

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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2			
3	UNITED STATES OF AMERICA,)	
4)	
	Plaintiffs,)	
5	vs.)	Criminal Number
)	H-85-50 (TEC)
6	VICTOR MANUEL GERENA, et al,)	
7)	
	Defendants.)	

Federal Building
Hartford, Connecticut

--
~~February 18, 1987~~
~~10:00 o'clock A.M.~~

PROCEEDING BEFORE: HONORABLE T. EMMET CLARIE, U.S.D.J.

A P P E A R A N C E S

For the Plaintiffs:

ALBERT S. DABROWSKI, ESQ.
DAVID D. BUVINGER, ESQ.
JOHN A. DANAHER III, ESQ.
WILLIAM J. CORCORAN, ESQ.
Assistant U.S. Attorneys
450 Main Street
Hartford, Connecticut 06103

For the Defendants:

LINDA BACKIEL, ESQ.
Attorney for Antonio Camacho-Negron
424 W. Schoolhouse Lane
Philadelphia, Pennsylvania 19144

RAFAEL ANGLADA-LOPEZ, ESQ.
Attorney for Ivonne Melendez-Carrion
6 East 45th Street
New York, New York 10017

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For the Defendants: (Continued)

DIANE POLAN, ESQ.
Attorney for Elias Castro-Ramos
265 Church Street
New Haven, Connecticut 06510

SHIPMAN 7 GOODWIN
Attorneys for Carolos Ayes-Suarez
799 Main Street
Hartford, Connecticut 05103
BY: JAMES BERGEN, ESQ.

RICHARD REEVE, ESQ.
Assistant Federal Public Defender
Attorney for Isaac Camacho-Negron
234 Church Street
New Haven, Connecticut 06510

MICHAEL E. DEUTSCH, ESQ.
Attorney for Orlando Gonzalez-Claudio
343 S. Dearborn
Chicago, Illinois 60604

JOHN WILLIAMS, ESQ.
Attorney for Hilton Fernandez-Diamante
51 Elm Street
New Haven, Connecticut 06510

AVERY & FRIEDMAN
Attorneys for Jorge Farinacci-Garcia
Six Beacon Street, Suite 520
Boston, Massachusetts 02108
BY: MICHAEL AVERY, ESQ.

1 for purposes of this morning's proceedings for her.

2 THE COURT: Very well.

3 THE CLERK: Leonard Weinglass.

4 MR. DEUTSCH: I'm covering for Mr. Weinglass
5 this morning.

6 THE CLERK: Linda Backiel.

7 MS. BACKIEL: Here.

8 THE CLERK: Richard Reeve.

9 MR. REEVE: Here.

10 THE CLERK: Michael Deutsch.

11 MR. DEUTSCH: Here.

12 THE CLERK: Mr. Anglada-Lopez.

13 MR. ANGLADA-LOPEZ: Good morning.

14 THE CLERK: For Mr. Meyerson.

15 Mr. Kunstler.

16 MR. DEUTSCH: Here for Mr. Kunstler.

17 THE CLERK: Roberto Maldonado.

18 Antonio Camacho-Negron.

19 MS. BACKIEL: In Puerto Rico.

20 THE CLERK: Norman Ramirez-Talavera.

21 MR. DEUTSCH: He's in Puerto Rico on a
22 waiver.

23 THE CLERK: Ivonne Melendez Carrion.

24 MS. MELENDEZ CARRION: Here.

25 THE CLERK: Elias Castro-Ramos.

1 MS. POLAN: He's here.
2 THE CLERK: Carlos Ayes-Suarez.
3 MS. BACKIEL: Puerto Rico on waiver.
4 THE CLERK: Isaac Camacho-Negron.
5 MR. REEVE: In Puerto Rico on waiver.
6 THE CLERK: Juan Segarra-Palmer.
7 [Indicating here.]
8 THE CLERK: Filiberto Ojeda-Rios.
9 [Indicating here.]
10 THE CLERK: Jorge Farinacci-Garcia.
11 [Indicating here.]
12 THE CLERK: Angel Diaz Ruiz.
13 MR. REEVE: He is in Puerto Rico on a waiver.
14 THE CLERK: Orlando Gonzalez-Claudio.
15 MR. DEUTSCH: In Puerto Rico.
16 THE CLERK: Hilton Fernandez-Diamante.
17 MR. WILLIAMS: In Puerto Rico.
18 THE CLERK: Luis Alfredo Colon Osorio.
19 MR. DEUTSCH: Puerto Rico.
20 THE CLERK: Luz Maria Berrios-Berrios.
21 MR. DEUTSCH: She's in Puerto Rico.
22 THE CLERK: Roberto Maldonado.
23 MR. DEUTSCH: In Puerto Rico.
24 THE CLERK: And Paul Weinberg.
25 THE COURT: All right. Counsel ready to

1 proceed?

2 MR. DANAHER: Your Honor, John Danaher for
3 the Government.

4 We'd like to raise one very brief housekeep-
5 ing matter that we think needs immediate attention.

6 It was brought to my attention this morning
7 that some of the translators working for the defendants
8 in Puerto Rico have raised concern over the fact that
9 some duplicate original tapes from Puerto Rico have
10 been brought or are being brought to Hartford.

11 Now, the reason that they were being brought
12 to Hartford was in part to accommodate a request made
13 by the defendants. We asked that the relevant dupli-
14 cate original tapes be brought to Hartford if the
15 defendants' translators were done with them. The
16 request was based on my understanding that I derived
17 from the clerk of the court, that as of December 22nd,
18 the Beckerleg translators had completed 65 of 70
19 relevant tapes, and 193 of 368 nonrelevant.

20 THE COURT: The first number again, please?

21 MR. DANAHER: Sixty-five or 70 relevant
22 tapes. They have been given 70 relevant tapes to com-
23 plete. And 193 or 368 nonrelevant tapes.

24 The verbatim translators, as of January 7th,
25 reported to the clerk, based on the clerk's notes, that

1 they had completed all relevant tapes but they had yet
2 to send to the defendants eight relevant transcripts.
3 Nonetheless, the tapes had been completed.

4 They stated, according to the clerk's
5 records, that of their portion of the nonrelevant
6 tapes, they had only 45 left to complete.

7 Now, based on that information, that means
8 that only five of the complete set of relevant tapes
9 needed work, and that figure was as of December 22nd.

10 It would be our impression that those five
11 should have been completed in the last two months. The
12 problem we're having -- and I don't -- I'm not trying
13 to attribute blame to anyone -- but the problem we're
14 having is that we keep getting different information as
15 to what is done and what is not done.

16 This project began almost six months ago. It
17 was our understanding that all the defendants were
18 doing was -- I'm sorry -- the defendants' translators
19 were doing were filling in gaps from the original
20 translations they made, based on the cassette copies.

21 The reason that these tapes must be here now
22 is that we're approaching the hearings on Title 3 mat-
23 ters. Duplicate originals must be here for those hear-
24 ings. We have preparation to do, and the defendants
25 have preparation to do.

1 The defendants have made a specific request
2 to the Government that as of February 25th, I believe
3 that's next Wednesday, recorders that were used in the
4 electronic surveillance in Puerto Rico be set up in a
5 Washington field office so that our expert might work
6 with them.

7 Her plan as of this date is that that work be
8 done on that day, and that starting the next day, the
9 defendants' expert would review duplicate original
10 tapes at the rate of ten tapes per day.

11 The duplicate originals that he proposes to
12 review and we've agreed that can be reviewed are only
13 those duplicate original tapes that were listed in the
14 defendants' December 22nd pleading. That total is ap-
15 proximately, I think, 42 duplicate original tapes, so
16 his work should be done in about four days.

17 Now, I raise this not because we concede that
18 this examination is appropriate. We intend to file a
19 pleading before the Title 3 hearings that will address
20 a number of issues, including the question of whether
21 additional examples or alleged recordings and so forth,
22 other than those listed on the December 22nd pleading,
23 should be litigated.

24 It will be our position that the defendants
25 should be restricted to what was in the December 22nd

1 pleading. It will be our position that expert analysis
2 of the type described here should have been done six
3 months or a year ago and not in mid-February.

4 Notwithstanding all of that, we're making
5 every effort to cooperate with the defendants and to
6 make sure that the hearings go forward on time. We're
7 doing everything we can to see that your expert is not
8 delayed in his examination. We can't do that if the
9 defendants' translators say they need tapes that the
10 defendants' expert needs to review in Washington.

11 What I would propose -- there is agreement
12 that these figures that I received from the clerk are
13 correct -- I would propose that an individual response
14 in both of the translating teams be brought here and
15 tell the Court what they have done, what they have not
16 done, why they haven't finished it; and in addition,
17 provide a specific list of which tapes are left to go,
18 not just the numbers, but identifying the tapes, so we
19 know what we're dealing with.

20 Alternatively, and I think this is a less
21 desirable proposal, but alternatively, I would request
22 an affidavit from each of the two translating groups
23 setting forth the information that we request. Without
24 this, the Court is being held captive to the personal
25 schedule of the translators, and the defendants are

1 being held captive to that, too.

2 I'm sure that they want the work complete so
3 that they can move forward with their analysis.

4 I raise this now; the defendants were going
5 to raise it. I only heard this morning that the trans-
6 lators were complaining that some duplicate original
7 tapes were being brought up here, and they say now they
8 still needed them.

9 The only tapes that should be here should be
10 duplicate original tapes, and their work should have
11 been done with those seven months ago.

12 Thank you.

13 THE COURT: That's all that's being brought
14 to Washington for this perusal by both sides?

15 MR. DANAHER: We're going to bring them here,
16 Your Honor, and then send them to Washington in the
17 groups of ten requested by defendants' expert. We
18 don't want to leave 50 or 40 tapes in a box in
19 Washington when they are not needed. We're going to
20 keep them here and keep control of them.

21 THE COURT: Do you have an agreement with ad-
22 versary counsel on this?

23 MR. DANAHER: We have agreed from the start
24 that we would do this. There is a pleading --

25 THE COURT: Who was the agreement with?

1 MR. DANAHER: Mr. Meyerson.

2 There was a pleading filed by him that dis-
3 cusses this issue, to some extent, and we have a
4 response to his pleading that we'll be filing shortly.
5 But we have agreed from the outset that we'll make the
6 recorders available that he needs, and we'll make the
7 tapes available that he needs.

8 THE COURT: Before making these repre-
9 sentations to the Court, have you been in communication
10 with Mr. Meyerson?

11 MR. DANAHER: I have not, Your Honor. I
12 learned of this issue at quarter of 10:00 this morning.

13 THE COURT: Quarter of 10:00 this morning,
14 all right.

15 MR. DANAHER: I should clarify, when I said
16 we'll make the duplicate original tapes, I mean the
17 ones listed in the December 22nd pleading. That's the
18 extent of our agreement.

19 Other duplicate original tapes, at one point
20 he said to me his expert wanted to review all duplicate
21 original tapes, and we're in dispute as to whether
22 their expert should review eight or 900 duplicate
23 original tapes. We're in agreement as to the 40 or so
24 listed in the December 22nd pleading. Those will be
25 made available and will be made available as soon as

1 the expert is ready, which is early next week.

2 THE COURT: All right.

3 MR. WILLIAMS: John Williams.

4 Your Honor knows more about this, of course,
5 because this is a matter that is certainly not ap-
6 propriate for involvement by the United States Attor-
7 neys Office, since it has to do with work being done
8 under the Criminal Justice Act. It is by statute sup-
9 posed to be handled by Your Honor on an ex parte basis,
10 without any input from the Government.

11 Because there does seem to be some overlap
12 between the CJA aspects of the matter and the reviewing
13 of these tapes by experts, in which the Government has
14 had me involved, to be involved to a limited degree, I
15 think it's appropriate to make some response with this
16 aspect of the matter with which I'm familiar, as Your
17 Honor knows.

18 I believe the reason for the discrepancy in
19 the numbers, which has been addressed by Government
20 counsel, is that the translation process, particularly
21 where it concerns the so-called "relevant tapes," is a
22 two-stage process. And the second stage is made neces-
23 sary by the requirement that our translations be cer-
24 tified as accurate by a federally-certified translator.
25 So that when some of the translators report that they

1 are done, what that means is that the team of trans-
2 lators which does the first translation have completed
3 their work.

4 But in those instances particularly involving
5 the relevant tapes, the federally-certified translator
6 has to go back and review everything they have done.

7 And specifically with reference to these
8 tapes, this was brought to my attention last Friday
9 when I spoke with one of our translators, their cer-
10 tified translator is still in the process of going over
11 them. That's why some that had been reported as being
12 completed they still need to work on, because she has
13 to be -- she has to sit down and review those tapes
14 again in order to give the certification that's been
15 required by the Court.

16 That's why we needed -- we weren't aware she
17 was not aware, and I wasn't aware that the reason that
18 some of these tapes had disappeared had to do with the
19 Government making them available to one of our other
20 experts.

21 She was told by Mr. Balazon, special agent
22 with whom she's been dealing down in Puerto Rico, that
23 the FBI was working on them. And she was under the im-
24 pression that they were doing their own experiments
25 with them.

1 He told her that she would have them back and
2 available for the certified translator to begin working
3 on yesterday at 10:00 a.m. Whether that's happened or
4 not, I don't know. I haven't spoken to her in the last
5 24 hours. But that's the problem there. It is because
6 of the several stages involved and the slower process
7 than Government counsel seems to think.

8 We're in the process of putting together a
9 final list as to exactly where we stand. I have had a
10 lot of conversation in the last few days. I know Mr.
11 Iavarone has. I have also received a large number of
12 additional materials.

13 I expect to address Your Honor privately con-
14 cerning perhaps a quick weekend trip down there to
15 square things away, and I will be taking that up with
16 Your Honor perhaps tomorrow.

17 THE COURT: You and Mr. Iavarone should go
18 down there together.

19 MR. WILLIAMS: I don't know that it's that
20 complicated. It's a matter of getting the numbers
21 together. I'm sure Mr. Iavarone would enjoy the trip,
22 and I would enjoy his company.

23 THE COURT: Do you think there is need to
24 subpoena these translators at this time?

25 MR. WILLIAMS: No. I think there is no need.

1 I think it would be extremely time-consuming, unneces-
2 sarily costly. I think it's something that we should
3 take care of out of court time rather than consuming
4 Your Honor's time with it. I think we can resolve it.

5 MR. DANAHER: A couple of brief points.

6 Your Honor, the reason why the translators
7 haven't finished the work is less important than the
8 fact that they haven't done it. And we don't know ex-
9 actly what they have done and what they haven't done.
10 We don't have accurate figures. We don't know which
11 tapes are finished. We don't know what we can take and
12 what has to be left there. It's accuracy we're looking
13 for, and we don't have it.

14 Secondly, I have had informal reports, I
15 don't know at all whether they are accurate or not,
16 that some translators have not been coming in for some
17 periods of time, that they have taken vacations.

18 This is not a primary responsibility for
19 them. This is a part-time endeavor, which leads to the
20 last point.

21 We don't agree that this is merely a CJA
22 issue. When the problems that come up down there can't
23 be addressed by this Court, because we just don't have
24 accurate information, we have delay. We can't move
25 forward. The case is held back, and that most

1 definitely affects the Government.

2 The delay is obviously a major concern in
3 this Court. It's raised by the defendants when they
4 take appeals, and when delay can be avoided, it should
5 be avoided.

6 We certainly have responsibility to make sure
7 that it doesn't happen, and we have a right to be in-
8 volved when defendants take any action that inten-
9 tionally or unintentionally could cause delay in this
10 case. The goal is to move forward, and the Government
11 should be involved in every issue that addresses the
12 translation of these tapes, because it's slowing down
13 this case.

14 Right now, as I understand it, the
15 defendants' translators cannot work, and the
16 defendants' experts cannot work. At the same time, I
17 don't know exactly why, because I don't know what tapes
18 are needed in Puerto Rico right now.

19 THE COURT: I think probably the best thing
20 for the Court to do is to designate Mr. Iavarone an in-
21 dependent party, to be responsible to the Court, to see
22 that this work is done on time.

23 And if we have to bring these people up here,
24 any or all of them, we'll do it. It would be unfor-
25 tunate, but I think it can be done administratively.

1 And Mr. Iavarone, can you perform that serv-
2 ice to the Court?

3 MR. IAVARONE: Yes, Your Honor.

4 THE COURT: I'm looking back at it. I think
5 maybe we might have fared better had we had the people
6 in West Hartford do the whole thing and we would have
7 them close by. And up until now they seem to have done
8 a credible job.

9 MR. WILLIAMS: I think the problem is, Your
10 Honor, there is so many different jobs, it's necessary
11 to have a lot of people involved. Quite frankly, my
12 impression, and I think it's Mr. Iavarone's, is that
13 Your Honor will recall that we had one group that we
14 were using and Your Honor felt in order to speed things
15 up we would bring in a second person as well to sort of
16 supplement. That second person has, I think, been less
17 diligent than we had hoped. And we have encountered
18 some problems there, and we have been trying to shift
19 some of her work back to the other group. But they're
20 still struggling under a substantial load.

21 Nevertheless, Your Honor, I'm confident that
22 although it hasn't gone anywhere near as fast as I had
23 hoped, it's not as bad as I told you last week. A lot
24 of the tapes I thought hadn't been done have turned out
25 to be blank tapes, and that's the reason we don't have

1 transcripts on some of those. There's been a problem
2 with mislabeling of tapes, inadequacies in some of the
3 copying which goes back to the fellows out in Hampton.

4 But nevertheless, we're getting to the bottom
5 of it and progress is being made. The fact is that
6 there is an awful lot of tapes that are completed that
7 the experts could be working out.

8 I think the problem is simply getting an un-
9 derstanding as to what really is done and what isn't.
10 There is an awful lot of them that are completely done,
11 and we have certified transcripts, and there is no need
12 for those.

13 I can certainly indicate which ones we al-
14 ready have certified transcripts on, where we -- they
15 clearly don't need to be in Puerto Rico, and whether
16 they fit into the -- whether they are the same ones
17 that Mr. Meyerson is looking for, I can't say. But I
18 can give -- I can prepare a list of those for the
19 Government without any difficulty.

20 THE COURT: Well, why don't you do that.
21 That will be one step. And I think if I leave it to
22 Mr. Iavarone, without his revealing any confidences on
23 either side, if he has to speak with Mr. Danaher on
24 some detail administratively or with you, he can do it.
25 I prefer to be removed from it.

1 I just want to see the result. I'm inter-
2 ested in the results, not the procedure of accomplish-
3 ing how you get there.

4 And so I'll designate Mr. Iavarone as the
5 responsible job.

6 Mr. Iavarone, we'll expect you to competently
7 perform it as you do your other duties.

8 THE CLERK: Yes, Your Honor.

9 THE COURT: All right.

10 MR. WILLIAMS: Thank you, Your Honor.

11 MS. POLAN: Good morning, Your Honor.

12 THE COURT: Good morning, counsellor.

13 Mr. Williamson, you were previously sworn in
14 this case, and your testimony will continue to be under
15 oath.

16 MS. POLAN: Trying to expedite things, Your
17 Honor --

18 THE COURT: The clerk's office did call to my
19 attention, anticipating some of the problems of
20 duplicating this material, and the clerk's office sug-
21 gested that they are really not equipped to make copies
22 of all of this material that the Court suggested they
23 might do, yesterday, when the clerk was not present;
24 rather, the assistant clerk was here, but not the
25 deputy clerk.

1 So in the future -- we can't hold you to it
2 today because you weren't aware of it. In the future,
3 and that applies to the other counsel as well, if there
4 are items that you are challenging, you should have an
5 extra copy made for the clerk so that it can be offered
6 in evidence and marked so that the official document
7 that is to be presented to the Court may be returned to
8 the Government for the -- their principal case, assum-
9 ing they intend to use it in their principal case.

