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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)
Plaintiff,)
VS.) H-85-50
VICTOR GERENA, et al.,)
Defendants.)

February 19, 1987
10:00 A.M.

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

A P P E A R A N C E S

For the Plaintiff:

OFFICE OF THE U.S. ATTORNEY
450 Main Street
Hartford, Connecticut 06103
BY: ALBERT S. DABROWSKI, ESQUIRE
JOHN A. DANAHER, ESQUIRE
WILLIAM J. CORCORAN, ESQUIRE
STANLEY A. TWARDY, ESQUIRE
DAVID A. BAVINGER, ESQUIRE
CARMEN E. VAN KIRK, ESQUIRE

For the Defendant Antonio Camacho-Negron:

LINDA BACKIEL, ESQUIRE
424 West Schoolhouse Lane
Philadelphia, Pennsylvania 19144

CAPITOL COURT REPORTERS
P.O. Box 1532
Hartford, Connecticut 06101
(203) 247-8200

1 For the Defendant Norman Ramirez-Talavera:

2 JUAN R. ACEVEDO, ESQUIRE
3 107 Franklin Avenue
4 Hartford, Connecticut 06114

4 For the Defendant Ivonne Melendez-Carrion:

5 HAROLD MEYERSON, ESQUIRE
6 6 East 45th Street
7 New York, New York 10017

7 For the Defendant Elias Castro-Ramos:

8 DIANE POLAN, ESQUIRE
9 265 Church Street
10 Suite 808
11 New Haven, Connecticut 06510

11 For the Defendant Carlos Ayes-Suarez:

12 SHIPMAN & GOODWIN
13 799 Main Street
14 Hartford, Connecticut 06103
15 BY: JAMES BERGEN, ESQUIRE

15 For the Defendant Isaac Camacho-Negron:

16 RICHARD REEVE, ESQUIRE
17 Assistant Public Defender
18 234 Church Street
19 New Haven, Connecticut 06510

19 For the Defendant Juan E. Segarra-Palmer:

20 LEONARD I. WEINGLASS, ESQUIRE
21 6 W. 20th Street
22 New York, New York 10011

22 For the Defendant Filiberto Ojeda-Rios:

23 WILLIAM M. KUNSTLER, ESQUIRE
24 13 Gay Street
25 New York, New York 10014

1 For the Defendant Jorge Farinacci-Garcia:

2 AVERY & FRIEDMAN
3 Six Beacon Street
4 Boston, Massachusetts 02108
BY: ELLEN WADE, ESQUIRE

5 For the Defendant Angel Diaz-Ruiz:

6 MARGARET P. LEVY, ESQUIRE
7 60 Washington Street
8 Suite 1402
Hartford, Connecticut 06106

9 For the Defendant Orlando Gonzalez-Claudio:

10 MICHAEL E. DEUTSCH, ESQUIRE
11 343 S. Dearborn
Chicago, Illinois 60604

12 For the Defendant Hilton Fernandez-Diamante:

13 JOHN WILLIAMS, ESQUIRE
14 51 Elm Street
15 New Haven, Connecticut 06510

16 For the Defendant Luis Alfredo Colon-Osorio:

17 RONALD L. KUBY, ESQUIRE
18 13 Gay Street
New York, New York 10014

19 For the Defendant Luz Maria Berrios-Berrios:

20 BLUME, ELBAUM & SEIDMAN, ESQUIRE
21 50 Columbus Boulevard
22 Hartford, Connecticut 06103
BY: JACOB WIESELMAN, ESQ.

23 For the Defendant Paul Weinberg:

24 BUCKLEY & SANTOS
25 51 Russ Street
Hartford, Connecticut 06106
BY: F. MAC BUCKLEY, ESQUIRE

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1 THE COURT: Would you call the
2 role, please?

3 THE CLERK: Yes. Diane Polan?

4 MS. POLAN: Here.

5 THE CLERK: John Williams?

6 MR. WILLIAMS: Here.

7 THE CLERK: James Bergen?

8 MR. BERGEN: Here.

9 THE CLERK: Juan Acevedo?

10 MR. ACEVEDO: Here.

11 THE CLERK: Ronald Kuby?

12 MR. KUBY: Here.

13 THE CLERK: F. Mac Buckley? Jacob
14 Wieselmann? Michael Avery?

15 MR. AVERY: Here.

16 THE CLERK: Margaret Levy?

17 MS. LEVY: Here.

18 THE CLERK: Leonard Weinglass?

19 MR. ACEVEDO: Mr. Weinglass called
20 me this morning, Judge, that he won't be able to
21 be in until this afternoon. He asked me to stand
22 in for him.

