 THE COURT: November 6th.

17 MR. REEVE: I will make an effort to get it
18 in earlier than that.

19 THE COURT: Very well.

20 MR. REEVE: Thank you.

21 THE COURT: Nothing further at this time?

22 Court is adjourned.

23 (Whereupon, the hearing was concluded.)

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I N D E X

Jose Camacho-Negron

Direct
Cross
Redirect

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Marino Camacho-Negron

Direct
Cross

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Jose P. Rodriguez

Direct
Cross

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :

vs. : CRIMINAL ACTION

ISAAC CAMACHO-NEGRON : NO. H-85-50

C E R T I F I C A T E

I hereby certify that the foregoing is a true
and correct transcript of my stenographic notes, reduced
to typewriting under my direction.

Official Court Reporter