10 MS. POLAN: Your Honor, I have no problem
11 with what you just said. However, my understanding of
12 what happened yesterday is, what I wanted was for the
13 Court, for Your Honor, to see this evidence, as it was
14 seized. And we're talking now about things that are
15 not on the exhibit list by and large. And that I
16 wanted the Court to have those originals, make its
17 rulings, and then give it back to the Government.

18 And I understand that what happened yesterday
19 and after court is that Mr. Dabrowski already took back
20 the originals, and that's not what I understood was
21 going on. And I want you to have the originals.

22 I have no problem with the Government getting
23 them back after you've ruled on this motion, but I
24 would like the originals given back to the Court until
25 the Court is done with them.

1 In an instance where it doesn't matter, where
2 it's -- what they took was a xerox. I have no problem
3 giving you my xerox. But if it's a document, for ex-
4 ample, something like one of these things, I want the
5 Court to have the actual items (indicating). And these
6 are not on the exhibit list.

7 Mr. Dabrowski has really no good reason to
8 distrust the Court with this irrelevant evidence, such
9 as savings, passbooks. And so I don't think that we
10 should follow this procedure that went on yesterday af-
11 ternoon.

12 I have no problem producing copies for the
13 Court, if this is where -- I have the copies. But I
14 want the Court to have the evidence until it's ruled on
15 the motion.

16 THE COURT: Well, you can present it in
17 court. I just want an extra copy available so the
18 clerk's office won't be burdened in having to make a
19 copy for the permanent records.

20 MS. POLAN: That's fine. But I would ask the
21 Court, since there was some confusion this afternoon,
22 to order the Government to give back those originals so
23 the Court has them. The Court doesn't have the
24 originals anymore of anything in C-11, and I want them
25 in the record. So I would ask that the Government be

1 ordered to give them back to the clerk because they now
2 have them.

3 THE COURT: The copies you see would be in
4 the permanent records. I would have seen them
5 originally as they were presented in court.

6 If there is something about them special that
7 you want the Court's attention addressed to, mention it
8 on the record. I'll see it. I'll make a note of it.

9 MR. DABROWSKI: Your Honor, three points.

10 Number one, there is absolutely no distrust
11 by the Government of the Court.

12 THE COURT: I understand.

13 MR. DANAHER: Number two, the Government only
14 took back from the clerk's office last night, pursuant
15 to the Court's instructions, part of the documentation,
16 specifically, L17-C-11. And the reason for doing that
17 was C-11 was scattered between Puerto Rico, our office,
18 the Court, and the lab. And we had Agent Williamson
19 put that together for the convenience of defense coun-
20 sel. And we needed to know what documents were in the
21 clerk's office in order to make a complete set. All of
22 the rest of the originals have remained with the clerk.

23 However, it is the clerk's understanding, as
24 well as the Government's, that the originals will be
25 returned to the Government, and copies will be main-

1 tained for the Court records.

2 C-11, which was received back by the Govern-
3 ment, are right there in court, available for the
4 defendant, for his counsel, and for the Court, if the
5 Court should desire to inspect them.

6 THE COURT: Very well.

7 Let us proceed.

8 MR. DABROWSKI: Number three, I'm in complete
9 agreement with your proposal that a copy should be made
10 available at the time the document is offered. And
11 we'll certainly comply with that in the future.

12 May I also suggest, and it's very important,
13 that at the time that copy is presented, we also
14 present a copy of the translation. And in most in-
15 stances, translations are available, either having been
16 provided to the defense by the Government, or the
17 defense have undertaken their own translations.

18 Now, there may be instances where no transla-
19 tion is available, and we'll have to deal with that.
20 But where there is a translation that is available, and
21 where the document obviously is in Spanish, you should
22 get both the document itself, a copy of it, and a copy
23 of the translation. It's worthless to give the Court a
24 Spanish document.

25 THE COURT: If I'm supposed to read the con-

tents, yes.

MR. DABROWSKI: That would be the purpose of the submission.

The only thing I would ask is that you supplement your order by including a translation, if available.

MS. POLAN: Your Honor, I have no -- I told Mr. Dabrowski I have no problem with doing that if, in fact, there are translations. And at this point in time, I'm just not in a position to tell the Court whether I have a translation of each of these irrelevant documents.

I'll check at the Franklin Avenue location and see, but I haven't been able to do that.

The other thing I would point out, and I told Mr. Dabrowski there are certain times I cannot provide the Court with a copy of the document, because the Government only gave me the face sheet of a book, and so they are the only ones in a position to provide the Court with a copy.

So where I have a copy, I'll submit it. But what we got from them was not complete. So I'll do the best I can.

I would also, before I start, Your Honor, co-counsel has given me a copy of a Criminal Law Reporter

1 issue with a new case from the First Circuit on general
2 warrants called United States vs. Diamond. That was
3 decided on January 14, 1987, and --

4 THE COURT: Is that Judge Timbers' opinion?

5 MS. POLAN: That's Fuccilo. That's a dif-
6 ferent case.

7 I think someone is up trying to make a copy
8 of the Slip opinion, which I'll submit to the Court as
9 soon as I get it.

10 But this is about a warrant that was deter-
11 mined to be overbroad, and it involved the First Amend-
12 ment activities and arguably illegal activities, which
13 I think is --

14 THE COURT: Who wrote this, did you say?

15 MS. POLAN: Judge Coffin.

16 I think it deals with some of the issues that
17 we're dealing with here, about the descriptions of the
18 matter.

19 THE COURT: I think I've read this, though,
20 myself.

21 MS. POLAN: You may have.

22 THE COURT: It came in the mail about a week
23 ago.

24 MS. POLAN: Well, I'm glad you're on top of
25 the case law, Your Honor.

J O H N W I L L I A M S O N

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

CROSS-EXAMINATION BY MS. POLAN:

Q. Agent Williamson, do you still have Government Exhibit 23 there, the addendum to the warrant?

A. Yes, I do.

Q. And you have your inventory; is that right?

A. Yes.

Q. Now, can you tell me, looking at that warrant, if there is any authorization in there to seize personal documents of the defendant and his family members that were not financial records or did not appear to you to be Macheteros records?

A. If I could, I'll start with Paragraph 4 of the addendum.

It lists communiques and documents, and then continues, the receipts, ledgers, tickets, other records pertaining to travel of Macheteros members.

Q. Well, what I'm asking you is -- all right, let me rephrase my question.

Other than financial records and bank records and travel records and documents that you believed were Macheteros records, is there anything in that warrant that authorized you to take other personal papers of Mr. Castro

and his family members?

MR. DABROWSKI: Your Honor, Exhibit 23 speaks for itself. It clearly includes utility records, phone, electric, water, video gear tapes. The document speaks for itself. It shouldn't be interpreted by this witness.

MS. POLAN: Your Honor, I think the question of the agent's good faith in making the seizures is relevant to the Court's ultimate determination, certainly under the Fuccilo case. If the Government wants to stipulate that his good faith is irrelevant, and it doesn't matter, then we can go on from there.

THE COURT: If it's just a question of an approach, counsel. For example, you've got a bank book there, you've seen this exhibit so-and-so. Maybe that's within it. But on what basis did you take this into your custody and seize it?

And let him tell you. And if he said under this or that and it wasn't justified, well, the Court will rule on it.

MS. POLAN: Fine, Your Honor.

THE COURT: To philosophize, it was like the approach yesterday when you philosophized on the thing: Well, it's a nice conversation, but it doesn't get to the heart of it.

MS. POLAN: Well, Your Honor, I think that I'm perfectly willing to show him the exhibits and follow the Court's suggested procedure. But I think there is another issue here, which is this agent's interpretation of the language of the warrant. Because that goes to whether the warrant itself was sufficiently particular to pass the test of particularity. So --

THE COURT: Well, we deal with specifics, and then if specifics are innumerable inadequate to demonstrate as coming within the warrants, then you come to the general argument, well, look, here's what happened. And he did this, that, and the other thing. It isn't within the warrant. He violated it, period.

MR. DABROWSKI: Your Honor, the court is exactly correct. I want to reinforce it. This agent --

THE COURT: I'm not always correct, counsel. I'm glad to hear somebody say I'm correct.

MR. DABROWSKI: Let me put it this way: The Court's interpretation is not only crystal clear, it obviously is correct and would be viewed so in any event. But this agent's interpretation of the document is relevant as it is applied to the seizure of any particular item. That's what the Court has suggested, and that's the procedure that should be followed.

THE COURT: We'll leave it to counsel.

MS. POLAN: Fine.

Q. Showing you Defendants' Exhibit 58 for identification, which is a two-page document, is that a document that was taken from Mr. Castro's house?

A. Yes, it was. And it bears the Subinventory No. L17-C-12-69.

Q. What is the number on the second page?

A. L17-C-12-69-A.

MS. POLAN: I would offer this as a full exhibit.

THE COURT: Without objection, full exhibit.

MR. DABROWSKI: Could I see it, Your Honor?

No objection.

[Defendants' Exhibit 58 was admitted as a full exhibit.]

Q. Now, Agent Williamson, showing you Defendants' Exhibit 58, the first page of that is an envelope from the University of Puerto Rico, addressed to Carmen Silva Huyke, isn't it?

A. Yes, it is.

Q. And that's Mr. Castro's wife, isn't it?

A. Yes.

Q. And what's the second page?

A. It's a certification from the University of Puerto Rico for Mr. Castro's wife concerning an education, some

sort of an education certificate.

Q. Well, can you read the document?

A. It says it certifies that she completed the requisite materials to receive a --

Q. A master's degree in education; isn't that what it says?

A. That's correct.

Q. Can you tell me why you seized that document?

A. This is, to me, this is clearly an identification document of the Macheteros member.

Q. So your testimony is that this envelope from the University of Puerto Rico and a certificate inside of it attesting to the fact that Carmen Silva Huyke has received a master's degree in education is an identification document within the meaning of that warrant?

A. That's correct.

Q. Showing you what's been marked Defendants' Exhibit 59 for identification, is that a document taken out of Mr. Castro's home?

A. Yes. This was also from L17-C-12-75.

MS. POLAN: Do you have any objection to this?

MR. DABROWSKI: No, Your Honor.

MS. POLAN: I'd ask that this document be admitted.

THE COURT: Full exhibit.

[Defendants' Exhibit No. 59 was admitted as a full exhibit.]

Q. Now, showing you Exhibit 59 again, that's a document written in the Spanish language, isn't it?

A. Yes, it is.

Q. And can you read it and generally tell the Court what it says?

A. This is a letter dated June 30, 1985, written to Superintendent of Schools. It's whoever the author of this letter is. The first paragraph it's expressing an interest in the position in special education.

Q. Thank you.

Why did you seize this document?

A. On this particular document, I don't recall. However, this was part of C-12. I think I've previously testified that after reviewing the documents individually and as a whole, I made the decision to seize that entire group of documents. This was one of them.

Q. But you examined that document before you decided to seize it; correct?

A. I specifically do not recall this document.

Q. Well, did you believe you were obligated to -- excuse me. Strike that.

Did you believe you were obligated to examine this

document before you seized it?

A. No.

Q. Showing you Defendants' 60 for identification, can you identify that document? Did that come out of Mr. Castro's house?

A. Yes. This also bears the Subinventory No. L17-C-12-76.

MS. POLAN: Do you have any objection to this document?

MR. DABROWSKI: No.

MS. POLAN: I'd ask that this be marked as a full exhibit.

[Defendants' Exhibit No. 60 was marked as a full exhibit.]

Q. Directing your attention to Defendants' Exhibit 60 again, is that a handwritten document in Spanish?

A. Yes, it is.

Q. And is it signed by someone?

A. Yes. It's signed by Mr. Castro-Ramos' wife.

Q. And can you just read the document briefly and to yourself?

A. This is a document dated June 30th, 1985. It appears to be a will that she -- or her desire in case of something happening to her, to leave all her material goods to --

Q. Do you know what a holographic will is from your years in law school?

A. One written in a person's own handwriting.

Q. Is that how you would describe this document?

A. Yes, I would.

Q. Why did you seize it?

A. I don't recall seeing this document previously. However, if I look at this today, this may have significance because of the time period of the terrorists making this will, this possibly indicating future terrorist acts.

Q. Can you tell me, on August 30th, what evidence you had that Carmen Silva Huyke was, in your own words, a terrorist?

A. Based on my discussions with members of the squad working the terrorism case, that she was a member of the terrorist group Macheteros.

Q. And who told you that?

A. I don't recall.

Q. So your testimony is that you would seize this document today under that warrant?

A. My testimony is that C-12 --

Q. No. I'm just asking you about what you just said, that you believe that given the date on this, and that your belief that Miss Silva was a member of the Macheteros, that you believe that you could seize this document under that

warrant; is that correct?

A. Yes.

Q. Showing you Defendants' Exhibit 61 for identification. It's an -- I think it's five or six pages.

Can you look that over and tell me if that was seized from Mr. Castro's house?

A. Yes, it was.

MS. POLAN: All right, Mr. Dabrowski, do you have any objection?

MR. DABROWSKI: No.

MS. POLAN: I ask that this be marked as a full exhibit.

[Defendants' Exhibit 61 was marked as a full exhibit.]

Q. Showing you Defendants' Exhibit 61, could you just tell the Court what the identification numbers on these documents are?

A. This is L17-C-12-78, L17-C-12-78-A.

Q. It appears to go up through F, doesn't it?

A. Yes, it does.

Q. Although some of the numbers are cut off the bottom?

A. That's correct.

Q. Can you look these documents over, which are also in Spanish?

Have you had a chance to look at it?

A. Yes.

Q. This document, am I correct in saying that it's a cover letter to Mr. Castro, addressed to him in Spain, from October 2nd of 1969? And the letter has enclosed with it what appears to be a contract or an agreement about a scholarship he's to receive; is that correct?

A. That's correct.

Q. And that's from October of 1969?

A. That's correct.

Q. And it's a scholarship to study medicine in Spain, and he's getting a stipend of a thousand dollars; is that correct?

A. Yes, that's correct.

Q. And it's for the '69-70 school year?

A. That's correct.

Q. Can you tell me why you seized that document?

A. I don't recall specifically reading this document either.

Q. Well, is there anything in the warrant that you believe today authorizes the seizure of that document?

A. This would appear to me to identify a document -- a document to identify Mr. Castro-Ramos. In addition, it would show Mr. Castro-Ramos' travels in Spain.

Q. In 1969?

A. Yes.

Q. And it's your -- strike that.

So I take it that your interpretation of this warrant is that you would have been permitted to take something back from 1969?

A. Yes.

Q. Okay.

Is there anything that you remember reading in the search warrant affidavit that had to do with any allegations of criminal activities by Mr. Castro in 1969?

A. No, I don't recall.

Q. Is there anything you remember reading in the warrant affidavit that indicated any criminal activities by the Macheteros in 1969?

A. I don't recall that either.

Q. Showing you Defendants' Exhibit 62 for identification, which I believe is five pages, are these documents that were taken out of Mr. Castro's house?

A. Yes. They bear the Subinventory No. L17-C-12-70-C, 70-D, -E, -F and -G.

MS. POLAN: Mr. Dabrowski, any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit 62 was admitted as a

full exhibit.]

Q. Now, showing you Defendants' Exhibit 62 again, can you look this -- these documents over?

[Pause.]

Have you had a chance to look at them?

A. Yes.

Q. Now, it's correct, is it not, that the first document, which is C-12-70-C, is a marriage certificate for Carmen Dolores Silva Huyke, Mr. Castro's wife, and an individual named Carlos Rene, R-e-n-e, Rodriguez Quinonez; is that correct?

A. Correct.

Q. And that's from 1969, is it not?

A. That's correct.

Q. Why did you seize that document?

A. As I said before, I don't recall this document specifically. My reasons would be the same for seizing all of C-12. However, I would, -- if I were conducting this search warrant today, I would seize this as an identification form or a document.

Q. And the remainder of these documents, 70-D, -E, -F and -G, they are Carmen Silva's divorce documents, the court order from her divorce from Mr. Rodriguez Quinonez, aren't they?

A. I have no way of knowing if these are actual court

documents, but that's what they appear to be.

Q. Well, is there a civil number at the top of the page?

A. Yes, there is.

Q. Does it say in L Tribunal?

A. Yes, it is.

Q. Does that mean superior court in Spanish?

A. Yes, it does.

Q. Divorco, d-i-v-o-r-c-o, at the top of the page?

A. Yes, it does.

Q. So it appears to be a divorce judgment, doesn't it?

A. Yes, it does.

Q. And the same is true with respect to the rest of these papers, that they seem to be court documents about her divorce?

A. That's correct.

Q. And they are all from 1969, aren't they?

A. Yes, that's correct.

Q. And is there any language in the warrant that you today believe authorizes the seizure of those court papers about Miss Silva's divorce in 1969?

A. Yes, I do. These are identification documents.

Q. So a court order, in your view, is an identification document, if it mentions somebody's name?

A. In this case, these documents I'd seize as identification documents.

Q. I'm just trying to ask you a more general question.

Do you believe that a court document which mentions somebody's name is within the definition of an identification document?

A. I guess that would depend on the particular document.

Q. A divorce judgment?

A. Yes.

Q. So if you were in my house conducting a search, and I had a divorce decree in there, you would believe you could take it if the language of the warrant included identification documents?

A. If you were a member of a terrorist organization and I was looking for identification documents.

Q. All right.

But the issue is, you think it's an identification document. That's what I'm trying to find out.

A. Yes, that's correct.

Q. Now, showing you Defendants' Exhibit 63 for identification, is that a document or are those three papers documents you took from Mr. Castro's house?

A. Yes, these bear Subinventory No. L17-C-12-81, 81-A

and 81-B.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: Could these be marked as a full exhibit, please?

[Defendants' Exhibit No. 63 was marked as a full exhibit.]

Q. Now, showing you Defendants' Exhibit 63, again, which appears to be three pages, can you look those documents over and read them to yourself?

Can you tell me what those documents are?

A. They appear to be documents from the Department of Public Instruction, Superintendent of Schools, concerning the defendant, Mr. Castro-Ramos, and his -- some changes in his situation at the school.

Q. As a teacher?

A. That's what it appears to be, yeah.

Q. And it's from April 2nd of 1980, isn't it?

A. That's correct.

Q. Excuse me. The letter is dated March 31st of 1980, isn't it, at the top?

A. At the top, it's dated March 31, 1980.

Q. So it has to do with some changes in his school schedule or status as a teacher?

A. It appears to be.

Q. Can you tell me why you seized this document?

A. Again, I don't recall this document specifically, but I would seize this document as an identification document.

Q. Is it your testimony that any document that contains Mr. Castro's name is an identification document?

A. I don't know.

Q. That's not your testimony. I thought maybe we could short-cut some of this if that's your answer; if any document that has his name on it is an identification document, in your view. Is that not a correct statement of your --

A. No. Handwritten slips of paper with Mr. Castro-Ramos' name on them would not be considered identification.

Q. Well, is it your testimony that any typed document, for example, a letter addressed to Mr. Castro, is an identification document within the meaning of this warrant?

A. I would have to see the particular document.

Q. All right.

Showing you Defendants' 65 for identification, and is this the three-page document -- I believe there is no identification number until the third page of it.

Are these documents that were taken from Mr. Castro's home?

A. Yes. They bear the Subinventory No. L17-C-12-

83-G.

Q. And it's correct that there are two other pages in front of that page with 83-G on it?

A. That's correct.

Q. And show you the subinventory numbers don't appear on this photocopy.

A. That's correct.

MS. POLAN: Any objection to this?

MR. DABROWSKI: No objection.

MS. POLAN: All right. Could this be marked as a full exhibit?

MR. DABROWSKI: I assume there is a 64 somewhere, Your Honor.

MS. POLAN: I'm not -- I don't think I'm going to use 64. It's repetitive.

[Defendants' Exhibit No. 65 was marked as a full exhibit.]

Q. Now, directing your attention to Defendants' Exhibit 65, could you look those three pages over for a minute?

Is it fair to say that this document is a copy of Carmen Silva Huyke's school transcript from the University of Puerto Rico and from junior college, Puerto Rico Junior College?