23 THE COURT: Okay.

24 THE CLERK: Linda Backiel?

25 MS. BACKIEL: Here.

1 THE CLERK: Richard Reeve?
2 MR. WILLIAMS: I'm filling in for
3 Mr. Reeve.
4 THE CLERK: Michael Deutsch?
5 MR. DEUTSCH: Here.
6 THE CLERK: Harold Meyerson?
7 MR. ANGLADA-LOPEZ: Good morning,
8 for Mr. Meyerson.
9 THE CLERK: William Kunstler?
10 MR. KUBY: Covering for Mr.
11 Kunstler.
12 THE CLERK: And Roberto Maldonado?
13 And defendant, Antonio Camacho-Negron?
14 MS. BACKIEL: He's in Puerto Rico.
15 THE CLERK: Norman
16 Ramiriz-Talavera?
17 MR. ACEVEDO: He's in Puerto Rico
18 pursuant to a waiver.
19 THE CLERK: Ivonne
20 Melendez-Carrion?
21 MS. MELENDEZ-CARRION: Good
22 morning, here.
23 THE CLERK: Elias Castro-Ramos?
24 MR. CASTRO-RAMOS: Si.
25 THE CLERK: Carlos Suarez? Isaac

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Camacho-Negron? Juan Segarra-Palmer?

MR. SEGARRA-PALMER: Good morning.

THE CLERK: Filiberto Ojeda-Rios?

MR. OJEDA-RIOS: Here.

THE CLERK: Jorge Farinacci-Garcia?

MR. FARINACCI-GARCIA: Here.

THE CLERK: Angel Diaz-Ruiz?

MS. LEVY: He's at home in Puerto Rico pursuant to a waiver.

THE CLERK: Orlando Gonzalez-Claudio?

MR. DEUTSCH: He's in Puerto Rico.

THE CLERK: Hilton Fernandez-Diamante?

MR. WILLIAMS: He's in Puerto Rico pursuant to a waiver.

THE CLERK: Luis Colon-Osorio?

MR. KUBY: Puerto Rico pursuant to a waiver.

THE CLERK: Luz Berrios-Berrios?

MR. DEUTSCH: She's in Puerto Rico.

THE CLERK: Roberto Maldonado-Rivera? And Paul Weinberg?

MR. BERGEN: If I could just add that Carlos Ayes is in Puerto Rico on a waiver.

1 MR. ACEVEDO: Good morning, Judge.

2 THE COURT: Good morning,
3 Counsellor.

4 MR. ACEVEDO: I have to raise some
5 matters. One, according to all scheduling, my
6 client, Ramirez-Talavera, was supposed to be here
7 yesterday for his hearing. His hearing has been
8 postponed, and we just want the record to reflect
9 that he will be here in Hartford when his hearing
10 commences which is now scheduled for March 3rd.

11 THE COURT: Very good.

12 MR. ACEVDO: The second matter is
13 I'm standing in --

14 THE COURT: Do both counsel agree
15 on that that? Does the prosecutor agree to that?

16 MR. DABROWSKI: As of this minute,
17 yes, Your Honor. However, what is obviously
18 going to happen twice, that Weinglass and I,
19 first individually and then collectively with
20 everyone, are going to have to sit down again and
21 readjust the schedule. We did that last week but
22 we already have problems with it. So as soon as
23 Mr. Weinglass gets here, we'll do it again.

24 THE COURT: I'll leave that up to
25 counsel.

1 MR. ACEVEDO: Second matter. Mr.
2 Segarra has informed me this morning of a
3 situation at the jail where they're being kept.
4 We would like Your Honor to investigate this
5 matter. He claims that his legal materials,
6 which include some very confidential papers that
7 he's working on for his counsel and for other
8 attorneys, were taken away from him by the prison
9 officials this morning for over half an hour.

10 Usually the procedure is that when
11 they're going out to Court, the materials are
12 checked in their presence for contraband, and
13 they keep it. This morning, they took those
14 away, and they kept his legal materials for over
15 thirty minutes.

16 As you can understand, I think this is
17 very improper and he had -- the materials were
18 out of his sight. He could not see them. He
19 doesn't know where they were.

20 THE COURT: What were they anyway?
21 A pad of paper and what --

22 MR. ACEVEDO: No, sir. He had some
23 pleadings.

24 THE COURT: Pleadings?

25 MR. ACEVEDO: And he had some notes

1 and a memo from Mr. Jack Wieselmann on the
2 electronic surveillance.

3 THE COURT: Were they in an
4 envelope or --

5 MR. ACEVEDO: No, papers like this.
6 They were inside -- maybe we can show the Court.

7 (Indicating)

8 MR. ACEVEDO: That is his legal
9 materials. And we would request that the
10 marshals and prison officials be instructed that
11 this doesn't happen any more.

12 THE COURT: He'd like them
13 inspected in his presence.

14 MR. ACEVEDO: Yes, sir. I think
15 that's the proper way.

16 THE COURT: Very well. All right.

17 Ms. Polan, are you ready to proceed?
18 The witness, Mr. Williamson, was sworn yesterday,
19 and his testimony will continue to be under oath.