A. That is what they appear to be.

Q. All right.

Can you tell me why you seized those documents?

A. These are identification documents of a member of a terrorist organization.

Q. School transcript?

A. Yes.

Q. I'm showing you what's been marked Defendants' 68 for identification. I think that it appears to me that the identification number on that document is missing. It's cut off at the bottom.

Can you tell me if that's a document taken from Mr. Castro's home?

A. I can't tell, because the identification number does appear to be cut off.

Q. All right.

Showing you --

MS. POLAN: Well, Your Honor, I don't know whether I should ask the Government to get me the original of this document, because the xerox I have, the number is cut off. I know what the inventory number is. Do you have any objection?

THE COURT: Can you both agree or stipulate on the identification number?

MS. POLAN: I think we can stipulate that the number is L17-C-12-85-D, as in dog.

Q. Is that a document that was taken from Mr. Castro's home?

A. Could I see the document?

Q. I'm going to dispense with this exhibit for a moment.

Directing your attention to what's been marked Defendants' Exhibit 80 for identification, can you identify that document?

A. Yes. It's an immunization card marked L17-C-12-85-B.

Q. And was this document taken from Mr. Castro's home?

A. Yes, it was.

MS. POLAN: I would offer this.

MR. DABROWSKI: I would prefer that the copy be introduced and simply marked with the number, rather than the original, Your Honor. Apparently the only problem with the copy is that the number was not clear. We now know it to be 85-B.

MS. POLAN: Well, Your Honor, this is one instance where I think we can agree the copy is not very good. And --

MR. DABROWSKI: I disagree. I think the copy is very good.

MS. POLAN: Whatever the Court wishes to do,

I'll do.

MR. DABROWSKI: My concern is very simple, Your Honor.

THE COURT: Can I look at it and then I'll have seen everything that's on it, presumably.

MS. POLAN: I just would like to have it admitted.

THE COURT: This is an immunization certificate?

MS. POLAN: Yes, it is.

THE COURT: I don't know what ficha de immunizacion --

MS. POLAN: Ficha, I think this is a card. It's a card.

INTERPRETER: Correct, Your Honor.

MS. POLAN: F-i-c-h-a.

Now, Your Honor, would you rather have the copy or the original in evidence?

THE COURT: The copy is all right. Put the original back where it was or else it will be lost. [Defendants' Exhibit No. 80 was admitted into evidence.]

MS. POLAN: Now, additionally, Your Honor, may I just inquire of counsel, L17-C-12-85-B is now your Exhibit 68.

MR. DABROWSKI: Thank you.

BY MS. POLAN:

Q. Now, Agent Williamson, this is an immunization card for an individual named Mario Roberto Castro Silva, is it not?

A. That's correct.

Q. And that person has a birthday of February 2, 1978, doesn't he?

A. That's correct.

Q. So he was seven years old at the time you seized this card, wasn't he?

A. That's correct.

Q. And you knew this was one of Mr. Castro's children, didn't you?

A. No, I did not.

Q. All right.

Can you tell me why you seized this document?

A. It's an identification document.

Q. Is it an identification document of a Macheteros member?

A. I don't know.

Q. Well, so is it correct that you believed you could seize any identification document under this warrant?

A. That's correct.

Q. And is there anything that you recall in your

reading of the search warrant affidavit that indicated to you that someone named Mario Roberto Castro Silva was involved in any criminal activities?

A. No.

Q. But you believed that you were legally authorized to seize the immunization card of a seven-year-old child?

A. Yes.

Q. Because it's an identification document?

A. That's correct.

Q. So it's correct, is it not, that your understanding on August 30, 1985, that -- was that you could seize identification documents whether or not they had any evidentiary relationship to the crimes alleged in the warrant?

MR. DABROWSKI: Objection, Your Honor. An identification document by its very nature has relevance to the crime, ranging from standing to the identities of the individuals that are there, and members of their family. It's not --

MS. POLAN: I'm just asking the agent a question.

THE COURT: Let him answer the question. It's a simple matter.

THE WITNESS: Can you repeat the question?

MS. POLAN: Could it be read back, please?

[Pending question read back.]

A. My understanding was that identification documents were listed in the addendum and did have evidentiary value.

Q. Well, I don't think I understand your answer.

Is your answer that because Addendum 2 used the word "identification document," that therefore any identification document had evidentiary value?

A. That's correct.

Q. And is that still your understanding today?

A. Yes, it is.

Q. Showing you Defendants' Exhibit 66 for identification, is that a document you took from Mr. Castro's house?

A. Yes. It bears Subinventory No. L17-C-12-84-D.

MS. POLAN: Any objection?

MR. DABROWSKI: No, Your Honor.

MS. POLAN: Ask that this be marked as a full exhibit.

[Defendants' Exhibit No. 66 was marked as a full exhibit.]

Q. Showing you again Defendants' Exhibit 66, could you look that document over for a minute?

[Pause.]

Have you looked it over?

A. Yes.

Q. That document is a transcript of Mr. Castro's high school grades, isn't it?

A. It appears to be, yes.

Q. And he was in high school, it appears from this transcript, between 1961 and 1964; is that correct?

A. That's what's indicated on the records.

Q. Right.

And why did you seize that document?

A. This would be an identification document.

Q. And the fact that it's from a period of time that ended in 1964 made no difference to you in your decision to seize it, did it?

A. No, it did not.

Q. And you would seize it again today under this warrant?

A. Yes, I would.

Q. Showing you Defendants' Exhibit 67 for identification, is that a document you took from Mr. Castro's house?

A. Yes. This bears the Subinventory No. L17-C-12-84-E.

MS. POLAN: Any objection, Mr. Dabrowski?

MR. DABROWSKI: No.

MS. POLAN: Would that be marked as a full exhibit?

[Defendants' Exhibit No. 67 was marked as a full exhibit.]

Q. Mr. Williamson, could you take a look at Exhibit

67?

[Pause.]

Can you tell me generally what that is?

A. It's a -- it purports to be some sort of a certification from the University of Seville, certifying that the defendant, Castro-Ramos, was attending courses in medicine for the academic period 1969 to '70.

Q. And why did you seize that document?

A. This document would be both an identification document and it would tend to show the travels of Mr. Castro-Ramos.

Q. And this document has to do with a period between 1969 and '70, doesn't it?

A. It appears to.

Q. And was it your understanding that the language in the warrant Addendum 2 that had to do with travel of Macheteros members had no time limitation on it?

A. That's correct.

Q. And there was nothing in your reading of the warrant that gave you -- strike that.

Was there anything in your reading of the search warrant affidavit that caused you to impose any time limits on your own with respect to documents pertaining to travel?

A. I don't recall making any restrictions in seizing documents relating to travel.

Q. So there was no time limitations that you imposed?

A. I don't recall imposing any.

Q. But I believe it was your testimony a few minutes ago that you don't recall reading anything in the affidavit that had to do with any alleged crimes in 1969 or '70, do you?

A. That's correct. I don't recall any language to that effect.

Q. All right.

Showing you what's been marked Defendants' Exhibit 69 for identification, is that a document that was taken from Mr. Castro's house?

A. Yes. It bears the Subinventory No. L17-C-12-87-T.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: Could this be marked as a full exhibit, please?

[Defendants' Exhibit No. 69 was marked as a full exhibit.]

MS. POLAN: Your Honor, Mr. Dabrowski points out to me that the correct identification number is L17-C-12-87-I. And we can stipulate to that xerox is bad here.

Q. Now, directing your attention to Defendants' Ex-

hibit 69, could you look that over?

A. Yes. This appears to be a school transcript.

Q. For who?

A. This is in the name of -- first name is Lina, L-i-n-a, Castro Moya, M-o-y-a.

Q. And can you tell me how old Lina Castro-Moya --
question withdrawn.

Does it have a birthday on it for Lina Castro-Moya?

A. Yes, it does.

Q. And what's that birthday?

A. January 13, 1971.

Q. So at the time you seized this document, Lina Castro-Moya was 14 years old; is that correct?

A. That's correct.

Q. And it appears, does it not, that this is one of Mr. Castro's children?

A. That's correct.

Q. And it's a transcript of Lina's grades, isn't it?

A. That's what it appears to be, yes.

Q. From 1977 and 1978?

A. Yes.

Q. Can you tell me why you seized that document?

A. As an identification document.

Q. So you believe you were authorized to seize the

school records of a 14-year-old child?

A. That's correct.

Q. Do you have any evidence that Lina Castro-Moya was a Macheteros member on August 30th of 1985?

A. No, I did not.

Q. Show you Defendants' Exhibit 71 for identification, a two-page document.

Were these documents taken from Mr. Castro's home?

A. Yes. These documents are L17-C-12-96-A and 96-B.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer these as a full exhibit.

[Defendants' Exhibit No. 71 was admitted as a full exhibit.]

Q. Could you look these documents over?

THE COURT: Let's mention the exhibit number when you do that.

MS. POLAN: I have been trying to.

Q. Exhibit 71, can you look over Exhibit 71?

[Pause.]

Have you had a chance to look at them?

A. Yes.

Q. These documents appear to be copies of Mr. Castro's divorce papers from the court, don't they?

A. They appear to be, yes.

Q. And that's from August of 1977?

A. That's correct.

Q. And it appears that he was divorced from Sofia, S-o-f-i-a, Mercedes, M-e-r-c-e-d-e-s, Moya, M-o-y-a.

A. That's correct.

Q. And did you seize that document because it was an identification document?

A. Yes.

Q. Now, directing your attention to Defendants' Exhibit 72 for identification, which is a two-page document, can you tell me if that was seized from Mr. Castro's home?

A. Yes. This bears the Inventory Nos. L17-C-12-98 and L17-C-12-98-A.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit No. 72 was admitted as a full exhibit.]

Q. Directing your attention to Exhibit 72. This is a two-page typed letter addressed to Mr. Castro, is it not?

A. That's correct.

Q. And it's dated April 22, 1981; is that correct?

A. That's correct.

Q. And it appears to be from the Legal Services Organization in Puerto Rico, doesn't it?

A. That's correct.

Q. Can you look the letter over and just generally tell me what it's about?

A. This appears to be a letter from Legal Services of Puerto Rico. According to this letter, it appears that Mr. Castro-Ramos was employed at one time by Legal Services of Puerto Rico.

Q. Does it say they are laying him off because of their cutbacks in their money?

A. That's correct.

Q. Can you tell me why you seized that letter?

A. I don't recall specifically this letter. I don't know why I would have seized this separately, other than that this was part of C-12, which I made the determination to seize the entire group of documents.

Q. This isn't an identification document, in your view?

A. I would not consider this an identification document.

THE COURT: By that, do you mean they were all in the same envelope, so you took them all? Is that it?

THE WITNESS: As I recall, Your Honor.

THE COURT: Same folder or whatever it was?

THE WITNESS: They were in a shoe box, as I recall, Your Honor.

THE COURT: Sheet rock?

THE WITNESS: A shoe box.

THE COURT: I understand you took everything in the shoe box. Was that the question and answer?

THE WITNESS: That's correct.

Q. Agent Williamson, directing your attention to Defendants' Exhibit 81 for identification, can you identify this object?

A. That's L17-C-12. That's the shoe box that I was referring to.

Q. Now, it's correct, is it not, Agent Williamson, that this shoe box contained a number of different things, didn't it?

A. That's correct.

Q. And you went through those things, didn't you?

A. Yes, I did.

Q. And then you took everything in the box; right?

A. That's correct.

Q. And this shoe box was in the closet, wasn't it, in Room C?

A. I will have to look at my inventory.

Q. Why don't you do that.

A. Yes, that's correct.

Q. All right.

So when you say this was there, it wasn't in -- this document, Exhibit 72, was with a number of things stuffed in a shoe box; correct?

A. That's correct.

MS. POLAN: All right. I would offer this shoe box, Your Honor.

MR. DABROWSKI: No objection.

[Defendants' Exhibit No. 81 was admitted into evidence.]

Q. So your testimony is that the reason you took Exhibit 72, this letter from Legal Services to Mr. Castro, is that it was in a shoe box with other things?

A. My testimony was that I made a decision based upon my review of the documents separately, as a whole, and my discussions with the agent who seized the documents.

Q. And what were those discussions with the agent who seized the documents?

A. I don't recall specifically the comments.

Q. Well --

A. But they would have been as to the nature of the documents contained therein.

Q. All right.

THE COURT: In what capacity was he employed

by Legal Services, if you know?

THE WITNESS: I don't know, Your Honor.

THE COURT: Does the letter say?

Have you got the letter there, Madam Clerk?

THE CLERK: No. 72.

THE COURT: Is that 72 that you have there?

THE WITNESS: Yes.

THE COURT: What does that say? What capacity did he work for Legal Services?

THE WITNESS: I don't see, Your Honor. It appears that he worked for 15 days for Legal Services.

THE COURT: That's a governmental agency?

THE WITNESS: I don't know, Your Honor.

Q. Well, Agent, it does say in there because of federal cutbacks under the Reagan Administration that they have to terminate his employment. Isn't that what the letter says?

Can you read the letter?

A. I'm trying to.

Q. I mean, do you need someone to read it to you? That's my question.

A. No. If you would allow me time to read it, I'll read it.

Q. Certainly.

MS. POLAN: Your Honor, I would have no ob-

jection if he wanted to read it during the recess.

MR. DABROWSKI: I think the best procedure would be to submit the translation with it, Your Honor. And we have it done instantly.

MS. POLAN: Well --

THE WITNESS: The fact is, Your Honor, I don't recall reading this letter on the day of the search, on August 30, 1985.

Q. I asked you a question.

Doesn't it mention that the reason they were terminating his employment was because of federal financial cutback under the Reagan Administration? Isn't that in there? I just want to know if you can read it.

A. That's correct. I don't recall seeing Mr. Reagan's name in there.

THE COURT: To crystalize out the thinking if he was a federal employee and a terrorist, you thought it was relevant; is that it?

THE WITNESS: If I knew those facts, Your Honor, that would be very relevant.

THE COURT: All right. Next question.

Q. Directing your attention to the third line from the bottom of the first paragraph, what does it say? What are the first two words?

A. "Preident Reagan."

Q. Thank you.

Now, directing your attention to what's been marked Defendants' Exhibit 75 for identification, what document or documents were taken out of Mr. Castro's home?

A. Yes. These are Subinventory Nos. L-17-C-18-43-A and L17-C-18-43-B.

MS. POLAN: Any objection?

Q. Would you read the identification numbers on these? Did you read them?

A. Yes.

MS. POLAN: Mr. Dabrowski, do you have any objection?

THE COURT: Would you read that number back to me, please?

[Number read back.]

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit No. 75 was admitted as a full exhibit.]

Q. Directing your attention again to Defendants' Exhibit 75, will you look at those documents?

Do they appear to you to be cards indicating Mr. Castro's college courses?

A. They appear to be, yes.

Q. And that's from the University of Puerto Rico?

A. Yes, that's correct.

Q. And they appear to be, the top card seems to be from 1980 and '81, and the bottom one from '79-80; is that correct?

A. That's correct.

Q. And why did you take those documents?

A. Well, on my inventory C-18, I had written down that these were checks and statements. So apparently these identification cards were in with the checks and statements.

Q. So is that why you took them, because they were near some checks and statements?

A. I would have seized these as identification documents; however, my recollection is only by my inventory list, that this item contained checks and statements, financial statements.

Q. Now, on your inventory for C-18, it says "checks and statements found in the bedroom closet"; is that right?

A. That's correct.

Q. So everything in C-18 wasn't found in one envelope, was it?

A. I don't recall.

Q. Well, when you found things that were in a folder, you put that down on your inventory, didn't you, like in C-5 and C-11?

A. There were instances such as C-5, C-11, C-12 and

C-13 where I seized the entire group of items.

Q. Right.

But from looking at your notation as to C-18, it just says checks and statements, and it was found in the bedroom closet?

A. That's correct.

Q. So you don't have any recollection that everything in C-18 was in one folder, do you?

A. I have no recollection of that.

Q. Okay. Fine.

Showing you Defendants' Exhibit 76 for identification, was that a document taken from Mr. Castro's home?

A. Yes. This bears L17-C-18-63.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit No. 76 was admitted as a full exhibit.]

Q. Showing you Defendants' Exhibit 76, will you look at that document for a minute?

A. Yes.

Q. Can you tell the Court what that is?

A. This is a request for a medical evaluation.

Q. Isn't it a request for a chest x-ray?

A. It appears to be, yes.

Q. And that was what date?

A. March 7th, 1977.

Q. And that was for Mr. Castro, wasn't it?

A. Yes.

Q. And there is a report of the radiologist on there, isn't there?

A. Yes.

Q. So this is the result of an x-ray that was performed on Mr. Castro in March of 1977, isn't it?

A. That's correct.

Q. Can you tell me why you seized that document?

A. I don't recall this document specifically, other than my answer to that other document from C-18. My inventory indicates that those were checks and statements.

Q. Is there anything in the warrant that authorized you to take Mr. Castro's medical records?

A. If they were identification documents.

Q. Is that an identification document?

A. I would not have seized this document as an identification document.

Q. Are there any other authorities in that warrant that would allow you to seize that document?

A. This document would show Mr. Castro-Ramos' travel on March 7, 1977, to that clinic.

Q. And that clinic is in Bayamon, Puerto Rico?

A. That's correct.

Q. And it's travel to the hospital; right?

A. That's correct.

Q. So it's your testimony that the language in the warrant that authorizes you to seize records pertaining to travel of Macheteros members would permit you to take that x-ray report?

A. That's correct.

MS. POLAN: Thank you.

THE COURT: It's now 11:30. We'll take our usual recess.

[Recess taken at 11:30 a.m.]

THE COURT: How are we progressing, counsel?

MS. POLAN: I think we're progressing, Your Honor.

THE COURT: That doesn't --

MS. POLAN: I don't know how quickly, if that's your question to me.

THE COURT: That's the question.

MS. POLAN: Well, the problem, Your Honor, is they took about 600 things out of my client's house, most of which I believe they had no right to take.

THE COURT: I just want a simple question and answer. In other words, are we halfway through, a

quarter-way through?

MS. POLAN: With this agent?

I think we're probably halfway through with this agent.

THE COURT: All right. Let's proceed.

MS. POLAN: I didn't understand that was your question.

BY MS. POLAN:

Q. Showing you Defendants' Exhibit 77 for identification, is that something you took from Mr. Castro's home?

A. Yes. This has the Subinventory No. L17-C-18-63-A.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit No. 77 was admitted as a full exhibit.]

Q. Directing your attention again to Defendants' Exhibit 77, this document appears to be a report of some kind of blood work that was done for Mr. Castro, doesn't it?

A. That's correct.

Q. And it has a notation "hematology" on it?

A. That's correct.

Q. And it has some writings on it?

A. That's correct.

Q. Why did you take that document?

A. I don't recall specifically ever having seen this document.

Q. Well, it was in C-18, wasn't it?

A. That's correct, which --

Q. So it was in the closet?

A. That's correct. On the inventory I indicated that those documents were identified as checks and statements.

Q. Right. Is there any language in the warrant that authorizes you to take this document, this blood test report?

A. Once again, this would show Mr. Castro-Ramos' travel to that lab on the date in question.

Q. Is there any address on the lab on that exhibit?

A. It's by Amon Regional Hospital.

Q. Does it give any address?

A. No.

Q. Does it have a date?

A. It appears to be a date, 1977.

Q. So your testimony is that you could seize this blood test report because it related to travel?

A. That's correct.

Q. Now, directing your attention to Defendants' Exhibit 73 for identification, two-page document, was that taken from Mr. Castro's home?

A. Yes. This bears the Inventory No. L17-D-12-99-A and L-17-C-12-99-B.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: I would offer this as a full exhibit.

[Defendants' Exhibit No. 73 was admitted as a full exhibit.]

Q. Agent Williamson, this is a letter addressed to Mr. Castro; is it not?

A. Yes, it is.

Q. And you can't read the date on it, can you?

A. No, I can't.

MS. POLAN: Your Honor, I'm going to ask the clerk to open the original and have him look at the original document.

Your Honor, is it acceptable to the Court if he just looks at the original to see the date, or should I have it marked?

MR. DABROWSKI: Your Honor, that would be the procedure the Government would suggest, have the witness look at it. We can agree on the date.

Q. Showing you a document, an original document marked L17-C-12-99-A, is this an original of the exhibit?

A. Yes, it is. And it's dated October 17, 1983.

Q. All right.

Can you look at that document, Exhibit 73, and read it to yourself, and tell me generally what it says, or tell the Judge what it says?

A. This is a letter from Secretary of Public Instruction to Mr. Castro-Ramos, referring to his letter of September 23rd in which he solicited -- looks like a position teaching school.

THE COURT: What year is it?

THE WITNESS: 1983.

Q. So it's a letter about a teaching job?

A. That's correct.

Q. Why did you seize that letter?

A. I don't recall seeing this specific document previously. However, this was part of C-12. And as I testified earlier, C-12, I made a determination based upon reviewing the document to seize the entire group of documents.

Q. Now, you say you made a determination based on reviewing the documents; yet you say you haven't read this letter.

How many of the documents in C-12 did you review before you made the decision to seize them all?

A. I don't recall.

Q. Was it more than half?

A. I would have looked at more than half of the documents, yes.

Q. So there would be a significant number that you never looked at?

A. I don't recall.

Q. When you were having briefings before this search with your superiors and your legal advisor, did you have any discussion about seizures of documents in that way that you seized the items in C-12?

A. Yes, we did.

Q. And can you tell me what you discussed?

I'm talking about prior to the search.

A. Specifically, I recall that we had discussions on how to mark evidence when there was a large quantity of documents located in one area.

Q. Did you have any discussion about seizing documents without reviewing them to see if they were authorized to be seized under the warrant?

A. I don't recall any discussion like that.

Q. So no one in the FBI ever instructed that you could, in fact, seize documents without examining them?

A. I have received instructions on numerous occasions on how to conduct search warrants.

Q. Well, has anyone ever given you those instructions at any time?

A. I don't recall those specific instructions.

Q. And prior to this search, in the different briefing sessions you had with superiors, did you ever receive any instructions that you could make seizures without determining whether a particular item was within the warrant?

A. No. There is no such instruction. We only seized items that were specifically enumerated in the warrant.

Q. Well, did you receive any specific instructions in any of these briefing sessions that if you located a box full of documents, that you could then seize the entire box, if certain of the items appeared to be within the warrant?

A. No. I don't recall any instructions to that effect.

Q. So you made that decision on your own?

A. That's correct.

THE COURT: So it will be clear to the Court, I understood that it was your duty as a team captain, so to speak, in charge, to sit at the living room table or kitchen table or whatever it was; these other men brought things to you, and it was your duty to decide whether they were within the warrant. Wasn't that your job?

THE WITNESS: That's correct, Your Honor.

THE COURT: So why didn't you, in fact, review each of these documents that came before you and

determine whether or not you made that decision on each of these papers, if they were presented to you in that fashion?

THE WITNESS: Your Honor, I did that. There were certain instances, and those were, among others, those were C-11, C-12 and C-13, where there were a quantity of documents together. And as I reviewed those document, my decision, based upon reviewing them individually and as a whole, was that they had significance, seizing the entire group of documents.

THE COURT: So you didn't make the special effort to review each of them within the particular box or folder, as the case might be?

THE WITNESS: I don't recall reviewing each individual document in that, in C-12, in the shoe box.

THE COURT: Looking back at it now, the better procedure would have been on each one you examined, to have some kind of a personal mark of your own, like you do with evidence, putting initials on, some personal mark of your own to say, well, I read that because my little mark is up there in that right-hand corner. And nobody knows that's up there except me. I put it there, and I reviewed it. Whether I was right or wrong, I reviewed it. But that wasn't done?

THE WITNESS: Your Honor, the procedure that

we had set up beforehand, where we would locate large quantities of documents that we made the decision to seize, was that we would identify only the entire group of documents, and at a later date those would be subinventory.

THE COURT: All right.

Q. So prior to the search, you made a decision that you would seize things without individually determining whether the thing was subject to seizure?

A. No, I made that decision at the time of the search.

Q. But you just told Judge Clarie that you made a decision prior to the search, or made some decisions about what you called large quantities of documents that were together.

A. That's correct.

Q. And what was that decision that was made prior to the search?

A. That decision was that if I seize the documents pursuant to a warrant, large quantity of documents, that they would be identified, the entire group of documents would be identified at the scene of the search and seizure. And then later --

Q. Let's stop there.

You said they would be identified.

Do you mean they would be marked with numbers?
What do you mean by "identified?"

A. I mean I would list them in my inventory as to where they were located and as to who the agent was that located the items.

Q. But when you found a large quantity of documents in a location, for example, the closet in Room C, Mr. Castro's bedroom, did you have -- had you made a decision previously that you would not go through all of those documents individually?

A. No.

Q. So you made that decision when you were at Mr. Castro's house, that you wouldn't look at the documents individually; if they were together, you would just take the whole group?

A. As I was reviewing the documents.

Q. But that review of the documents was a general review and not a specific review; is that correct?

A. I specifically reviewed many of the documents.

Q. But you specifically did not review a number of other documents?

A. Some of the documents I would have not reviewed.

Q. So if you came to a location, for example, Mr. Castro's closet in his bedroom, in Room C, and there were a lot of documents sitting at the top of that closet in shoe

boxes and other places, you started looking through those documents and saw some things you thought you could seize, you just took the whole group of things that were there; is that correct?

A. No. The fact is I was not the one searching for the documents.

Q. Well, what did you instruct the agents who searched Room C?

A. Their instructions were to look for items that were specifically enumerated in the search warrant.

Q. All right.

THE COURT: Counsel, it isn't what they did. He's the key man. He's the man through whom they came.

MS. POLAN: All right. Great.

THE COURT: He could veto it or approve it.

We're interested in knowing what they did so much as to what he did and how he approved.

MS. POLAN: I agree with you, Your Honor.

Q. When the agents who were searching the rooms found, for example, the items you identified as C-12, the shoe box, did they bring you the whole shoe box, or did you go in the room?

A. Specifically in this instance, Agent Homero, H-o-m-e-r-o, Rivera, R-i-v-e-r-a, reviewed the items in the shoe box.

Q. So is it your testimony that you or Agent Homero Rivera made the decision to seize all of the evidence in C-12?

A. I made the final determination based upon my review of the documents, my discussions with the agent who found the documents.

Q. And it is your testimony here today that with respect to a certain number of the items from C-12 that I've shown you, you don't know why they were seized?

A. The reason why they were seized is that I made a determination to seize the entire group of documents.

Q. What I'm trying to find out is what was that decision based on?

A. The decision was based upon my discussions with Agent Homero Rivera, my review of individual documents.

Q. Your review of the individual documents was not a complete review; is that correct?

A. That's correct.

Q. Showing you Defendants' Exhibit 79 for identification, is that something you took out of Mr. Castro's house?

A. Yes, this would be a document from the shoe box. It's identified as L17-C-12-96-D.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

MS. POLAN: Your Honor, this item is on the

exhibit list. It's Exhibit 1014, Government exhibit list, 1014.

I would offer this Exhibit 79 as a full exhibit.

[Defendants' Exhibit No. 79 was admitted as a full exhibit.]

Q. Showing you Defendants' Exhibit 79, can you look at that document and tell me what this is?

A. This is a -- it appears to be a resolution entered in a criminal court case concerning the people of Puerto Rico against Melendez, Belez, and others.

Q. Why did you seize that document?

A. I don't recall specifically this document.

Q. So you don't know why you seized it?

A. It appears to be some sort of an identification document.

Q. It's a Court document?

A. That's correct.

THE COURT: May I see it, please?

MS. POLAN: Oh, yes.

[Handing document to the Court.]

THE COURT: What's on the right-hand side corner, up in the right-hand side corner, on the lower portion of the upper right-hand corner? Translate that for me.

THE WITNESS: Your Honor, my best translation would be an appellate proceeding of the superior court of the Humacao, H-u-m-a-c-a-o, that division of the court.

THE COURT: What does it say?

THE WITNESS: Do you want me to continue?

THE COURT: Yes. I'm interested in the lower part.

THE WITNESS: Conspiracy and i-n-f-r, which it's a -- probably stands for infraction -- Article 5 and 6 of the Law of Arms.

THE COURT: What is it a charge of, conspiracy? Is that what it says?

THE WITNESS: That's what this document is concerning.

MS. POLAN: I believe, Your Honor, it's a court decree of some sort. You have the word "resolution" at the top.

THE WITNESS: Yes. That's correct.

Q. What does that mean in Spanish?

A. I would translate that to be the same resolution in English.

Q. Decision?

A. Decision, yes.

Q. And this was seized because it was an identifica-

tion document?

A. As I say, I don't recall specifically reading that document.

Q. Showing you Defendants' Exhibit 78 for identification, a two-page document, was that taken from Mr. Castro's home?

A. Yes, it was.

Q. And does that have an identifying number on it?

A. Yes, it does. L17-C-13-R.

MS. POLAN: Any objection?

MR. DABROWSKI: No objection.

THE COURT: Full exhibit.

[Defendants' Exhibit 78 was admitted as a full exhibit.]

Q. Now, directing your attention to Exhibit 78, that's identified on the subinventory as a personalized thank you note, on a card with no name, in white envelope. Some kind of a greeting card.

Does that appear to be what it is?

A. Yes.

Q. And is there some writing on it?

A. Yes, there is.

Q. All right.

Can you tell me why that item was seized?

A. Yes. This was part of 17-C-13, which was the

black zippered attache case, which I determined contained the defendant Castro-Ramos' Macheteros records, receipts, the hoods and other items, all related to his terrorist activities.

I made the determination to seize the entire item, which I thought was significant as a whole.

Q. So your basis for the seizure of this item was that it was in a black zipper attache case that you determined had other evidentiary materials in it; is that right?

A. That's correct.

Q. And that's the same black attache case that contained the \$863 in cash, isn't it?

A. That's correct.

Q. And it's correct, is it not, that your superiors advised you that you couldn't seize that money just because you found it in a black attache case with other documents you believed were -- had evidentiary value?

A. That's correct.

Q. So did you ever ask them if you could seize everything else in the black attache case on the same theory under which you wanted to seize the money?

A. No, I did not.

Q. After they told you you couldn't take the money, just because it was in the black attache case, did that have any effect on your determinations with respect to other

seizures?

A. That would have affected my seizures of other money.

Q. Well, it's true, is it not, that the people at headquarters, when called in, said you can't take the money? Right?

A. That's correct.

Q. And it's correct, is it not, that your theory of why you could take the money was that you had found it in this black attache case with other things you thought were incriminating and had evidentiary value; isn't that right?

A. That's right. That's correct.

Q. So once they told you that that was not a legal basis on which to take that money, did it have any effect on your determinations with respect to other seizures?

A. Yes. That would have affected my seizures of other money.

Q. But nothing else?

A. That's correct.

Q. So you still thought, after that phone conversation with headquarters, that you could seize items that were not within the scope of the warrant because of their location next to things that you thought were within the scope of the warrant?

A. This document, I made the determination, was

within the scope of the warrant.

Q. What language in the warrant?

A. And that would have been -- my determination was that this is some sort of a terrorist document.

Q. Well, can you tell me, it is described in a subinventory as a greeting card, isn't it?

A. I don't know. I don't have the subinventory.

THE COURT: May I see what we're talking about?

MS. POLAN: Yes. Would you like to see the original, Your Honor? I believe it's actually a card that's a photocopy. That is actually a greeting card.

THE WITNESS: The fact is, I made the determination that every --

MS. POLAN: Wait just a minute. There is no question pending.

Your Honor, I found the original. I would like to have this marked.

MR. DABROWSKI: Your Honor, I assume the Court desires to inspect the original?

MS. POLAN: I would ask the Court to look at it.

THE COURT: Well, counsel wants me to inspect the original.

MS. POLAN: I would like to have it marked.

MR. DABROWSKI: That may be the case. She may want to do a lot of things, Your Honor. It shouldn't be done unless the Court wants to do it.

THE COURT: Do you know who signed this card or to whom it was sent?

THE WITNESS: No, I don't, Your Honor. I know that it was located within that.

THE COURT: Was the message on the back of it?

THE WITNESS: Your Honor, it's on the surface. It appears to be talking about bravery of the individual who this is written to, thanking him for his bravery or her bravery.

THE COURT: Is it his or hers? Is it feminine or masculine pronouns?

THE WITNESS: They use, in Spanish they use the familiar you pronoun, which is not feminine nor masculine.

THE COURT: What's the bravery about? Does it say?

THE WITNESS: No, it doesn't, Your Honor. They are referred to as "fellow persons in these," the Spanish word, "lucha."

THE COURT: What does "lucha" mean?

THE WITNESS: Struggle or battle.

THE COURT: All right. Guess we have devoted enough time to that.

BY MS. POLAN:

Q. What does it say on the front, Agent Williamson?

A. This is to say thank you, like a gift of a flower.

Q. So it's a thank-you card; right?

A. That's what it appears to be.

Q. And it's not signed by anybody, is it?

A. No, it's not.

Q. And the envelope wasn't addressed to anybody, was it?

A. No, it's not.

Q. And this is actually the actual document that you took out of Mr. Castro's house?

A. That's correct.

MS. POLAN: I would like to have this marked and --

THE COURT: I don't think it's necessary. I've seen enough of it. I know what it is. The copy is marked already.

Q. So I was asking you what the basis was for the seizure of that document, and I think your testimony was it was a terrorist document. Is that your testimony?

A. That's correct.

Q. And can you tell me where in the warrant

authorized you to take terrorist documents, in those words?

A. The paragraph concerning communiques and documents is Paragraph 4 of Addendum 2.

Q. Right. Where does it use the words "terrorist documents"; can you tell me?

A. You have to read Paragraph 4. It says, "communiques and documents," and then, "including, among other things, documentation of past crimes, plans or" --

Q. I see that.

Can you tell me where this card fits in? What language does it fit in? Which of those things after "including" does this card -- which category does it fit in?

Is the literature regarding international terrorism, this card?

A. For all I know, that card could be in some sort of a code that the terrorist group uses.

Q. Is that your testimony as you sit here today, that this card is in code?

You can read it, can't you? It's written in Spanish.

A. To me, it doesn't -- I mean, they talk about, you know, some sort of bravery and some sort of battle. I don't know what they're talking about.

Q. You don't know what it's talking about because you really can't read it or because you really think it's writ-

1 ten in code?

2 A. I don't know. My testimony is that I seized that
3 document because it was part of C-13.

4 Q. And that was after, was it not, people at the FBI
5 headquarters had already told you that you couldn't seize
6 money under a thousand dollars, just because it was in C-13?

7 MR. DABROWSKI: Objection, Your Honor. The
8 question's been asked and answered.

9 We're also going to beat this to death, Your
10 Honor. We ought to get off this issue. It's so clear
11 it's a thank you note for someone in the struggle for
12 bravery. It's in a container with masks and other
13 things in it. It's obvious it has evidentiary value.

14 THE COURT: Well, let's get on to something
15 else.

16 Q. Well, let me ask you something about C-13.

17 It says on your inventory of C-13 that this at-
18 tache case contained keys.

19 A. That's correct.

20 Q. Did you seize the keys?

21 A. Yes, I did.

22 Q. Can you tell me where in the warrant it authorized
23 you to seize keys?

24 THE COURT: Where was the key, do you know?
25 Was it attached to the attache case?

1 THE WITNESS: They were inside the attache
2 case, Your Honor.

3 THE COURT: All right. Let's not waste any
4 time on that question of keys then. They were in the
5 attache case. All right.

6 MS. POLAN: Well, I want to ask for the
7 record, Your Honor, where in the warrant it authorized
8 him to take keys.

9 THE COURT: It doesn't have to. It doesn't
10 have to. Proceed.

11 Q. Did you seize any other keys from Mr. Castro's
12 home?

13 A. I don't recall right at this time.

14 Q. Well, if you did seize any other keys, what would
15 be the basis of that seizure?

16 MR. DABROWSKI: Objection, Your Honor. It's
17 a hypothetical.

18 MS. POLAN: It's not a hypothetical.

19 THE COURT: I think you have to par-
20 ticularize, counsel. In other words, let's make it
21 simpler. If they took the keys to his house, that's
22 one thing. If they took the keys that were inside his
23 attache case and they fitted in it it was part of it,
24 that's another. Let's not waste any time on that big
25 issue.

1 MS. POLAN: All right.

2 Q. The keys you took from C-13, were they keys to the
3 attache case?

4 A. No, they were not.

5 Q. Did you check whether those keys fit any of the
6 doors of Mr. Castro's house?

7 A. I don't recall checking those as to whether they
8 were house keys.

9 Q. But they weren't keys to the attache case?

10 A. That's correct.

11 Q. They were?

12 A. They were located within the attache case.

13 THE COURT: They were not keys for the case?

14 THE WITNESS: No, Your Honor.

15 THE COURT: I understood they were.

16 THE WITNESS: They were located within the
17 attache case.

18 THE COURT: I see.

19 Q. So the only basis for the seizures of keys is that
20 they were located inside C-13?

21 A. That's correct.

22 Q. They were not the keys to open C-13?

23 A. That's correct.

24 Q. Now, directing your attention to C-18 again, you
25 describe C-18 as "checks and statements" on your inventory;

1 is that correct?

2 A. That's correct.

3 Q. Now I'm showing you my copy of the subinventory,
4 and directing your attention to C-18-26, it's described as
5 "two white metal keys."

6 Can you tell me why those keys were seized?

7 A. No, I can't.

8 Q. Was there any authorization in the warrant to
9 seize those keys and those two white metal keys in C-18?

10 A. I don't see any specific language concerning keys.

11 Q. So why did you seize those keys in C-18-26?

12 A. I don't know.

13 Q. All right. Let's go back to C-13 for a minute.

14 This black attache bag that was in the -- says on
15 the inventory it was at the top of the closet in Room C.

16 Now, directing your attention to Defendants' Ex-
17 hibit 90 for identification, is this an item somebody took
18 out of Mr. Castro's house?

19 A. Yes, it is.

20 Q. And does it have a number on it?

21 A. Yes. This is C-13-B, 1 through 5.

22 MS. POLAN: All right. And I would offer
23 this as a full exhibit.

24 MR. DABROWSKI: No objection.

25 THE COURT: Can I see them, counsel, please?

1 MS. POLAN: Certainly.

2 [Defendants' Exhibit No. 90 was admitted as a
3 full exhibit.]

4 Q. Now, Agent Williamson, Exhibit 90 is described on
5 the subinventory as a black -- excuse me -- as a plastic
6 zippered bag.

7 Is that a fair description of what it is?

8 A. Yes.

9 Q. And that was inside this black attache case;
10 right?

11 A. That's correct.

12 Q. And on the inventory it says -- the subinventory
13 it says that black bag contained five sets of keys.

14 Are there any keys in there now?

15 A. I don't see any keys in here, no.

16 Q. Do you know what happened to them?

17 A. They were probably in the middle of one of our ex-
18 hibits.

19 THE COURT: May I see that again?

20 There is an empty key ring attached to
21 another -- some other kind of gadget, but there is
22 nothing on the key ring; right?

23 MS. POLAN: Yes.

24 Q. I wanted to show you my copy of the subinventory,
25 Agent Williamson.

1 It's correct, is it not, for item -- L17-C-13-B it
2 says the first item is five sets of keys inside that bag?

3 A. Yes, that's correct.

4 Q. All right.

5 And as far as you recollect, there are no keys in
6 there now, are there?

7 A. That's correct.

8 Q. All right.

9 And it's correct, is it not, that this bag also
10 contained ten pens and pencils in a rubber band and a silver
11 pocket knife, according to the inventory?