20 MS. POLAN: Good morning, Your
21 Honor.

22 THE COURT: Good morning,
23 Counsellor.

24 MS. POLAN: Your Honor, I have left
25 an additional copy of a subinventory for the

1 witness to look at. I know Your Honor also has a
2 copy, and I haven't had it marked. It's just an
3 extra copy, so I won't have to give him mine all
4 the the time. Is there any objection?

5 MR. DABROWSKI: No objection.

6 THE COURT: Has it been marked by
7 the clerk?

8 MS. POLAN: No, Your Honor, that's
9 what I was asking.

10 THE COURT: Why don't you bring it
11 over and offer it?

12 MS. POLAN: Do you want it marked?

13 THE COURT: If that's what you
14 want.

15 MS. POLAN: I don't need it to be
16 marked, and I don't think Mr. Dabrowski has any
17 problem with it being up here. That's what I was
18 asking.

19 MR. DABROWSKI: We're talking,
20 number one, about the copy being made available
21 for the witness' convenience. Number two, I
22 understand Ms. Polan has submitted a copy for the
23 Court.

24 MS. POLAN: I have.

25 MR. DEUTSCH: But it is going to be

1 considered part of files and records of the case.

2 MS. POLAN: Right. Because there
3 is a copy on file, yours. And there is also one
4 attached to my motion that I filed originally, my
5 Motion to Suppress.

6
7 JOHN WILLIAMSON

8
9
10 CONTINUED CROSS EXAMINATION BY MS. POLAN

11
12 Q. Now, Agent Williamson, when you were
13 testifying yesterday, you recall that I asked you
14 about certain documents, why you took them. And
15 in a number of instances your answer was that
16 something was an identification document.

17 Can you tell me what your definition of
18 an identification document is?

19 A. I don't know if I can give you a
20 specific definition. It would be a practical
21 application. In this case it's a terrorism
22 investigation so it would be that type of a
23 document which would identify an individual or
24 that could be used to identify an individual.

25 Q. Now, isn't an identification document,

1 generally speaking, something that identifies a
2 person by their name, their physical
3 characteristics, their age, things -- their
4 residence, things of that sort?

5 MR. DABROWSKI: Objection.

6 Generally speaking it is irrelevant to this case.
7 The witness has particularized and indicated what
8 the term means to him in the context of this
9 particular proceeding.

10 THE COURT: Eventually, as I said
11 yesterday, Counsellor, the Court is going to go
12 over these lists and is going to determine
13 whether a reasonably trained, equipped,
14 intelligent agent would find this particular
15 item, whatever it is, within the purview of the
16 search warrant. First, having determined whether
17 or not the search warrant itself was too broad in
18 its scope and too general. That would be the
19 first thing. And the second thing would be to
20 determine whether or not the particular items, if
21 it were found proper, were within the scope of it
22 and were reasonably considered to be within what
23 he had actually done.

24 And then act on it accordingly. Now,
25 that's the thing I'm going to focus on. I'm

1 telling you ahead of time.

2 MS. POLAN: I agree with that
3 method of your proceeding, Your Honor. I'm just
4 trying to ascertain if there really is, for
5 example, with any particular language in the
6 warrant, if it isn't clear, what the language
7 means. And that's all I was trying to ascertain
8 from --

9 THE COURT: The Court is going to
10 have to determine whether the language is clear.
11 That's going to be the Court's job.

12 Q: (BY MS. POLAN) Well, Agent
13 Williamson, let me just ask you one other
14 question. Is your understanding of an
15 identification document generally something that
16 identifies a person in some way other than just
17 by putting their name down?

18 MR. DABROWSKI: Objection, Your
19 Honor. Asked and answered, and it's irrelevant
20 as --

21 THE COURT: Well, the Court will
22 let him answer it. Let's get on with it.

23 THE WITNESS: You're just asking in
24 general, not in specific relation to this case?

25 Q. (BY MS. POLAN) Uhm-hmm, did you

1 understand the question?

2 A. Could you repeat the question, please?

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

5
6 (Record read as requested)

7
8 THE WITNESS: Generally, that's
9 correct.

10 Q. (BY MS. POLAN) Now, you just
11 testified a minute ago that that idea, that
12 definition of an identification document had a
13 different meaning in this case, is that correct?

14 A. I believe I testified that there were
15 -- the way I interpreted it was specifically as
16 to the documents in this case, yes.

17 Q. So it's correct, is it not, that in
18 this case you were looking for documents that
19 would identify the associations of the
20 defendants?

21 A. No, I was looking for identification
22 documents.

23 Q. Well, are those documents that would
24 identify, for example, other people they were
25 associated with?

1 A. That would be one of the reasons that I
2 was looking for identification documents.

3 Q. All right. And you testified, I think,
4 when we first started this cross examination,
5 that prior to August 30th you weren't involved in
6 this investigation or prior to August of 1985 you
7 weren't involved in the Macheteros investigation?

8 A. That's correct. Prior to the time that
9 I was given an assignment.

10 Q. And I think you told me you were
11 assigned to organized crime investigations?

12 A. That's correct.

13 Q. But when you started attending these
14 briefings, you were briefed about the
15 Government's allegations against the Macheteros?

16 A. That's correct.

17 Q. All right. And it was your
18 understanding at these briefings that one of the
19 purposes of the search was to determine who the
20 different defendants were associated with?

21 A. I don't recall that specifically.

22 Q. Well, that's why you were looking for
23 all telephone numbers, wasn't it?

24 MR. DABROWSKI: Objection. He
25 doesn't recall it, Your Honor. Also this whole

1 area has been previously covered.

2 THE COURT: See, he isn't the top
3 agent involved with what they might be looking
4 for. He was supposed to do certain things. And
5 whether he did it intelligently or not or within
6 the scope of the warrant, the Court is going to
7 have to review it and determine.

8 MS. POLAN: I agree with that.

9 THE COURT: Now, if you can help me
10 in any way on that issue, fine. But --

11 MS. POLAN: Judge, all I'm trying
12 to ascertain is if he went to briefing sessions,
13 for example, if they had any discussions about
14 telephone numbers, which is a fairly broad
15 category.

16 THE COURT: You're familiar with
17 all those cases, the Leon case, the case down in
18 the District of Columbia, where they searched the
19 Scientology headquarters, three or four other
20 cases, the same category. That's all laid out
21 there.

22 Q. (BY MS. POLAN:) When you went to
23 these briefings, was there any discussion about
24 why you were looking for all telephone numbers at
25 any of the briefings?

1 A. I don't recall specifically a
2 discussion about telephone numbers.

3 Q. Was there any discussion about why you
4 would be looking for all membership lists?

5 A. I don't recall a specific discussion
6 about membership lists.

7 Q. Any general discussion about why you
8 would be looking for all the membership lists,
9 all the telephone numbers, all the distribution
10 lists, in someone's house?

11 A. I don't recall a specific discussion
12 concerning that.

13 Q. I think you told me, when I first asked
14 you, at one of these briefings there was a legal
15 advisor there?

16 A. That's correct.

17 Q. Was Mr. Held there at any of these
18 briefings, the agent in charge?

19 A. Yes, he was.

20 Q. Did he conduct any of these briefings
21 on the search?

22 A. He was present for the briefings.

23 Q. All right. More than once was he
24 present?

25 A. I recall him being present at one

1 briefing, a --

2 Q. Do you know if Mr. Held was involved in
3 drafting addendum 2, Government Exhibit 23?

4 MR. DABROWSKI: Objection, Your
5 Honor. It's been established --

6 THE COURT: Sustained. It doesn't
7 matter whether he did it or not.

8 MS. POLAN: Your Honor, I'm not
9 sure I understand the basis of your ruling. I
10 asked him if he knew if the special agent in
11 charge was involved in drafting the warrant.

12 THE COURT: It doesn't matter. The
13 warrant speaks for itself. Whatever he did,
14 right or wrong, there it is. We've got to
15 examine it.

16 MS. POLAN: Well, Your Honor, I
17 think the warrant does speak for itself. But one
18 of the issues with respect to that, Your Honor
19 has to determine whether the warrant itself was
20 overbroad. The cases generally hold that one of
21 the ways the Court -- one of the factors the
22 Court has to consider in looking at a warrant
23 that appears to be overbroad is the circumstances
24 under which the agents were working who drafted
25 it.

1 For example, did they do it in the
2 middle of night, the day before and/or did they
3 have a fair amount of time to put it together.
4 That's one of the factors that's set out in the
5 case law that the Court has to consider.

6 THE COURT: I think we may assume
7 they had a fair amount of time.

8 MS. POLAN: If we can stipulate to
9 that, I don't think we would have to inquire that
10 they spent a fair amount of time drafting
11 Addendum 2. Can we stipulate to that?

12 MR. DABROWSKI: Your Honor, the Man
13 in the Moon could have drafted that addendum.
14 The addendum speaks for itself. The language is
15 contained within the four corners of the
16 document. It's either intelligible or not.

17 In addition to, Your Honor, in
18 connection with the actual execution of the
19 search warrant, whether that was overbroad which
20 is the issue here, it hasn't been established
21 whether or not Special Agent in charge Held was
22 at the premises. Until she can put him there,
23 his participation is irrelevant in connection
24 with this hearing and the issue of overbreadth in
25 terms of the execution.