12 MR. DABROWSKI: According to the subinven-
13 tory.

14 MS. POLAN: Excuse me, according to the sub-
15 inventory.

16 THE WITNESS: Yes. And a hair comb.

17 Q. Exactly.

18 So there were four different descriptions of items
19 inside there; is that right?

20 A. That's correct.

21 Q. Can you tell me why you seized this item, C-13-B?

22 A. Yes.

23 Q. Why?

24 A. Well, there were numerous reasons. The number
25 one, as I testified previously, we had, based on the hoods,

1 the ledger containing code names, and the money, and other
2 terrorist literature, I made the determination that this was
3 -- this entire satchel was of significance, and that I would
4 seize it in its entirety, and that this was contained within
5 the satchel.

6 And in addition, we're looking for hair samples.
7 There was a comb contained within the plastic bag, so we
8 took the entire bag.

9 We were also looking for secret writing equipment,
10 and there were items in here used for writing.

11 Q. Pens and pencils?

12 A. That's correct.

13 Q. So your understanding was that under the warrant
14 you could seize pens and pencils?

15 A. It was my understanding that when I found writing
16 implements such as this within a satchel, that contained
17 defendants' terrorist gear, that I could seize that.

18 Q. So your testimony was that that plastic zippered
19 case with pens and pencils and a comb and some keys and a
20 pocket knife inside was terrorist debris?

21 A. It was part of Mr. Castro-Ramos' satchel which
22 contained his -- certain terrorist debris, yes.

23 Q. If Mr. Castro eats breakfast, would you consider
24 that a terrorist breakfast?

25 MR. DABROWSKI: Objection, Your Honor. It's

1 hypothetical. There is no evidence before us.

2 Q. Can you tell me where in Addendum 2, which is
3 Government Exhibit 23, it authorized you to seize pens and
4 pencils or secret writing equipment, your words?

5 A. It's in Paragraph 4 of the first page of the ad-
6 dendum, Line 6, the secret writing equipment.

7 Q. Secret writing equipment. So you interpret that
8 to mean any pens and pencils?

9 A. No.

10 Q. Just pens and pencils that are in Mr. Castro's
11 house?

12 A. I interpreted that to mean that I could seize
13 these pens and pencils that were located within that sat-
14 chel.

15 Q. All right.

16 So is it fair to say that when you conducted a
17 search on August 30th of 1985, it was your understanding
18 that any writing implement used by Mr. Castro could be
19 seized on the basis that it was secret writing equipment?

20 A. No. The only time I made a decision concerning
21 secret writing equipment was on this occasion.

22 Q. Did you ever take any of those pens and pencils
23 out and check to see whether they wrote in regular ink?

24 A. No.

25 Q. Do you know whether the FBI lab has tested any of

1 them?

2 A. No, I don't.

3 Q. Have you visually inspected them?

4 A. Through the plastic bag I can see the pens and
5 pencils.

6 Q. Did you ever open the bag during the time of the
7 search to look at them?

8 A. I don't recall.

9 Q. So you didn't make any determination at that time
10 whether they appeared to be regular pens and pencils or they
11 appeared to be something else?

12 A. I don't recall.

13 Q. Thank you.

14 Now, the subinventory also indicates to me that
15 you seized some other --

16 THE COURT: Just so it will be clear, I
17 haven't seen it. You refer to it as an attache case,
18 and you have referred to it as a satchel. Which is it?

19 THE WITNESS: Well, Your Honor, it's a soft
20 white case.

21 Q. Showing you Defendants' Exhibit 92 for identifica-
22 tion, can you identify that?

23 A. Yes. That's C-13.

24 Q. And that's the black attache case you have been
25 referring to; right?

1 A. That's correct.

2 THE COURT: All right.

3 MS. POLAN: I would offer this.

4 MR. DABROWSKI: No objection.

5 [Defendants' Exhibit No. 92 was admitted as a
6 full exhibit.]

7 Q. Agent Williamson, according to the subinventory,
8 it indicates that there were some other keys in Item 13,
9 black attache case. As 13-J, subinventory describes this,
10 "a blue key holder," for the second key holder and 14 keys.
11 Is that correct?

12 A. That's correct.

13 Q. And those keys were also seized, weren't they?

14 A. That's correct.

15 Q. And that was separate from the keys that were in
16 that plastic pouch, which I think are 13-B?

17 A. Yes. That's what it would appear from the inven-
18 tory, yes.

19 Q. And can you tell me why the key holder and 14 keys
20 that are identified as L17-C-13-J were seized?

21 A. For the same reason that the other keys were
22 seized. They were located within the satchel, and I had
23 made the determination that the satchel and everything in it
24 had evidentiary value.

25 Q. And there was no other authorization in the war-

1 rant for your seizure of those keys, was there?

2 A. Reviewing the addendum today, I don't see any
3 specific language concerning keys.

4 THE COURT: Do we have the identity of those
5 particular keys you just referred to in the record?

6 MS. POLAN: The identifying number, yes, Your
7 Honor, we do.

8 THE COURT: Do you want to state it for me,
9 please?

10 MS. POLAN: Yes. One minute. I'll find it.
11 L17 -- there are two sets of keys, Your Honor. One is
12 L17-C-13-B. Those are the keys that were in the black
13 zipper bag. And then there is L17-C-13-J, which is a
14 key holder with 14 individual keys.

15 THE COURT: All right. Thank you.

16 Q. Just one other thing.

17 Directing your attention again to Defendants' Ex-
18 hibit 90, which is the black plastic -- excuse me -- which
19 is a plastic zipper bag, it says on the subinventory, does
20 it not, that there was a red sneaker key chain?

21 A. Yes, that's in the remarks on the subinventory.

22 Q. And that's still in there, isn't it?

23 A. Yes.

24 Q. And it appears, does it not, that the pocket knife
25 has been removed from this exhibit?

1 A. Yes, it appears to be.

2 Q. And it appears the comb has been removed from the
3 exhibit?

4 A. That's correct.

5 Q. And it appears that the five sets of keys have
6 been removed?

7 A. That's correct.

8 Q. So what's left in the exhibit now is the pens and
9 the pencils and a red sneaker key chain and some crumbled up
10 newspaper?

11 A. That's correct.

12 Q. And you don't know what happened to the rest of
13 the things that were in here?

14 A. No, I don't.

15 MS. POLAN: Judge, I'm now going back to the
16 things where I don't have the copies, and I've just
17 asked the clerk to put the label on the envelopes so we
18 can get copies.

19 Q. Directing your attention to Defendants' Exhibit 82
20 for identification, is that something that was taken out of
21 Mr. Castro's house?

22 A. Yes. This bears the Subinventory No. L17-C-12-74.

23 MS. POLAN: I would offer this as a full ex-
24 hibit.

25 THE COURT: Without objection.

1 MR. DABROWSKI: Your Honor, the copy is going
2 to be marked a full exhibit, I gather?

3 MS. POLAN: That's satisfactory, Your Honor.

4 MR. DABROWSKI: It's going to be a substitu-
5 tion, I gather?

6 MS. POLAN: Right. We have just put the
7 label on the envelope for now.

8 THE COURT: You are going to provide the
9 copy?

10 MS. POLAN: Yes. I know I have a copy of it
11 somewhere, Judge.

12 THE COURT: Okay.

13 MS. POLAN: In some cases my copies are un-
14 readable, so I didn't bring them.

15 [Defendants' Exhibit No. 82 was admitted as a
16 full exhibit.]

17 Q. Directing your attention to Exhibit 82 --

18 MR. DABROWSKI: Your Honor --

19 Q. -- can you tell me what that document is?

20 A. This is a receipt for \$100.

21 Q. From who?

22 A. From University, Central University of the Carib-
23 bean. That's the translation in English.

24 Q. All right.

25 And who -- is the receipt made out to somebody?

1 A. This is received from Mr. Castro-Ramos' wife.

2 Q. What's her name on there?

3 A. Carmen Silva, S-i-l-v-a, second last name is
4 Huyke, H-u-y-k-e.

5 Q. Now, does it appear to you that this is a receipt
6 for some kind of medical care?

7 A. Yes.

8 Q. Is there a box checked?

9 A. Yes, there is.

10 Q. What's that say?

11 A. In English that would be obstetrics and gynecol-
12 ogy.

13 Q. And directing your attention to the last line of
14 writing, there are some words written in Spanish that says
15 what the treatment was for?

16 A. Yes, there is, but I can't read it.

17 Q. You can't read it?

18 A. No.

19 MS. POLAN: Your Honor, could I ask the in-
20 terpreter to read this to the witness?

21 I can read it, but I should be testifying
22 this word.

23 MR. DABROWSKI: I agree.

24 INTERPRETER: The word seems to be --

25 MS. POLAN: Can you translate that, please?

1 INTERPRETER: That is the word -- it means
2 sterilization. There are then two other letters that
3 this interpreter is simply unable to make out.

4 MS. POLAN: But the word is esterilization?

5 INTERPRETER: It appears to be, if that is
6 the word that would mean sterilization in English.

7 Q. Can you tell me where you seized that document?

8 A. Well, this is a receipt of a Macheteros member,
9 and it would indicate the travel with a member of the ter-
10 rorist group on June 3, 1985 to this location.

11 Q. And that's why you seized it?

12 A. I don't recall exactly why I seized that document.
13 That's why I seized that document today.

14 THE COURT: Where is the Central University
15 of the Caribbean, do you know?

16 THE WITNESS: I don't know, Your Honor.

17 Q. By the way, there is no address or phone number on
18 this receipt, indicating the location of this university, is
19 there?

20 A. No, there isn't.

21 Q. So you don't have any idea where it indicated that
22 Carmen Silva Huyke traveled to?

23 A. The document indicates simply that they received
24 \$100 from Carmen Silva Huyke on that date.

25 Q. Did you have any reason to believe that this

1 hospital was anywhere other than in Puerto Rico?

2 A. I don't recall ever reviewing this document
3 before.

4 Q. So you never looked at it before you seized it?

5 A. I don't recall.

6 Q. Now, directing your attention to Defendants' Ex-
7 hibit 83 for identification, is that a document that was
8 taken from Mr. Castro's home?

9 A. Yes, it was. The subinventory number is L17-C-
10 12-89.

11 MS. POLAN: I would offer this.

12 MR. DABROWSKI: No objection.

13 [Defendants' Exhibit No. 83 was admitted as a
14 full exhibit.]

15 Q. Now, directing your attention again to Defendants'
16 Exhibit 83. It's correct, is it not, that that document is
17 a birth certificate for Carmela Caballero, C-a-b-a-l-l-e-r-
18 o, Del, D-e-l, Gado, who was born on August 4th, 1909?

19 A. That's correct.

20 Q. Why did you seize that document?

21 A. As an identification document.

22 Q. Did you know who this person was when you seized
23 the document?

24 A. No, I did not.

25 Q. Did you know it was Carmen Silva's grandmother's

1 birth certificate when you seized it?

2 A. No, I did not.

3 Q. But you knew it was a birth certificate of some-
4 body who was 76 years old at the time you seized it, didn't
5 you?

6 A. I don't recall reading the dates. It was a birth
7 certificate that was seized.

8 Q. You seized all birth certificates, didn't you?

9 A. Any birth certificates that were presented me by
10 the searching agents, I seized.

11 Q. And you instructed them that they could seize all
12 birth certificates, didn't you?

13 A. I don't recall specific instructions concerning
14 birth certificates.

15 Q. Showing you what's been marked Defendants' Exhibit
16 85 for identification, is that document taken from Mr.
17 Castro's home?

18 A. Yes. This document is Subinventory No. L17-C-
19 12-76.

20 MS. POLAN: I would offer this.

21 MR. DABROWSKI: No objection.

22 [Defendants' Exhibit No. 85 was admitted as a
23 full exhibit.]

24 Q. Showing you again Defendants' Exhibit 85, what is
25 that document?

1 A. This is a birth certificate.

2 Q. For whom?

3 A. The name is Jorge, J-o-r-g-e, Ricardo, R-i-c-a-r-
4 d-o, Castro, C-a-s-t-r-o, Silva, S-i-l-v-a.

5 Q. Does it say on there when he was born?

6 A. It says March 19, 1982.

7 Q. And does it say who his parents are?

8 A. It says his father is the defendant, Elias Samuel
9 Castro, and his mother is Carmen Dolores Silva Huyke.

10 Q. So you knew when you seized that, that that was
11 the birth certificate of Mr. and Mrs. -- Mr. Castro's three-
12 year-old son?

13 A. I don't recall making any specific determination
14 as to who this birth certificate purported to be from.

15 Q. And is there some language in the warrant that
16 authorized you to take that birth certificate?

17 A. Yes.

18 Q. And which language is that?

19 A. It's an identification document.

20 Q. Had you read anything in the warrant affidavit in-
21 dicating to you that Mr. Castro's children were involved in
22 criminal activities?

23 A. I don't recall any language to that effect.

24 Q. Did you have any information from any source in-
25 dicating that this three-year-old child was involved in any

1 criminal activities?

2 A. No.

3 Q. Did you have any information indicating that this
4 child was involved in any of the particular crimes
5 enumerated in the warrant?

6 MR. DABROWSKI: I'll stipulate.

7 THE COURT: It's so ridiculous and outland-
8 ish. It stands for -- extremely ridiculous.

9 MS. POLAN: I agree, Your Honor.

10 THE COURT: Let's not pursue it then, if you
11 agree.

12 MS. POLAN: I think what we have agreed, Your
13 Honor, is that it was ridiculous to seize these items,
14 not that the question is ridiculous.

15 MR. DABROWSKI: Let's just get on with the
16 questioning.

17 THE COURT: Get on with the questioning.
18 Let's not waste time.

19 Q. Now, directing your attention to Defendants' Ex-
20 hibit 87 for identification, can you identify that exhibit?

21 A. Yes. This is L17-C-12, and the envelope indicates
22 that it contains Items 83 through 83-I.

23 Q. All right.

24 And directing you to the first item that you can
25 see through there, what's the identification number on that

1 item?

2 A. That's L17-C-12-83-A.

3 Q. And is that something you seized from Mr. Castro's
4 house?

5 A. Yes, I did.

6 MS. POLAN: I would offer 83-A.

7 MR. DABROWSKI: No objection. No objection
8 to the whole package, Your Honor.

9 MS. POLAN: Offer the whole thing.

10 MR. DABROWSKI: Your Honor, just so the
11 record is clear, what she's actually offering is
12 Defense Exhibit 87.

13 MS. POLAN: Yes.

14 MR. DABROWSKI: Not 83-A.

15 MS. POLAN: That was the identification num-
16 ber on the document. I'm sorry. You're correct.

17 [Defendants' Exhibit No. 87 was admitted as a
18 full exhibit.]

19 Q. Now directing your attention to the document in-
20 side of Defendants' Exhibit 87, which is marked L17-C-12-83-
21 A, what's that document?

22 THE COURT: Just wonder, counsel, if it
23 wouldn't be a good time to suspend now, because it's
24 going to take you a little while to go through this, I
25 assume.

1 So we'll suspend until 2:00 o'clock.

2 [Lunch recess taken at 1:00 p.m.]

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AFTERNOON SESSION

1
2 MR. AVERY: Your Honor, Mr. Danaher tells me
3 he has a housekeeping matter. Mr. Danaher?

4 MR. DANAHER: Thank you, Your Honor.

5 Your Honor, the Court has ordered us to file
6 a response to defendants' motion regarding alleged ir-
7 regularities in the videotaping. The Court ordered
8 that the response be filed today, with supporting af-
9 fidavits.

10 One of the affidavits that we are to file has
11 been sent -- was sent on Friday the 13th, appropriately
12 enough, to Mexico, where it was to be signed by an
13 agent who examined the videotapes.

14 It was sent by overnight mail. We were as-
15 sured that it would be delivered overnight.

16 I learned a few minutes ago it has not yet
17 been delivered.

18 What I would propose to do, I discussed this
19 briefly with Mr. Williams, who filed that videotape mo-
20 tion, would be to immediately begin to contact the
21 agent to ask her to call us after she's read the af-
22 fidavit, to confirm that it accurately reflects her
23 handwritten notes, and that it's an affidavit that she
24 would sign.

25 And if that's the case, then we would file an

1 unsigned form and supplement it with a signed affidavit
2 as soon as she has a chance to sign it and the delivery
3 service can get it back to us.

4 THE COURT: All you can do is do the best you
5 can under the circumstances. That's all.

6 MR. DANAHER: I come before the Court because
7 the order is due today. I ask that we have until
8 Friday. She is visiting her parents. I am confident
9 that I can reach her immediately.

10 MR. WILLIAMS: I have no objection to that,
11 Your Honor.

12 THE COURT: Very good. So ordered.

13 MR. REEVE: Your Honor, there is one matter I
14 wanted to put on the record. Richard Reeve.

15 Because of some personal matters, I'm not --
16 I'm going to have to leave today at 3:15, and I'm not
17 going to be here tomorrow morning until later in the
18 morning.

19 I asked Mr. Williams if he would represent me
20 and my client's interest in my absence. He's indicated
21 that he would. And I would appreciate the Court's in-
22 dulgence on that.

23 THE COURT: Very good.

24 MR. REEVE: Thank you.

25 MS. POLAN: Your Honor, before I start, I

1 mentioned to the Court this morning that there was a
2 new First Circuit decision called Diamond on overbroad
3 warrants. And I don't know if the Court has it, but I
4 got a copy of the Slip opinion, and I've given one to
5 Mr. Dabrowski also.

6 THE COURT: Is that the one that Judge Tim-
7 bers was on?

8 MS. POLAN: No. That's the Fuccilo case.

9 I think we have given you that Slip opinion.
10 This is another case called Diamond, which has to do
11 with a warrant that was held to not meet the par-
12 ticularity requirement. And it also involved the
13 seizure of search for and seizure of documents and
14 items protected by the First Amendment.

15 That the Criminal Law Reporter citation to
16 the same case I've just given you.

17 THE COURT: Same case, right.

18 MS. POLAN: I've given you the whole Slip
19 opinion.

20 THE COURT: I've read both of them.

21 MS. POLAN: Fine.

22 BY MS. POLAN:

23 Q. Agent Williamson, showing you what's been marked
24 Defendants' Exhibit 93 for identification, can you identify
25 those documents, generally?

1 them. I don't know if this is a good time.

2 THE COURT: I have no preference. Does it
3 matter? Unless there is something peculiar about the
4 original that the Court should see, the copy will
5 satisfy.

6 MS. POLAN: I would move to have Exhibit 93
7 admitted as a full exhibit.

8 THE COURT: Full exhibit.

9 [Defendants' Exhibit No. 93 was admitted as a
10 full exhibit.]

11 Q. Now, directing your attention to a card that's
12 marked L17-C-12-70-A, can you tell me what that is?

13 A. This is an identification card. At the top it's
14 dated 1969, and apparently it's an alumni association for
15 Notre Dame School in Caquas, Puerto Rico, certifying that
16 Carmen Dolores Silva is an active member of the association.

17 Q. So this card identifies Carmen Silva, Mr. Castro's
18 wife, as a member of an alumni association from the Notre
19 Dame School in 1969; is that right? Is that what it is?

20 A. That's the date on the top of it, 1969, yes.

21 Q. Can you tell me why you seized that document?

22 A. It's an identification card.

23 Q. Now, was there anything in the warrant indicating
24 to you that Carmen Dolores Silva had been engaged in any
25 criminal activities?

1 A. Not that I recall.

2 Q. Did you have an arrest warrant for her?

3 A. No, we did not.

4 Q. Yet you believed you could seize this school
5 alumni association card in her name?

6 A. That's correct.

7 Q. Even though there was nothing you had read in the
8 warrant affidavit indicating probable cause to believe she
9 had committed any crimes?

10 A. Not that I recall from the affidavit.

11 Q. Now, directing your attention to what's been
12 marked L17-C-12-70-B, as in boy, can you tell me what that
13 is?

14 A. This card appears to be a prayer on a card from
15 Notre Dame High School, Caquas, Puerto Rico, 1969.

16 Q. And isn't it entitled "Pledge of a Christian
17 Graduate?"

18 A. Yes.

19 Q. And at the bottom it says "Notre Dame High,
20 Caquas, 1969?"

21 A. Yes.

22 Q. Why did you seize that?

23 A. I don't recall specifically this document.
24 However, I've testified previously, C-12, I made the deter-
25 mination to seize the entire shoe box of documents.

1 Q. Including prayer cards from Miss Silva's high
2 school?

3 A. That's correct.

4 Q. Now, directing your attention to Defendants' Ex-
5 hibit 87, can you identify that?

6 A. This is an evidence envelope, marked as containing
7 Inventory Nos. L17-C-12-83 through 83-I.

8 MS. POLAN: I would offer this.

9 MR. DABROWSKI: No objection.

10 [Defendants' Exhibit No. 87 was admitted as a
11 full exhibit.]

12 Q. Now, directing your attention to Defendants' Ex-
13 hibit 87, C-12-83-A is the original birth certificate, is it
14 not, for Carmen Dolores Silva?

15 A. This is a copy of a birth certificate for Carmen
16 Dolores Silva.

17 Q. And that's Mr. Castro's wife; right?

18 A. Yes.

19 Q. And why did you seize that?

20 A. It's an identification document.

21 Q. And is that also true of 83-B and 83-C? Is that
22 why you seized those documents?

23 A. Yes.

24 Q. Those are copies of the birth certificate, aren't
25 they?

1 A. Yes.

2 Q. You seized them for the same reason?

3 A. That's correct.

4 Q. Now, directing your attention to C-12-83-D, can
5 you tell the Judge what that is?

6 A. This is a Veterans Administration and Housing and
7 Urban Development Federal Housing Administration document
8 entitled "Request for Verification of Employment."

9 Q. Whose employment?

10 A. Carmen Silva Huyke.

11 Q. And what's the date on that, if there is one?

12 A. 1980. It's either July or August of 1980, depend-
13 ing on who that's --

14 Q. Looking down at the bottom, is there another date
15 on the bottom?

16 A. Yes, July 10, 1980.

17 Q. So this is from July of 1980?

18 A. That's correct.

19 Q. All right.

20 Can you tell me why you seized -- this is a
21 federal government form, isn't it?

22 A. Yes.

23 Q. And it's a request made on behalf of a mortgage
24 company to Miss Silva's employer to verify her employment;
25 is it not?

1 A. That's correct.

2 Q. All right.

3 And it says on here, does it not, that she's --
4 somebody's filled this out, and it says she's a special
5 education teacher?

6 A. That's correct.

7 Q. And it says that she earns \$635 a month?

8 A. That's correct.

9 Q. Why did you seize that document?

10 A. It's a financial record.

11 Q. And you believe that the warrant authorized you to
12 seize an employment verification form for Carmen Silva from
13 1980; is that your testimony?

14 A. That's correct.

15 Q. Is it your testimony also that the language in the
16 warrant that authorized you to take financial records had no
17 limitation whatsoever?

18 A. I think yesterday I testified as to some records,
19 if they were extremely ancient, I probably would not have
20 taken them. However, that issue did not arise.

21 Q. All right.

22 You did not interpret that language to have any
23 other limitation on it except what you would call ancient
24 records?

25 A. That's correct.

1 Q. And you would determine what an ancient record
2 was; right?

3 A. That's correct.

4 Q. And what would you refer to in determining whether
5 a record was so ancient that you wouldn't take it?

6 A. It would have to be extremely old.

7 Q. Okay.

8 Would it be on the basis of your reading of the
9 search warrant affidavit that you would make that
10 determination?

11 A. No.

12 Q. It would just be a personal decision of yours as
13 to whether it was very old?

14 A. Yes. If upon looking at the document it was ob-
15 vious, from looking at the document, that his could have ab-
16 solutely no evidentiary value.

17 Q. Well, did the question of evidentiary value play a
18 part in your decision whether to seize things that you
19 believe are financial records?

20 A. Well, the fact is that financial records were
21 listed on the addendum to the search warrant, and therefore
22 they had evidentiary value. So from that standpoint, it did
23 play a part.

24 Q. So your testimony is that -- let me see if I un-
25 derstand you, because the word "financial" record was listed

1 in the addendum to the search warrant. That meant that any
2 financial record you came upon had evidentiary value?

3 A. That's correct.

4 Q. All right.

5 So why would it be that if you found a financial
6 record that was very old, you wouldn't have seized it?

7 A. As I said, that issue did not come up.

8 Q. But you did testify that you would have made that
9 judgment not to seize certain records if they were very old?

10 A. I believe that if that had arisen, I would have
11 made that decision.

12 Q. But you determined that this particular financial
13 record, this verification of employment, should be seized
14 pursuant to the financial records language of the warrant?

15 A. I don't recall specifically this document.

16 As I testified before, after reviewing the docu-
17 ments in C-12, I made the decision to seize the entire group
18 of documents.

19 However, if I made this decision today, I would
20 seize this as a financial record.

21 Q. Based on the warrant?

22 A. Based on the warrant, yes.

23 Q. Showing you Defendants' Exhibit 89 for identifica-
24 tion, is that a group of documents that you seized from Mr.
25 Castro's home?

1 A. Yes. This is also from L17-C-12, Item 85 through
2 85-D.

3 MS. POLAN: Any objection?

4 MR. DABROWSKI: No objection.

5 MS. POLAN: May this be marked as a full ex-
6 hibit, please?

7 [Defendants' Exhibit No. 89 was marked as a
8 full exhibit.]

9 Q. Now, directing your attention to Defendants' 89,
10 could you look at these documents -- five documents in here,
11 aren't there?

12 A. Yes.

13 Q. All right. Now, I'm trying to save a little time.

14 It's correct that document No. C-12-85 is the,
15 what appears to be the original or a certified copy of the
16 original birth certificate of Mario Roberto Castro Silva?

17 A. That's correct.

18 Q. And he was born in 1978?

19 A. That's correct.

20 Q. And it indicates that his father is Elias Castro-
21 Ramos?

22 A. That's correct.

23 Q. All right.

24 And why did you seize this document?

25 A. It was an identification document.

1 Q. And also in here is, in this same group is an im-
2 munization card for Mario Castro Silva; is that correct?

3 A. That's correct.

4 Q. And we have previously had testimony about that.

5 And is there also in here, marked as C-12-85-A, a
6 birth certificate?

7 A. Yes. That's correct.

8 Q. That's a card also for Mario Roberto Castro Silva?

9 A. That's correct.

10 Q. And there also are in here two photocopies of that
11 document and the immunization card?

12 A. That's correct.

13 Q. All right.

14 Is it your testimony that all of these documents
15 were seized because they were identification document?

16 A. Yes.

17 Q. Showing you Defendants' Exhibit 84 for identifica-
18 tion, is that a group of documents taken from Mr. Castro's
19 home?

20 A. Yes. This is marked L17-C-12-87 through 87-I.

21 MS. POLAN: Any objection?

22 MR. DABROWSKI: No objection.

23 [Defendants' Exhibit No. 84 was marked as a
24 full exhibit.]

25 Q. Are there any birth certificates in that group?

1 A. Yes, there are.

2 Q. Who's the birth certificate for?

3 A. L17-C-12-87-D is a certificate of -- first name is
4 Leila, L-e-i-l-a, Sofia, S-o-f-i-a, Castro Moya, M-o-y-a.

5 Q. And when was she born?

6 A. April 26, 1974.

7 Q. So she was 11 years old at the time you seized
8 this document; is that correct?

9 A. That's correct.

10 Q. Does it indicate on that birth certificate who her
11 father is?

12 A. Yes. The defendant, Elias Samuel Castro-Ramos.

13 Q. And there is an original and two copies of that
14 birth certificate that you seized?

15 A. Yes.

16 Q. And why did you seize those documents?

17 A. Those also were identification document.

18 Q. And is there also in that same package a document
19 entitled "Department of State Report of Birth Abroad of a
20 Citizen of the United States"?

21 A. Yes, there is.

22 Q. Okay. Could you look at that document?

23 [Pause.]

24 Who does that pertain to?

25 A. This pertains to an individual by the name of,

1 first name Lina, L-i-n-a, Margarita, M-a-r-g-a-r-i-t-a,
2 Castro Moya.

3 Q. And when was she born?

4 A. January 13, 1971.

5 Q. And she was born in Spain, wasn't she?

6 A. According to this document.

7 Q. Now, there is also an original and two copies of
8 that document with this exhibit; is that right?

9 A. Yes.

10 Q. Can you tell me why those documents were seized?

11 A. These are also identification document.

12 Q. Any other reason?

13 A. No.

14 Q. And within that same exhibit, is there also a copy
15 of a birth certificate for Lina, L-i-n-a, Margarita Castro
16 Moya?

17 A. Yes.

18 Q. And within that document, that exhibit, there are
19 also, are there not, the school records for Lina Castro
20 Moya?

21 A. Yes, that's correct.

22 Q. And for what year is that?

23 A. For the years 1976-77 and for 1977-78.

24 Q. And why did you seize those school records?

25 A. Also as identification documents.

1 Q. And you believe the documents from 1978 were
2 within the scope of the warrant?

3 A. Yes.

4 Q. Showing you Defendants' Exhibit 91 for identifica-
5 tion, those documents taken from Mr. Castro's home?

6 A. Yes, they were.

7 MS. POLAN: Any objection?

8 MR. DABROWSKI: I have no idea was 91 is.

9 MS. POLAN: Sorry.

10 Q. These documents have an identifying number?

11 A. L17-C-12, Items 62 through 68.

12 MS. POLAN: Any objection?

13 MR. DABROWSKI: No objection.

14 [Defendants' Exhibit No. 91 was marked as a
15 full exhibit.]

16 Q. Now, directing your attention again to Defendants'
17 Exhibit 91, and particularly to an item that's marked L17-C-
18 12-66, can you tell me what that is?

19 A. It's some sort of a -- appears to be a credit card
20 receipt.

21 Q. What does it say on it? What's printed on it?

22 A. Blue Cross of Puerto Rico.

23 MR. DABROWSKI: Your Honor, if I might just
24 as a suggestion, and to attempt to expedite this, Miss
25 Polan indicated she would be filing a copy of the sub-

1 inventory using of -- using that subinventory, I can
2 give the answers to these questions, to which neither
3 one of us disagree much faster than the witness can.

4 L17-C-12, Item 66 says, "Blue Cross receipt."
5 It identifies it by number, and it identifies it in the
6 name of Carmen Silva.

7 It would seem to me that if we have this
8 document in evidence, and it already describes in great
9 detail all of this evidence that Miss Polan is going
10 through, that we could simply stipulate and use this
11 document to describe all of these items which the
12 Government admits were seized. All of C-12 came from
13 the shoe box. The box was taken, as the witness has
14 testified, because it contained numerous identification
15 records.

16 I don't think we have to spend two hours or
17 longer going through item by item by item when the
18 Court has or apparently will have an itemized listing
19 of it submitted to it by the defendants, which the
20 Government has no dispute with.

21 MS. POLAN: Well, Your Honor, I don't think
22 that solves the problem unless Mr. Dabrowski wants to
23 stipulate that all of these things that were seized
24 were outside the scope of the warrant or that -- I
25 think the question of why the agent seized them is the

1 question the Court wants the answer to.

2 Mr. Dabrowski has his answers. But every
3 time I ask Agent Williamson a question about some docu-
4 ment, we get a new answer. He may tell me this is a
5 financial record. He may tell me it's an identifica-
6 tion document. He may tell me it has to do with Carmen
7 Silva's travel to Blue Cross.

8 These were the answers he gave this morning.
9 I don't know what his answers are. Since he says that
10 a lab report of a chest x-ray is evidence of travel, I
11 never know what he's going to say.

12 MR. DABROWSKI: If she's talking about C-12,
13 it's a shoe box, Your Honor, and his answers have been
14 consistent. And I'm just simply trying to save a
15 couple of hours of time here, that in my opinion is
16 just being completely wasted.

17 THE COURT: These things were all in the shoe
18 box, weren't they?

19 MS. POLAN: I believe they were.

20 MR. DABROWSKI: If they are C-12, they were,
21 Your Honor.

22 MS. POLAN: Mr. Williamson has given par-
23 ticular answers as to why either he seized a particular
24 document or why he believes it's within the scope of
25 the warrant, and he gives different answers on dif-

1 ferent items.

2 I think the Court recalls some of his answers
3 from this morning. So why he seized a receipt from
4 Blue Cross, I don't know. You know what his reason is
5 for seizing that?

6 THE COURT: Well, the Court is going to have
7 to review it and say, does it come within the warrant
8 or doesn't it, and that's whether he things so or
9 whether it doesn't.

10 MS. POLAN: I understand the court has to do
11 that. But that is not the only inquiry, and I think
12 that I don't want to sound like --

13 THE COURT: Pursue it. Pursue it. If you
14 think you are going to convince the Court on that
15 basis, go ahead.

16 MS. POLAN: Well, I'm not trying to waste the
17 Court's time, but Your Honor, I think there is another
18 question here besides your determination of whether
19 it's inside or outside the scope of the warrant.

20 The other question is whether the language of
21 the warrant itself met the particularity requirement.
22 And if you have agents testifying about what they
23 thought the language meant, that certainly is relevant
24 to your determination as to whether the language itself
25 was particular enough.

1 So I think it is important what the agent
2 says that he could seize under the warrant; that if he
3 thinks that travel records include chest x-ray reports,
4 Your Honor can consider that testimony in deciding what
5 the language about documents relating to travel,
6 whether that language was narrow enough.

7 Q. So can you tell me why you took C-12-66, which ap-
8 pears to be a receipt from Blue Cross for \$12?

9 A. Yes. Maybe on this one I could clarify something
10 for the Court.

11 On C-12, I think I have testified before that I
12 made my decision based upon reviewing the individual items
13 and made the decision to take the items as a whole.

14 My specific recollection on each one of these
15 documents is not clear. However, I'm giving you my opinion
16 of why I would seize these items today.

17 Q. Why would you seize that item?

18 THE COURT: This pertains to everything in
19 the shoe box, right, you're talking about?

20 THE WITNESS: Yes, Your Honor.

21 MR. DABROWSKI: Well, Your Honor, I would ob-
22 ject. I don't see why his opinion as to why he would
23 seize this evidence today is relevant. If he does not
24 have a specific recollection of looking at a specific
25 document, and he states that, then the matter ends

1 there.

2 He said he seized this box as a whole. He
3 did remove some of the items, many of the items con-
4 tained therein, but he has no specific recollection of
5 why he would have seized a particular item on that day.

6 In other words, there was a box in the closet
7 that contained financial and identification records.

8 THE COURT: I think he's told us why he did
9 it, all that stuff in there, and if it's inconsistent
10 with what he thought, then you can argue that. But to
11 go through it piece by piece is tedious. It's wearing.
12 It doesn't enlighten me. That's the frustrating part
13 about the procedure.

14 MS. POLAN: Well, Your Honor, I think it's
15 tedious also, but I think the reason we're subjected to
16 this is because of what the Government did during the
17 searches.

18 THE COURT: They did it. There's no question
19 about it. Let's not argue about that. That's why
20 we're here.

21 MS. POLAN: Neither you nor I created this
22 problem, and certainly my client didn't create this
23 problem. But there is many times when it's very un-
24 clear to me --

25 THE COURT: If you think it's essential for

1 your case, you go ahead and do it. Put it in the
2 record the way you want to do it, to see how much en-
3 lightenment you give the Court.

4 Q. So what was your testimony about whether you
5 believe this document, C-12-66, comes within the warrant?
6 Just the first page.

7 A. Just the first one, it appears to be a receipt, a
8 financial record.

9 Q. And let me ask you about one more thing that's
10 within Exhibit 91, which is marked as C-12-61-D, 65-A, -B
11 and -C. Is that the marking?

12 A. Yes. L17-C-12-61-D-65-A, 61-D-65-B, and 65-C.

13 Q. And are those three documents receipts made out to
14 Elias Castro?

15 A. That's correct.

16 Q. By a dentist?

17 A. Yes.

18 Q. So they're receipts for dental services to Mr.
19 Castro?

20 A. That's correct.

21 Q. And why did you seize those items?

22 A. As I say, I don't specifically recall those docu-
23 ments. However, I would seize those as financial records
24 and showing the defendant's travel to that location on those
25 three days.

1 Q. Travel.

2 And what's the address on these receipts?

3 A. It doesn't give an address, other than a post of-
4 fice box. It gives the identity of the individual dentist.

5 Q. But the only address here is a post office box; is
6 that correct?

7 A. On the document, yes.

8 Q. And the receipt says -- it's printed Caquas,
9 Puerto Rico, isn't it?

10 A. That's correct.

11 Q. And that's where Mr. Castro lives, isn't it?

12 A. I believe so, yes.

13 Q. Well, that's where he was living on August 30th of
14 '85, wasn't it?

15 A. That's correct.

16 THE COURT: Have we completed the shoe box
17 yet, counsel?

18 MS. POLAN: I think we have just about com-
19 pleted the shoe box, Your Honor.

20 THE COURT: I don't think we can learn any-
21 thing more from that, from the testimony we have got
22 already.

23 MS. POLAN: I think you're right.

24 Actually, there is two other things, Your
25 Honor, that are on the exhibit list. Your Honor, there

1 are three other items that are on the exhibit list from
2 the shoe box. And Mr. Dabrowski opened his folders and
3 they were empty. So we're trying to find out where the
4 exhibits are.

5 You don't have them?

6 MR. DABROWSKI: I have copies of them.

7 MS. POLAN: You don't have the originals?

8 MR. DABROWSKI: They should be there.

9 Q. Showing you Defendants' Exhibit 94 for identifica-
10 tion, can you identify that document?

11 A. Yes. That's L17-C-12-1.

12 Q. Is that taken from Mr. Castro's house on August
13 30th?

14 A. Yes.

15 MS. POLAN: Your Honor, I would offer this
16 copy. It's a passport, but I don't believe the copy I
17 have is complete.

18 THE WITNESS: I believe the original is in
19 the one large evidence box.

20 MR. DABROWSKI: Your Honor, those were on the
21 exhibit list. However, I eliminated them from the ex-
22 hibit list and had them put back in the nonrelevant
23 evidence. that's where the original ones are.

24 MS. POLAN: Are they no longer on the exhibit
25 list?

1 MR. DABROWSKI: Well, I didn't formally
2 eliminate them. They are here if you want them.

3 MS. POLAN: Could this be marked as a full
4 exhibit?

5 MR. DABROWSKI: For the record, Your Honor, I
6 did not eliminate Exhibit 1007. That is L17-C-12,
7 sub 3.

8 [Defendants' Exhibit No. 94 was marked as a
9 full exhibit.]

10 Q. Now, directing your attention to Defendants' Ex-
11 hibit 94, is this -- this is a document that was in a shoe
12 box, right, C-12?

13 A. That's correct.

14 Q. And this is a passport, is it not?

15 A. That's correct.

16 Q. And it's correct, is it not, that this is an ex-
17 pired passport belonging to Mr. Castro?

18 A. That's correct.

19 Q. And it was issued in 1974 and expired in 1979?

20 A. That's correct.

21 MS. POLAN: Your Honor, this is Item 1005 on
22 the Government's exhibit list.

23 Q. So that was a canceled passport?

24 A. Correct.

25 Q. And it shows travel, does it not, in 1975?

1 A. Yes, it does.

2 Q. All right.

3 Can you tell me why you seized that document?

4 A. Both as an identification document and showing
5 travel.

6 Q. All right.

7 A. As a Macheteros member.

8 Q. And the fact that the only travel shown on that
9 document is in 1975 didn't affect your determination, did
10 it?

11 A. No, it did not.

12 Q. At the time you made the search --

13 THE COURT: Can I see it, please?

14 [Handing document to the Court.]