1 MS. POLAN: Your Honor, I'm not
2 sure that I made my point clearly. When you're
3 deciding whether the warrant itself was
4 overbroad, you have to -- one of the factors, for
5 example, that the Court -- the Government may
6 want you to consider is the circumstances under
7 which the agents were working who drafted it. So
8 if we're going to assume for the sake of this
9 hearing that they had plenty of time to draft it
10 and they weren't in a hurry, I'm satisfied with
11 that. But I'm not sure the Government is willing
12 to concede that point.

13 THE COURT: Is Mr. Held going to be
14 a witness? I don't know.

15 MR. DABROWSKI: Not this morning,
16 Your Honor. This hearing is directed to the
17 question of whether or not the execution of the
18 search warrant was overbroad. That's what this
19 witness is --

20 THE COURT: Simple question. Do
21 you know who drew the warrant? Was it Mr. Held?
22 Do you know of your own knowledge?

23 THE WITNESS: I know that George
24 Clow signed the affidavit, Your Honor. But as to
25 who wrote the addendum, I don't know.

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THE COURT: You don't know?

THE WITNESS: No.

THE COURT: So you weren't there?

THE WITNESS: No, Your Honor.

THE COURT: How long he took to do it, you don't know either?

THE WITNESS: I don't know.

THE COURT: How much time he had, you don't know?

THE WITNESS: I don't know.

THE COURT: All right. Please proceed.

Q. (BY MS. POLAN) But these briefings were at least a week before you executed the search warrant?

A. As I have testified, there were briefings that continued up until -- there was one briefing in the morning right before the search warrant.

Q. Yes, but earlier on you had had briefings at which Addendum 2 was discussed?

A. That's correct.

Q. All right. Now, yesterday when you were testifying, I believe you testified that in certain instances you took things that were in

1 containers in the closet in room C, is that
2 correct?

3 A. That's correct.

4 Q. And when I mean containers, sometimes
5 the container was a black attache case, sometimes
6 it was a shoe box, sometimes it was a brown
7 folder, right?

8 A. Well, not sometimes, those were the
9 three instances, yes.

10 Q. All right. And I believe your
11 testimony was that if there were -- in those
12 instances because there were -- things in those
13 containers that you believed could be seized, you
14 took the whole contents?

15 A. I believe my testimony was that after
16 reviewing the documents individually and the
17 documents as a whole or the -- in the case of the
18 briefcase, the other terrorist items in there, I
19 made the determination that the item itself had
20 value to be maintained as a whole. And I seized
21 it as such.

22 Q. Let's go back to the shoe box.
23 Remember I asked you a lot of questions yesterday
24 about why you seized particular personal items
25 and you --

1 THE COURT: We've gone all over
2 that, Counsellor. I don't want to go over it
3 again.

4 MS. POLAN: I don't either, Your
5 Honor.

6 THE COURT: Let's go to something
7 else then.

8 MS. POLAN: All right.

9 Q. (BY MS. POLAN) Now, directing your
10 attention to your inventory C 9, I think it's
11 right in front of you, it's Government Exhibit
12 25.

13 MS. POLAN: Judge, it's the third
14 page of the subinventory you have. That's the
15 inventory.

16 Q. (BY MS. POLAN) C 9, do you see that?

17 A. Yes.

18 Q. Now, that's something that was also
19 taken out of Mr. Castro's bedroom, was it not?

20 A. That's correct.

21 Q. And what does that say?

22 A. It's says, "First Federal savings
23 books, (Two)".

24 Q. They were in the dresser, weren't they?

25 A. That's correct.

1 Q. So they weren't in a shoe box in the
2 closet?

3 A. That's correct.

4 Q. All right. Now, directing your
5 attention to Defendant's Exhibit 110 for
6 identification, it's a copy; can you identify
7 that as something you took out of Mr. Castro's
8 bedroom?

9 (Handing)

10 A. These are photocopies of L 17, C 9 and
11 this has subinventory 1.

12 Q. All right. And can you tell the Court
13 what that is?

14 A. This is a photocopy of a savings
15 bankbook from First Federal Savings and Loan
16 Association of Puerto Rico.

17 Q. All right. Whose name is on the
18 account?

19 A. It's the defendant and/or his -- oh,
20 it's the defendant's wife and/or the defendant.

21 Q. When you seized this passbook -- it's a
22 savings account passbook, isn't it?

23 A. That's correct.

24 Q. So when you seized this, you didn't
25 seize it because it was in a shoe box, did you?

1 A. I seized this because it was a
2 financial record.

3 Q. But you didn't seize it because it was
4 in a shoe box with other documents?

5 A. From the inventory I don't see that
6 this document came from a shoe box.

7 MR. DABROWSKI: Your Honor, this is
8 a complete waste of time. About five minutes ago
9 she asked the witness, "This document C 9 was not
10 in the shoe box" and he answered that question.
11 We're going over and over and over it. This is
12 ridiculous. It's clearly a financial record. We
13 know where it was seized. She knows where it was
14 seized, and it's already been answered on a
15 number of occasions.