15 THE COURT: Go ahead.

16 Q. At the time you made the search, did you have any
17 evidence that Mr. Castro was involved in any crimes in 1975?

18 A. I don't specifically recall.

19 Q. Well, was there anything in the search warrant af-
20 fidavit that indicated to you that there was an investiga-
21 tion of criminal activity in 1975 mentioned in the warrant?

22 A. I don't recall that.

23 Q. And that travel in 1975 was to Jamaica, was it
24 not?

25 A. Yes, that's correct.

1 Q. Showing you Defendants' Exhibit 96 for identifica-
2 tion, is that a document you seized?

3 A. Yes. That's L17-C-12-3.

4 MS. POLAN: I would offer this.

5 MR. DABROWSKI: No objection, Your Honor.
6 That's Exhibit 1007; right?

7 MS. POLAN: I would offer this.

8 Your Honor, the problem with this exhibit,
9 Defendants' Exhibit 96, which is Government Exhibit
10 1007, is that the Government has provided me with a
11 copy. It's a current passport, but there is no copies
12 of the pages that show whether or not there is travel.

13 MR. DABROWSKI: Your Honor --

14 MS. POLAN: Unless they are willing to stipu-
15 late that there is no travel, I think we need the
16 passport itself. This is an incomplete photocopy, and
17 Mr. Dabrowski has the same incomplete photocopy.

18 MR. DABROWSKI: We can, number one, produce
19 the original for inspection.

20 I would note for the record that this
21 passport was issued on April 30th, 1985. That's ob-
22 tained in relation to planned travel to Mexico that we
23 learned about through Elias Castro-Ramos' probation of-
24 ficer.

25 MS. POLAN: Judge Clarie, I was asking

1 whether the Government would stipulate that there was
2 no travel on this passport; otherwise, I would ask that
3 the original be produced right now. That's the ques-
4 tion, not a speech by Mr. Dabrowski as to its eviden-
5 tiary relevance. I want to know if they are going to
6 produce the passport or whether they are going to
7 stipulate that there is no travel on it.

8 MR. DABROWSKI: I don't choose to stipulate
9 to any fact at this point, Your Honor. She wants the
10 original, she can inspect it. She knows very well
11 what's on this document. She knows very well what its
12 significance is.

13 THE COURT: Produce the original.

14 MR. DABROWSKI: We'll have to find it, Your
15 Honor. I may need the help of the agent.

16 THE COURT: The agent says he can find it.
17 Can you find it quickly?

18 THE WITNESS: Yes.

19 [Pause.]

20 MR. DABROWSKI: Your Honor, could I ask coun-
21 sel how the copy the Government provided is different
22 from the original? And that is why she is marking the
23 original when we had an agreement to use copies.

24 MS. POLAN: The copy I was given has the
25 first three pages, and it doesn't contain any of the

1 other pages, which show no travel.

2 MR. DABROWSKI: There is no entries on the
3 other pages, Your Honor.

4 MS. POLAN: Mr. Dabrowski said he wouldn't
5 stipulate that there was no travel. That's why I'm in-
6 troducing it.

7 Here it is.

8 THE COURT: Is there a claim that travel on
9 this passport --

10 MR. DABROWSKI: No, Your Honor.

11 THE COURT: So that if he traveled, your
12 claim is he traveled without the passport, this
13 passport?

14 MR. DABROWSKI: Our claim, Your Honor, would
15 be that he was planning to travel to Mexico and obtain
16 this passport. In connection with these travel plans,
17 he sought permission from the probation officer to go
18 to Mexico, but in fact, he did not go.

19 This would be evidence of a plan to go to
20 Mexico as opposed to an actual trip to Mexico.

21 THE COURT: Here we are.

22 MS. POLAN: Thank you.

23 Q. Agent Williamson, can you identify this passport?

24 A. Yes. This shows our Subinventory No. L17-C-12-3.

25 MS. POLAN: I would offer this until the

1 Government substitutes a full copy of it.

2 THE COURT: Very well.

3 MR. DABROWSKI: Well, Your Honor, it's my un-
4 derstanding that the defense will substitute the full
5 copy of it. There is no problem.

6 THE COURT: This is the original.

7 MR. DABROWSKI: That's correct, Your Honor.

8 There is no problem with the photocopy that
9 was given to the defense counsel, except that she wants
10 the blank pages photocopied. And if she wants to do
11 that, fine. The Government doesn't need those for pur-
12 poses of the record.

13 Q. So directing your attention to Exhibit 97, this is
14 the actual passport that you seized; right?

15 A. That's correct.

16 Q. And that passport was issued in April of 1985?

17 A. That's correct.

18 Q. And can you examine the passport and indicate for
19 the record whether it shows any travel?

20 A. This passport does not indicate any travel.

21 Q. And why did you seize that document?

22 A. As an identification document and as a document
23 relating to travel.

24 Q. All right.

25 Now, directing your attention to Defendants' Ex-

1 hibit 95 for identification, is that something you took out
2 of Mr. Castro's house?

3 A. Yes. This is L17-C-12-2.

4 Q. And is this another passport?

5 A. Yes. This is a photocopy of a passport that was
6 seized.

7 MS. POLAN: I would offer this copy.

8 MR. DABROWSKI: No objection.

9 [Defendants' Exhibit No. 95 was admitted as a
10 full exhibit.]

11 Q. Now, Agent Williamson, this passport was also
12 issued to Elias Castro-Ramos, wasn't it?

13 A. That's correct.

14 Q. And it was for the period of June '79 to June '84;
15 is that right?

16 A. That's correct.

17 Q. And it does show some travel in it, does it not?

18 A. Yes. Well, on this, we have one photocopied page
19 attached that has -- it shows travel to Costa Rica.

20 Q. When?

21 A. In June of 1979.

22 Q. And this passport was also canceled, wasn't it,
23 marked "canceled"?

24 A. Yes.

25 Q. All right.

1 And why did you seize this document?

2 A. As an identification document and as a document
3 showing travel.

4 Q. All right.

5 Now, it's correct, is it not, that the three
6 passports -- of the three passports which are -- the first
7 passport is Defendants' Exhibit 94, 97 and 95 -- that they
8 were all found together in C-12, weren't they?

9 A. As I recall, yes.

10 Q. They are marked sequentially, 1 C-12, then C-12-2,
11 then C-12-3?

12 A. That's correct.

13 Q. It's true, is it not, that one passport was for
14 the five-year period between '74 and '79; the first one, is
15 that right?

16 A. Yes.

17 Q. And the second one covered the period '79 to '84;
18 is that correct?

19 A. Yes. June '79 through June 1984.

20 Q. So it was a renewal passport; right?

21 A. Yes. Apparently a couple of months after the
22 first passport expired.

23 Q. And the third one, the current one, was obtained
24 about nine months after the second one expired; is that
25 right?

1 A. Yes. It was obtained in April of 1985.

2 Q. So these passports were all together in a shoe
3 box; is that right?

4 A. That's correct.

5 Q. By the way, did you find a passport belonging to
6 Carmen Silva when you were searching the house?

7 A. I don't recall.

8 Q. Agent Williamson, do you know where, if you have
9 in the evidence box, is a yellow plastic card box that you
10 seized from Mr. Castro's home? I think it's Item C-1 on
11 your inventory.

12 A. I think I could locate it.

13 Q. Could you locate it for us?

14 [Pause.]

15 Now, showing you what's been marked Defendants' 99
16 for identification, is that something you took from Mr.
17 Castro's home?

18 A. Yes, it is.

19 Q. All right.

20 And that was taken from what location?

21 A. Based on my inventory, that was taken from the
22 bedroom closet in Bedroom C.

23 Q. And you described that as a small yellow card box
24 with addresses and phone numbers and names?

25 A. That's correct.

1 Q. Now, could you open that and tell me what, if any-
2 thing, is inside of the card box?

3 A. The card box contains three-by-five cards with
4 names, addresses.

5 Q. I'm not asking you to read every card right now.

6 MS. POLAN: I would offer this, and I do have
7 photocopies of the cards for the Court.

8 Any objection?

9 MR. DABROWSKI: No objection to the introduc-
10 tion into evidence of the photocopies of the cards.

11 MS. POLAN: Well, I would like -- do you have
12 an objection to this being in evidence (indicating)?

13 MR. DABROWSKI: It's my understanding that it
14 would be in evidence for purposes of having the Court
15 conduct whatever inspection of the original exhibit
16 that it deemed appropriate, but that we would be sub-
17 stituting for the record, copies.

18 MS. POLAN: I have no objection to that.

19 THE COURT: The cards are the heart of it,
20 not the plastic box.

21 [Defendants' Exhibit No. 99 was admitted into
22 evidence.]

23 Q. Do you remember where this was seized, this box?
24 Question withdrawn.

25 Was this box brought to you by one of the search-

1 ing agents?

2 A. Yes, it was.

3 Q. Did you open it up and look in it?

4 A. As I recall, I did.

5 Q. All right.

6 And it's correct, is it not, that this box has
7 some blue divider cards?

8 A. That's correct.

9 Q. And those cards have names of towns on them, don't
10 they, in Puerto Rico?

11 A. Yes, they do.

12 Q. All right.

13 And are you familiar with the names of those
14 towns?

15 A. I have heard of some of the towns; some of them I
16 have not heard of.

17 Q. Now, can you tell me why you seized that box of
18 cards?

19 A. Because of the telephone numbers.

20 Q. And did you believe on August 30, 1985, that that
21 warrant Addendum 2 authorized you to take any and all
22 telephone numbers?

23 A. Yes.

24 Q. Now, when you reviewed these cards, did you notice
25 that the cards behind the dividers, each divider had the

1 names and addresses of people who had addresses in each of
2 those towns?

3 A. I don't recall making a specific determination.

4 Q. Well, do you recall when you looked at those
5 cards, that the people on the cards, there were indications
6 on the cards that the people were teachers?

7 A. I don't recall that, no.

8 Q. Did you see the notations that said -- that gave
9 the list of the schools where they taught?

10 A. I don't recall making that determination. There
11 are names on the -- some sort of indication on the right-
12 hand side of each card.

13 Q. Do you remember noticing on these cards that some
14 of the cards had the word "delagado," d-e-l-a-g-a-d-o, on
15 them?

16 A. I see that now, on the cards.

17 Q. What does that word mean?

18 A. I would take that to mean delegate.

19 Q. All right.

20 Did you see on some of the cards that they had the
21 word "president" and "vice-president" on them?

22 A. I see shorthand notations that could indicate that
23 now. I don't recall reading that before.

24 Q. So it didn't occur to you on August 30th that the
25 cards in here were the names and addresses and phone numbers

1 of teachers who were in an organization of teachers?

2 MR. DABROWSKI: Is he supposed to infer that,
3 Your Honor, from the fact that the word "delegate,"
4 "president" and "vice-president" appeared on the cards?

5 MS. POLAN: I asked if it occurred to him at
6 the time.

7 THE WITNESS: I don't recall ever -- I don't
8 recall that ever going through my mind.

9 Q. Well, you did know that Mr. Castro's wife was a
10 teacher, didn't you?

11 A. No, I did not.

12 Q. You did not.

13 After reading all those documents in the house,
14 you didn't know she was a teacher?

15 A. No, I did not.

16 Q. Had you given any instructions to members of the
17 search team with respect to telephone numbers that they
18 could seize?

19 A. I don't recall my specific instructions, but I
20 know that that was discussed, that we were looking for
21 telephone numbers.

22 Q. Did you put any limitation on their examination or
23 search for telephone numbers?

24 A. I don't recall placing any limitation.

25 Q. Well, did you believe at that time that there were

1 any different legal standards applicable to the seizure of
2 telephone numbers than to items of physical property?

3 A. That there were different standards?

4 Q. Legal standards.

5 A. I don't believe that I discussed any different
6 legal standards as far as telephone numbers are concerned.

7 Q. All right.

8 When you looked at these cards, did you think that
9 these were names and addresses of members of the Macheteros?

10 A. I don't recall what I thought on August 30th,
11 1985, concerning that group of names and telephone numbers.

12 Q. Do you remember whether or not you made any deter-
13 mination as to whether those cards had any evidentiary value
14 with respect to the crimes being -- that were enumerated in
15 the search warrant?

16 A. I know that I made the determination that those
17 cards fell within the scope of the search warrant; there-
18 fore, I seized them.

19 Q. Did you make any separate determination that you,
20 as an FBI agent, believe they had evidentiary value?

21 A. I don't recall.

22 THE COURT: It's now 3:00 o'clock. Take a
23 five-minute recess.

24 [A recess was taken.]

25 MR. DABROWSKI: Your Honor, the Government

1 has waiting three witnesses, all of whom are here
2 having been subpoenaed by the defense, and four of whom
3 have been here for several days.

4 Miss Polan instructed me to have several
5 agents here at 2:00 o'clock yesterday, anticipating she
6 would get to them. She has not.

7 Each of those agents has other matters to at-
8 tend to, including some court matters in Boston. And
9 one of the agents has a particularly important inves-
10 tigative matter, at least very important to them. And
11 they asked me to inquire of the Court if you would in-
12 quire of Miss Polan as to her estimate as to when they
13 will be on so, number one, they can be here, and number
14 two, they can plan their schedules accordingly.

15 MS. POLAN: Your Honor, I just want to cor-
16 rect one misstatement Mr. Dabrowski made.

17 He asked me if they could be excused until
18 2:00 o'clock yesterday, and I said "certainly." So I
19 don't think it's exactly correct to say I told them to
20 be here at 2:00.

21 Whenever Mr. Dabrowski has asked me, can
22 these agents be excused until whenever, I'll say, I
23 will do whatever I can to accommodate you and them, and
24 he knows that, and I think would tell you that.

25 I don't think that we're going to finish with

1 this agent until tomorrow morning, because there are a
2 number of other documents, other categories which we
3 haven't gone through. So I don't think -- I told Mr.
4 Dabrowski there was no need to keep them here today,
5 the other agents.

6 THE COURT: How long will you take?

7 MS. POLAN: With him?

8 THE COURT: With anybody.

9 MS. POLAN: Oh, I don't think the other
10 agents are going to be very long on the search, Your
11 Honor, unless -- I don't know what they are going to
12 say. That's part of my problem.

13 THE COURT: From the Court's point of view --

14 MS. POLAN: He's the main agent.

15 THE COURT: From the Court's point of view,
16 when the last analysis is made, the Court will take the
17 search warrants. It will go through these exhibits,
18 and it will determine whether or not they are within
19 the purview of the search warrant and whether the word-
20 ing of the search warrant is overbroad. That's the way
21 the case will be decided.

22 So keeping that in mind, I would think you
23 could tailor your presentation to assist the Court in
24 making a correct and proper disposition.

25 MS. POLAN: Maybe there is one issue that we

1 could resolve.

2 One of the issues, I believe, that the
3 Government is going to attempt to argue, and maybe they
4 are not, is that even if there were errors that the
5 agents were acting in good faith and that if the
6 Government wants --

7 THE COURT: That's an argument issue.

8 MS. POLAN: Well, it's also a testimony
9 issue, Your Honor. If they want to stipulate that
10 that's not an issue, that the good faith of the agents
11 is not relevant to your determination, then we could
12 certainly dispense with certain questions. But I don't
13 believe the Government is willing to stipulate to that.
14 I certainly would be.

15 If that's not an issue, if their good faith
16 is irrelevant for the purpose of this hearing, then it
17 doesn't matter what he believed.

18 But if there is going to be an argument that
19 they were acting in good faith, then it does matter.

20 THE COURT: Well, I don't think you are going
21 to stipulate to anything from what I've seen.

22 MR. DABROWSKI: I'll stipulate they acted in
23 good faith, Your Honor.

24 THE COURT: The question is, how long will
25 you take before you call these other agents?

1 MR. DABROWSKI: Your Honor, one of the
2 agents, Mr. Fernandez, has a very important matter he
3 has to travel some great distance to attend to. He's
4 scheduled to depart very shortly. He's obviously not
5 going to get on today. Even if he were, he wouldn't
6 finish today, and there is some real problems that have
7 come up with regard to that.

8 Three of the agents are members of the search
9 team. They are going to have to be back here for Mr.
10 Farinacci, that hearing, so the problem is not quite as
11 great.

12 They, themselves, two of those agents are at-
13 tending to a matter in Boston and one other place.

14 We would just ask that if we could get a bet-
15 ter fix on when they are going to be called -- if it's
16 tomorrow morning, I'll have them back here tomorrow
17 morning. If, however, Miss Polan is going to go on and
18 consume the day and they are not needed, I would like
19 to be able to tell them to attends to those other mat-
20 ters.

21 MS. POLAN: I don't know the answer. If Mr.
22 Dabrowski is going to have any extensive redirect ex-
23 amination with this witness when I'm done, I don't have
24 any way to evaluate that.

25 THE COURT: I wouldn't think there would be

1 very much redirect left after we're through here.

2 MR. DABROWSKI: She hasn't touched upon any
3 of the important documents, Your Honor, so there is
4 going to be some redirect.

5 MS. POLAN: I don't know how long that's
6 going to be. I think it's fair to say we won't finish
7 with this agent today and that we'll probably finish
8 with him tomorrow, and that if Mr. Dabrowski wants to
9 accommodate -- Agent Fernandez is not here for this
10 hearing. He is here for the remainder of the state-
11 ments hearing because Mrs. Van Kirk couldn't produce
12 him at the time of that hearing because he was in
13 Columbia. So we agreed that he could come later.

14 I don't object to taking him out of turn,
15 either, if that would accommodate the Government.

16 THE COURT: Work out between yourselves out-
17 side of Court, without a lot of talk on the record.

18 MS. POLAN: That's find.

19 Your Honor, for the record, I would at this
20 time like to introduce Defendants' Exhibit 98 for iden-
21 tification, which is a photocopy of the cards in Ex-
22 hibit 99, the yellow card box, if the agent can iden-
23 tify this as the same card.

24 THE WITNESS: Without going through the cards
25 one by one, it does appear to be a photocopy of the

1 cards contained in the yellow card box.

2 MS. POLAN: Do you have any objection?

3 MR. DABROWSKI: No objection. Based upon
4 counsel's representation that that's a photocopy that
5 we provided to them, I gather it is.

6 MS. POLAN: Yes, Your Honor, it's a photocopy
7 the Government gave me.

8 [Defendants' Exhibit No. 98 was admitted into
9 evidence.]

10 Q. Now, Agent Williamson, why don't we go to another
11 room in the house now, Room H.

12 H on your inventory is a living room; is it not?

13 A. That's correct. That's a combination
14 living/dining room.

15 Q. And that was the front room of the house, wasn't
16 it?

17 A. Yes.

18 Q. The front room.

19 And that's the room where you were sitting at the
20 table making your inventory?

21 A. That's correct.

22 Q. Showing you Defendants' Exhibit 36, is this Room
23 H?

24 A. Yes.

25 Q. This is Room H; is that correct?

1 A. That's correct.

2 Q. All right.

3 And you were making up the inventory. You were
4 sitting at this table, weren't you?

5 A. That's correct.

6 Q. Which is the dining table, it appears?

7 A. That's correct.

8 Q. All right.

9 And you seized certain items that were on that
10 table, didn't you?

11 A. Look at my inventory. I see that H-3 was found on
12 the dining table.

13 Q. And how about H-5-7?

14 A. Yes, H-5 and H-6.

15 Q. How about H-5-8?

16 A. I don't have the information for that.

17 Q. Well, according to my subinventory, H-5-8 was a
18 black plastic cover with the word Centro Gomas Luis on it.

19 A. Yes.

20 Q. Now, my understanding from reading the inventory
21 is that inside this plastic folder there was a telephone
22 directory which is marked H-5-7, is that correct, a yellow
23 telephone directory?