16 MS. POLAN: May I continue?

17 THE COURT: If you can be helpful,
18 proceed.

19 MS. POLAN: Fine.

20 MS. POLAN: I would offer this.

21 THE COURT: Mark it.

22
23 (Defendant's Exhibit 110
24 offered and marked into
25 evidence)

1 Q. (BY MS. POLAN) Now, could you look at
2 this Exhibit, Defendant's Exhibit 110. Just tell
3 me, when you seized that document, was there
4 anything in that, in the contents of it that
5 indicated to you any criminal activity?

6 A. No. When I made my decision it was
7 based on the fact that this was a bankbook and
8 that we were looking for financial records on the
9 addendum to the warrant.

10 Q. So it's correct, is it not, that you
11 didn't review this savings passbook in any way
12 with respect to its relationship to any of the
13 crimes enumerated in the warrant?

14 A. I don't recall making any such review.

15 Q. All right. To save time, directing
16 your attention to the Defendant's Exhibit 111 for
17 identification, that's another savings passbook
18 that was seized in the same location, is that
19 correct?

20 A. That's correct. This is a copy of the
21 subinventory number L 17, C-9-3.

22 Q. Is it also correct to say that, here
23 again, you didn't make any determination of its
24 evidentiary value before you seized it?

25 A. That's correct.

1 Q. All right.

2 MS. POLAN: I would offer this
3 also.

4 MR. DABROWSKI: No objection.

5 THE COURT: Mark it.

6

7 (Defendant's Exhibit 111
8 offered and marked into
evidence)

9

10 Q. (BY MS. POLAN) Now, yesterday when you
11 were testifying, Agent Williamson, when we were
12 talking about all the personal records that were
13 in C 12, the shoe box, and you testified that you
14 seized that shoe box and the records in it
15 because they were financial records.

16 Now, could you please look at the
17 subinventory, the pages that itemize the things
18 within C 12?

19 (Handing)

20 Do you have that place where the C 12
21 items start?

22 A. Yes.

23 Q. Now, it's true, isn't it, that it goes
24 on for four or five pages on --

25 MR. DABROWSKI: Your Honor, the

1 document speaks for itself. We don't need to go
2 into this. This agent didn't prepare that
3 document.

4 Q. (BY MS. POLAN) It's correct, is it
5 not, that there are approximately one or two
6 items within C 12 on the subinventory; is that
7 correct?

8 A. Yes.

9 Q. All right. And it's also true that a
10 number of those items have up to ninety-two pages
11 within them; for example, 16 A 1 to 16 A 92?

12 A. Could you repeat the number?

13 Q. 16 A 1 to 16 A 92.

14 THE COURT: What do you want to
15 know about it, Counsellor?

16 Q. (BY MS. POLAN) There were, in fact,
17 hundreds and hundreds of pages of documents
18 within C 12, according to this subinventory?

19 A. There were numerous documents in C 12.

20 Q. Right. But there were hundreds of
21 pages of documents.

22 THE COURT: Hundreds of pages. Did
23 you review every page?

24 THE WITNESS: No, I didn't, Your
25 Honor.

1 THE COURT: All right. Let's get
2 on with it.

3 MS. POLAN: That's not my question.

4 THE COURT: He could go through it
5 page by page.

6 MS. POLAN: I don't want to do
7 that, Your Honor.

8 Q. (BY MS. POLAN) Is it a fact that of
9 those 102 separately itemized subinventory items
10 in C 12, you said you took C 12 because it was
11 financial records; isn't it true that of those
12 102 items, 84 of the subinventory items are not
13 financial or bank records?

14 MR. DABROWSKI: Your Honor, unless
15 the agent is going to sit there and go through
16 every single one of these entries, we're going to
17 be here for an hour while he does that. The
18 document speaks for itself.

19 THE COURT: Would you read the
20 question back so I'll solve it.

21

22 (Record read as requested)

23

24 THE COURT: If he knows. Can you
25 answer that? Without auditing all of them, do

1 you have a general knowledge so you could --
2 that's appears to be about right or --

3 THE WITNESS: I have no idea, Your
4 Honor. First of all, I did not testify that I
5 seized all these records because they were
6 financial records. When we went over them item
7 by item, there were numerous identification
8 documents and that would have been my reason for
9 seizing certain of the documents.

10 Q. (BY MS. POLAN) But it's correct, is it
11 not, that of those 102 items, more than two
12 thirds of them are not financial records?

13 A. I can't answer that. I'm sorry.

14 Q. Now, let me go back to C 11 for a few
15 minutes. You were testifying yesterday or the
16 day before that C 11 is an item that you seized
17 from the bedroom closet in Mr. Castro's room, is
18 that right?

19 A. That's correct.

20 Q. All right. And at the beginning of
21 your cross examination you recall I was asking
22 you about particular political articles, parts of
23 books that you took out of C 11; do you remember
24 that testimony?

25 A. That's correct.

1 Q. All right. And I believe it was your
2 testimony that you took everything in C 11
3 because when you examined it you saw some
4 documents that you believed to be Macheteros
5 documents, is that correct?

6 A. I believe my reason for seizing C 11
7 was that after reviewing the documents
8 individually and as a whole, I thought that the
9 entire package had significance, yes.

10 Q. Now, let me just ask you a few
11 questions so we can clarify the situation with
12 C 11 for the Judge.

13 If you could look at the subinventory
14 for a minute, it's true, is it not, that within
15 C 11 there were a number of different folders and
16 envelopes within that brown accordian file, there
17 were a number of different envelopes; for
18 example, isn't C 11 sub 2 a folder?

19 A. Yes. It's --

20 Q. Yes, it says it's a folder, right?

21 MR. DABROWSKI: It doesn't say
22 that, Your Honor. It says it's a folder with
23 Limitar handwritten on the front cover containing
24 the following, and subinventoried in detail. The
25 Court has the document right in front of it. It

1 has not been prepared by this witness. The
2 witness prepared the inventory, not the
3 subinventory. He's not familiar with the
4 document. We're going to be here all day
5 reviewing a document he knows nothing about.

6 THE COURT: Are you familiar with
7 these subinventories?

8 THE WITNESS: No. Your Honor. I
9 did not prepare the document.

10 Q. (BY MS. POLAN) Who did?

11 A. I don't know.

12 MS. POLAN: Well, Your Honor, I
13 think the witness can testify to the Court if he
14 knows whether, in fact, within C 11 there were a
15 number of discrete folders and envelopes that
16 contained different things.

17 THE COURT: Do you recall now at
18 the present moment?

19 THE WITNESS: I don't recall
20 separate envelopes, Your Honor, other than the
21 fact that the defense counsel presented me with
22 certain documents yesterday.

23 Q. (BY MS. POLAN) So your testimony is
24 that within C 11 you at no time remember any
25 separate envelopes containing documents; that it

1 was all just in that big brown accordian file?

2 A. I don't specifically recall.

3 Q. If I told you that there were at least
4 five different items on that subinventory that
5 indicated that there were manila envelopes that
6 had documents inside, would that be -- that
7 wouldn't square with your memory?

8 A. I said I don't know. That could very
9 well be true.

10 Q. Now, directing your attention to
11 Defendant's Exhibit 127 for identification, can
12 you identify this as something taken from Mr.
13 Castro's house?

14 (Handing)

15 A. Yes, this is C 17.

16 Q. Does it have any other numbers?

17 A. It was subinventoried 1 through 3.

18 Q. Can you tell me where L 17 C 17 came
19 from?

20 A. Yes. According to my inventory, it
21 came from a bookcase in bedroom C.

22 Q. All right. And it's -- I would offer
23 this.

24 MR. DABROWSKI: No objection.

25

1 (Defendant's Exhibit 127
2 offered and marked into
3 evidence)

4 Q. (BY MS. POLAN) Showing you Defendant's
5 Exhibit 127 and also Defendant's Exhibit 38, is
6 that the book -- do you know if that's the
7 bookcase where those documents were taken from?

8 (Handing)

9 A. I don't know.

10 Q. All right.

11 A. It is -- the photograph depicts a
12 bookcase in bedroom C.

13 Q. All right. And it's true, is it not,
14 that a great number of things in that bookcase
15 were examined but were not taken?

16 A. That's correct.

17 Q. And showing you Defendant's Exhibit 39,
18 which shows that bookcase again, it appears from
19 that photograph, does it not, that a great many
20 things were taken out of that bookcase from the
21 photograph?

22 (Handing)

23 A. That's correct.

24 Q. Does it appear to you that Exhibit 38
25 is a before-the-search photograph and 39 is an

1 after-the-search photograph; I know you didn't
2 take them?

3 A. That's what it would appear to be.

4 Q. All right. Now, within these few items
5 that you took from the bookcase, directing your
6 attention to what's marked L 17 C-17 sub 2, can
7 you tell me what that is?

8 (Handing)

9 A. This is a pamphlet put out by First
10 Federal Savings Bank containing a handwritten
11 notation with some numbers on it.