24 A. Yes. That's correct. It's unclear to me whether
25 that refers to the black plastic cover in H-5-8.

1 Q. Well, can you look at the notation on the side of
2 the subinventory?

3 A. Okay. That says the inside pages were enumerated,
4 L17-H-5-7-A through L17-H-5-7-G.

5 Q. All right.

6 And inside this plastic cover there was a 13-month
7 blank diary, was there not, according to the inventory?

8 A. H-5-9. There is H-5-9 on the subinventory. The
9 description is "booklet titled '13-Month Blank Diary, 1985,'
10 with names, telephone numbers and notations (found inside
11 L17-H-5-8."

12 Q. So from looking at the inventory or your memory,
13 do you recall whether the yellow telephone directory was in-
14 side this plastic booklet or not?

15 A. I don't recall.

16 Q. So you can't tell from the inventory whether the
17 telephone directory was in the same plastic booklet as the
18 black diary?

19 A. From the subinventory, from my inventory --

20 Q. What can you tell?

21 A. -- H-5, I listed only as a telephone book, which
22 would indicate that it was one item when I seized it.

23 Q. You mean H-5-7? You said H-5.

24 A. H-5.

25 Q. Well, then, is this exhibit -- well, is this plas-

1 tic thing, was this within the yellow telephone book, then,
2 if it's subset of 5?

3 I was trying to find out where things were when
4 you seized them.

5 A. It appears to me that the yellow telephone direc-
6 tory fits inside the black folder.

7 Q. All right.

8 But do you recall if it was inside the black
9 folder when you seized it?

10 A. I don't recall.

11 Q. Now directing your attention to what's been marked
12 Defendants' Exhibit 107 for identification, can you identify
13 that?

14 A. This is a telephone directory marked L17-H-5-7.

15 Q. A through G, right?

16 A. Yes.

17 Q. And showing you Defendants' Exhibit 106 for iden-
18 tification, can you identify that?

19 A. That's L17-H-5-8.

20 Q. And is there another exhibit inside of it?

21 Well, the planning -- the calendar book has
22 another number, doesn't it, has the number H-5-9?

23 A. Yes. And the pages of the calendar are in-
24 dividually identified.

25 MS. POLAN: All right. I would offer both of

1 these documents.

2 MR. DABROWSKI: Your Honor, to the extent
3 these are government exhibits in this case in chief,
4 for a number of reasons, including to maintain our
5 ability to keep them available for inspection by all
6 other defendants, which has been demanded, I ask that a
7 copy be substituted for the record.

8 THE COURT: Very well.

9 MS. POLAN: That's no problem, Your Honor.

10 [Defendants' Exhibit Nos. 106 and 107 were
11 admitted into evidence.]

12 Q. Now directing your attention to H-5-8, which is
13 the plastic folder, and its contents, H-5-9, do you recall
14 where these things were actually found in Room H?

15 A. According to my inventory, on the dining room
16 table.

17 Q. All right.

18 And it's true that your inventory only lists an
19 item H-5, and these are all subheadings of H-5?

20 A. That's correct.

21 Q. So do you know whether they were on the table
22 also?

23 Your inventory only lists the telephone book on
24 the table; is that correct?

25 A. That's correct.

1 Q. All right. So do you know whether that blank
2 directory was on the table or inside of another container?

3 A. I don't recall.

4 Q. Do you know if it was in Mrs. Silva's purse?

5 A. I don't recall.

6 Q. Do you remember there being a woman's purse on the
7 dining room table when you came in?

8 A. I recall there being a purse, yes.

9 Q. Did you search that purse?

10 A. Yes, we did.

11 Q. So this could have come out of the purse, couldn't
12 it?

13 A. Yes, it could have.

14 Q. All right.

15 Now, directing your attention first to H-5-7,
16 which is a yellow telephone directory, why did you seize
17 that item?

18 A. Because there were telephone numbers in here.

19 Q. Now, directing your attention to the other ex-
20 hibits, H-5-8 and H-5-9 -- and I'm correct, am I not, that
21 H-5-9 is a 13-month blank directory for 1985 that starts in
22 December of 1984? Is that what it is?

23 A. Yes. That's correct.

24 Q. Can you tell me why you seized that item?

25 A. I don't recall specifically. There are telephone

1 numbers within the book, and --

2 Q. Excuse me a minute. When you say there are
3 telephone numbers in the book, there are telephone numbers
4 on pieces of paper stuck in the book; right?

5 A. There appears to be a telephone number on the last
6 page of the book.

7 Q. And is that why you seized the daily calendar?

8 A. I don't recall. I have it in my log as a
9 telephone book.

10 Q. Well, that's H-5-7, isn't it, the telephone book?

11 A. Since I had one inventory number for this item,
12 I'm assuming that these items were together.

13 Q. But when I asked you that --

14 A. But I don't recall.

15 Q. When I asked you that very question before, you
16 said you didn't really remember when they were --

17 A. I don't recall specifically, no.

18 Q. And they could have been in Mrs. Silva's purse,
19 couldn't they?

20 A. That's a possibility, yes.

21 Q. But the only reason you took the daily calendar
22 was it was with the phone book?

23 A. I don't recall. I recall a calendar, although I
24 don't recall --

25 THE COURT: I think we have devoted enough

1 time on this now. It gets exasperating after a while.

2 THE WITNESS: Your Honor, I recall a calendar
3 that had a -- some names at the time that I --

4 THE COURT: The Court will look at it and
5 make up its own mind on it.

6 Q. Now, directing your attention to Defendants' Ex-
7 hibit 100 for identification, is that a copy of something
8 that was taken out of Mr. Castro's house?

9 A. Yes.

10 Q. And does that have an identifying number?

11 A. Yes. That's 17-C-13-I-1.

12 MS. POLAN: I would offer this.

13 MR. DABROWSKI: No objection.

14 [Defendants' Exhibit No. 100 was admitted
15 into evidence.]

16 Q. Now directing your attention back to Defendants'
17 Exhibit 100, that's another one of these daily blank calen-
18 dars, isn't it?

19 A. That's correct.

20 Q. And it also is for December of 1984 through the
21 end of 1985?

22 A. That's correct.

23 Q. Do you recall why you seized that item?

24 A. Yes. This was located within Item C-13, which I
25 described as that black zippered attache case.

1 Q. The one we saw earlier today, that same black bag?

2 A. That's correct.

3 Q. The one that had the pencils and pens in it?

4 A. That's correct.

5 Q. And that's why you seized this calendar?

6 A. No. In addition to -- I recall I made a deter-
7 mination that this contained code names.

8 Q. Well, did you read it carefully on August 30th?

9 A. I recall flipping through it.

10 THE COURT: May I see it for a moment? What
11 on it?

12 MS. POLAN: That is on the Government's ex-
13 hibit list, Your Honor.

14 Q. Can you tell me, while the Judge is looking at
15 that, what language in the warrant authorized you to take
16 that daily calendar?

17 A. That calendar, in possession of the terrorist
18 defendant Castro-Ramos, showed the targets of terrorist
19 violence, documentation of crimes, plans for past, present,
20 and future terrorist acts.

21 It also -- if there is -- I don't recall specifi-
22 cally, without reviewing it, but that would also be a record
23 of his travel activities.

24 Q. Is there some language in there that -- in the
25 warrant that authorizes you to take documents pertaining to

1 activities or travel?

2 What's in the warrant?

3 THE COURT: The warrant says "links," as I
4 recall, doesn't it?

5 MS. POLAN: Well, it says literature regard-
6 ing international terrorism and links to other self-
7 proclaimed terrorist groups.

8 Is that the language the Court's referring
9 to?

10 THE COURT: That's where -- that refers to
11 that.

12 MS. POLAN: Right.

13 Q. So the reason that you took this daily blank
14 calendar was that it was -- it contained targets for ter-
15 rorist violence and documentation of past crimes and plans
16 for past, present and future terrorist acts. That's the
17 reason?

18 A. I think that would be, among other things.

19 Q. Well, is there any other language in the warrant
20 that authorized you to take that?

21 A. I think I testified before that I made a deter-
22 mination to take the entire Item C-13.

23 Q. So that's why you took this?

24 A. I would have to look through this.

25 Q. What I want to know is, when you made that deter-

1 mination on August 30th, 1985, to take C-13, once you made
2 that determination, you didn't go through every item care-
3 fully, did you?

4 A. C-13 did not contain that many items, and I recall
5 reviewing the items in C-13, yes.

6 Q. So you did review this item?

7 A. Yes.

8 Q. All right.

9 And so can you tell me if there is any other lan-
10 guage in the warrant that you believe authorized this
11 seizure of this item, other than what you have told me?

12 A. I haven't looked through here for telephone num-
13 bers, but if there are telephone numbers in here, that would
14 also be a reason to seize.

15 THE COURT: All right, let's take the next
16 item. We have devoted enough time to that.

17 Q. Showing you Defendants' Exhibit 102 for iden-
18 tification, can you identify that?

19 A. This is L17-C-13-I-3-C.

20 Q. Is that something you took from Mr. Castro's
21 house?

22 A. Yes.

23 MS. POLAN: I would offer this.

24 Do you have any objection, Mr. Dabrowski?

25 MR. DABROWSKI: I'm checking.

1 No, Your Honor.

2 [Defendants' Exhibit No. 102 was admitted
3 into evidence.]

4 Q. Showing you Defendants' Exhibit 102 again, that's
5 also something you took from C-13, isn't it?

6 A. That's correct.

7 Q. All right.

8 And that document includes some notations about
9 times, doesn't it, times of the day?

10 A. That's correct.

11 Q. And it also contains some abbreviations for the
12 names of courses: sociology, humanities, Spanish, is that
13 right, psychology?

14 A. There are some abbreviations there. I don't know
15 what they mean.

16 Q. And that appears to you, does it not, to be a
17 schedule of classes somebody has, teaching schedule at
18 school?

19 A. It appears to be a schedule of time, but I don't
20 know what it's a schedule of.

21 Q. Can you tell me why you seized that document? Was
22 it because it was in C-13?

23 A. I have no specific recollection of this document;
24 however, it was in C-13. I stated before, I made that
25 determination that C-13 was an extremely significant piece

1 of evidence, and that I was going to keep that as one unit.

2 Q. And you were just going to take everything in
3 C-13?

4 A. That's correct, after reviewing the contents of
5 C-13.

6 Q. Now, showing you Defendants' Exhibit 105 for iden-
7 tification, can you identify those documents?

8 A. These are marked with our Subinventory Nos. L17-C-
9 12, and it begins with 8, and looks like it continues
10 through 52.

11 Q. And are these photocopies of business cards seized
12 from Mr. Castro's house?

13 A. Yes.

14 MS. POLAN: I would offer this.

15 MR. DABROWSKI: No objection.

16 Excuse me.

17 [A discussion was held off the record.]

18 MS. POLAN: Mr. Dabrowski indicates that it
19 actually goes through C-12-58, and he's correct.

20 Q. Now, these business cards, approximately 50 of
21 them, they were all in this shoe box in C-12, weren't they?

22 A. That's correct.

23 Q. All right.

24 And it's correct, is it not, that this Exhibit 105
25 represents a collection of business cards from a variety of

1 different things and places; is that true?

2 A. That's correct.

3 Q. And why did you seize all those business cards?

4 A. The cards themselves contain telephone numbers,
5 both printed and others that are handwritten on the cards.
6 And also, I would consider these a type of identification
7 card in certain instances.

8 Q. So you consider these business cards for like, for
9 example, from Degetau Car Care Center, to be an identifica-
10 tion card?

11 A. Probably not in that instance.

12 Q. Well, which of these are identification cards?

13 A. There are --

14 Q. Give us a number of one of the identification num-
15 bers.

16 A. I'll pick one of the ones that's in the name of an
17 individual.

18 Q. What number?

19 A. It says C-12-8; business card of Aelina, A-e-l-i-
20 n-a, P. Canellas, C-a-n-e-l-l-a-s.

21 Q. And this person's business card indicates that he
22 or she is a representative of the Silver Burdett Company in
23 Morristown, New Jersey; is that right?

24 A. That's correct.

25 Q. And the Silver Burdett Company is a publisher of

1 educational textbooks; is it not?

2 A. I have no idea.

3 Q. Now, Agent Williamson, turning your attention to
4 Room J on the inventory, I think that's a hall closet; is
5 that correct?

6 A. Yes. That's correct.

7 Q. And it says Item J-1, you see, is revolutionary
8 posters. Is that your writing?

9 A. Yes, it is.

10 Q. And on my subinventory it indicates that there
11 were actually four posters that were seized.

12 Do you have any recollection about that?

13 A. No, I don't.

14 Q. Do you have that evidence here in Court?

15 A. It should be here.

16 Q. All right.

17 And do you recall what those posters looked like?

18 Did you look at them?

19 A. I looked at them. I don't recall at this time.

20 Q. All right.

21 Can you tell me why you seized them?

22 A. I have no specific recollection of it at this
23 time.

24 Q. All right.

25 Well, perhaps we should look at them and then

1 maybe you can remember why you seized them.

2 Could you get them? I think it's 17-J-1, 1
3 through 4.

4 Agent Williamson, can you look at these and tell
5 us why you seized them?

6 A. Well, this J-1-4 appears to be some poster of an
7 organization calling itself National Union of Farmers and
8 Workers. And it's indicating some sort of a first national
9 assembly on September 10th through 12th. And this is from
10 Managua, Nicaragua.

11 Q. All right.

12 Well, why did you seize that poster?

13 A. I don't recall specifically.

14 Q. Well, you put on your inventory that it was a
15 revolutionary poster. Is that what caused you to seize it?

16 A. That was my description at the time.

17 Q. But is that also the reason you seized it?

18 A. The reason -- I can give you a guess. I don't
19 recall specifically.

20 Q. If you don't recall, you don't recall.

21 Can you tell me, referring to the search warrant
22 addendum, is there anything on that search warrant addendum
23 that authorized you to take this poster?

24 A. There is language in Paragraph of the first page
25 of the addendum regarding international terrorism, relation

1 to other terrorist groups.

2 Q. So your view is that that poster of -- about a --
3 what did you call it, a conference being held by the Na-
4 tional Union of Agricultural Workers and Cattlemen con-
5 stituted a literature regarding international terrorism?

6 A. Well, I would note that also it depicted --

7 Q. I just wanted to know, is that your answer?

8 MR. DABROWSKI: The witness should be per-
9 mitted any answer he begins.

10 MS. POLAN: He hadn't answered the question.

11 MR. DABROWSKI: He's interrupted.

12 THE WITNESS: My answer is that I would note
13 that in this poster, one of the individuals is depicted
14 holding what appears to me to be a machine gun.

15 MS. POLAN: I see.

16 Q. So that justified seizing the poster?

17 A. I will repeat: I don't recall why I seized this,
18 but that would be my hypothetical answer.

19 THE COURT: May I see it?

20 [Handing document to the Court.]

21 Q. Well, can you tell from that poster if the person
22 depicted in it is trying to protect his cattle from the con-
23 tras attacking them?

24 THE COURT: Let's not waste time with that
25 kind of question.

1 Q. Can you tell me why you seized the other posters
2 here, unless it's the same reason. Maybe you could look at
3 all of them and we could have one answer, if its the same
4 answer.

5 A. I don't have any specific recollection concerning
6 any of these posters.

7 Q. All right.

8 Then which one are you looking at right now?

9 MR. DABROWSKI: Objection, Your Honor. It's
10 irrelevant if he doesn't have any specific recollection
11 with regard to any of the posters. We can now move on.

12 THE COURT: You have no recollection of any
13 of them?

14 THE WITNESS: No, Your Honor.

15 Q. Did you believe at the time you were authorized to
16 seize these posters by that language in the warrant you
17 referred me to?

18 A. I don't recall why I seized those, but at the time
19 that I seized them, I was sure in my own mind that I could
20 seize them pursuant to a warrant.

21 Q. And it's that language about literature regarding
22 international terrorism and links to other self-proclaimed
23 terrorist groups that you believe authorized you to do so?

24 A. I don't recall why I seized those at that time.

25 Q. All right.

1 That was --

2 A. That's a possible answer I'm giving you now when I
3 look at those documents.

4 Q. But you did describe them as revolutionary posters
5 on your inventory?

6 A. Yes.

7 MS. POLAN: All right.

8 Are we going to break for the day, Your
9 Honor?

10 THE COURT: Well, I don't know. We're going
11 so slow, I'm contemplating whether we should continue
12 until 5:00 o'clock and whether we should start on five
13 days and just move this along a little faster. It
14 would be unfortunate if it's going to drag too much.
15 If it is, it seems to me something has got to be done
16 to move it along.

17 I want to be reasonable about it, but I don't
18 want the situation to be abused, either.

19 Would counsel contemplate having a meeting at
20 4:00 o'clock?

21 MR. WILLIAMS: Yes, Your Honor.

22 THE COURT: All right.

23 MR. AVERY: Your Honor, before we break, can
24 I make one request, which might help move things on a
25 little bit?

1 I understand the exhibits are being numbered
2 sequentially from one hearing to the next. I could
3 premark all exhibits for my hearing, if I knew a start-
4 ing number. If we could just arbitrarily start with
5 number 300 for me, that will leave some numbers empty.
6 But as long as we know what they are -- your clerk is
7 shaking her head.

8 THE COURT: Why don't you and Mr. Dabrowski
9 confer on that, and whoever the agents are, if he knew
10 the items that you were going to, maybe he wouldn't
11 wanted to do this. I don't know. Maybe you would
12 think he would have an advantage by not having them
13 know which ones you were going to pick up.

14 If you could go over with him a particular
15 item, and the agent who is going to be called upon to
16 explain his conduct, and have a list of them, it could
17 be done ten times as fast as we have gone today.

18 MR. AVERY: I'm not sure I'll agree to allow-
19 ing them to coach the agents before I get to do the
20 cross-examination, but Mr. Dabrowski suggested to me
21 that we can agree with starting with number 1, if the
22 Court doesn't mind. If we break up the sequence and
23 just start Farinacci-1 or something, we could number
24 all ours.

25 MR. DABROWSKI: I wasn't aware of the Court's

1 order or requirement that we just continue to number
2 everything sequentially. I see the clerk shaking her
3 head. Apparently that's another convenience for the
4 clerk.

5 THE CLERK: If you want to just fill out the
6 blank tags and just leave the numbers, we can just fill
7 in the numbers as I go. I have 100 of them already
8 made out.

9 THE COURT: You can work that out between the
10 clerk and yourselves outside of court.

11 MR. AVERY: Fine.

12 THE COURT: any suggestion you have, counsel,
13 from your professorial experience to expedite the mat-
14 ter would be appreciated.

15 MR. AVERY: Thank you. I have some, but I
16 don't think Your Honor would adopt them.

17 THE COURT: Very well. All right. We'll
18 suspend now until tomorrow morning.

19 [Court was in recess at 4:05 p.m.]
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CERTIFICATION

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2
3 I, Kim U. Sears, do hereby certify that the
4 foregoing was reported by me in stenotype and thereafter
5 reduced to typewritten form under my supervision and repre-
6 sents a true, complete and accurate transcript of the above
7 proceedings, to the best of my ability.

8 I further certify that I am in no way related to
9 any of the parties hereto or their counsel, and that I am in
10 no way interested in the outcome of said cause.

11 IN WITNESS THEREOF, I have hereunto set my hand
12 this 25th day of February, 1987.

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17 Kim U. Sears
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I N D E XWITNESS:

John Williamson

Cross-examination by Ms. Polan

26

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E X H I B I T S

<u>DEFT'S EX.</u>	<u>MARKED</u>	<u>RECEIVED</u>
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1 EXHIBITS (Continued):
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3	DEPT'S	MARKED	RECEIVED
4	76		62
5	77		65
6	78		78
7	79		76
8	80		45
10	81		57
11	83		100
12	84		118
13	85		101
14	87		104
15	79	117	
16	90		88
17	91	121	
18	92		94
19	93		109
20	94	130	
21	95		136
22	98		149
23	99		139
24	100		156
25	102		160
	106		153
	107		153