12 Q. All right. What is the bank pamphlet
13 about; can you read it?

14 A. It's about how to -- who's eligible for
15 -- to open a retirement account, about retirement
16 accounts.

17 Q. So can you tell me why you seized that
18 document from the bookcase?

19 A. Probably because of the numbers written
20 on the front of this document.

21 Q. Is that a telephone number written on
22 the front of it?

23 A. I don't know.

24 Q. Well, how many numbers is it?

25 A. Seven.

1 Q. And the numbers are 1825676, right?

2 A. That's correct.

3 Q. Your testimony is you seized that
4 document because there were those numbers written
5 on the front?

6 A. I don't recall why I seized this
7 document.

8 Q. Fine. All right. Now, directing your
9 attention to what's within this same exhibit,
10 Exhibit 127, what's been marked L 17 C 17-1,
11 which appears to me to be a book, a paper book.
12 Is that right?

13 A. That's correct.

14 Q. All right. What's the title of that
15 book?

16 A. What is the title? "For Liberty or --"

17 Q. What's at the top?

18 A. There is a name, U R A Y O A N.

19 Q. That book is by Raul Sendic, is it not?

20 A. That's the name that appears on this
21 pamphlet.

22 Q. All right. Can you tell me why you
23 seized that book?

24 A. I seized it as a revolutionary
25 document. Flipping through it, it appears -- it

1 talks somewhat about terrorism.

2 Q. Did you read it at the time before you
3 seized it?

4 A. I don't recall reading it, no. That's
5 what I would have done. I would have taken a
6 brief look at it like that.

7 Q. Did any of the other agents read it?

8 A. Not that I know of. I don't know.

9 Q. All right. So your testimony is for
10 the record that you would have flipped through it
11 and then made a determination to seize it?

12 A. That's correct.

13 Q. Based on its content?

14 A. That's correct.

15 Q. Now, returning for a minute to C 12 and
16 showing you Defendant's 115 and 116, can you
17 identify those two documents?

18 (Handing)

19 A. These are more documents from that shoe
20 box C 12 which are subinventory numbers L 17
21 C 1260 A.

22 Q. That's for defendant's 115, yes?

23 A. And L 17 C 1260 B.

24 MS. POLAN: Judge, these are both
25 on the Government's Exhibit list, these two

1 items. The first -- 115, Defendant's Exhibit
2 115, is Government Exhibit 1009, and Defendant's
3 Exhibit 116 is Government Exhibit 1010. I would
4 move to admit both of these as full exhibits.

5 MR. DABROWSKI: No objection.

6
7 (Defendant's Exhibit 115
8 offered and marked into
9 evidence)

10 (Defendant's Exhibit 116
11 offered and marked into
12 evidence)

13
14 Q. (BY MS. POLAN) Now, directing your
15 attention to exhibits 115 and 116, these are
16 receipts for the payment of parking tickets,
17 aren't they?

18 (Hanging)

19 A. That's correct.

20 Q. Was there any particular reason that
21 you seized them other than that they were in C 12
22 at the time?

23 A. I can tell you why I would seize those
24 now.

25 Q. I'm just trying to find out what you

1 recall doing on August 30, if you recall?

2 A. Those contain automobile license
3 information which is listed on the inventory.

4 Q. All right. Now, directing your
5 attention for a moment to Exhibit 116 which is
6 also Government Exhibit 1010, can you tell me
7 where that contains license and registration
8 information?

9 A. There is a section in the lower half
10 where it's marked L I C E N C E I A. There is a
11 number after that.

12 Q. So that indicates the driver's license
13 of the person who got the parking ticket?

14 A. Apparently.

15 Q. Both of those documents have Mr.
16 Castro's name on them, don't they?

17 A. Yes.

18 Q. So there is no question that he is the
19 person who received the parking ticket, is there?

20 A. What I can tell from this document is
21 that the person who had that license number
22 received this ticket. That would be the
23 conclusion that I would draw.

24 Q. Well, let me ask you this: Based on
25 your own experience as an F B I agent and a

1 driver of a car, have you ever gotten a parking
2 ticket?

3 A. Yes.

4 Q. Don't they put your name on the parking
5 ticket when you show them your license?

6 A. Yes.

7 Q. So it's fair to conclude that Mr.
8 Castro is the person who got the parking tickets,
9 isn't it?

10 A. Or someone that had his license in
11 their possession.

12 Q. All right. Showing you Defendant's
13 Exhibit --

14 THE COURT: Is there any question
15 about that being within the search warrant?

16 MS. POLAN: Yes, Your Honor. I
17 have a question about whether a parking ticket is
18 within the scope of the search warrant, yes.

19 THE COURT: All right.

20 MS. POLAN: I don't believe it's an
21 automobile registration, a parking ticket.

22 Q. (BY MS. POLAN) Showing you Defendant's
23 Exhibit 121 for identification, is that a copy of
24 a document that you took from Mr. Castro's house?

25 A. Yes. This is subinventory L 17

1 C 12-94.

2 MS. POLAN: I would offer this.

3 MR. DABROWSKI: No objection.

4
5 (Defendant's Exhibit 121
6 offered and marked into
7 evidence)

8 MS. POLAN: Your Honor, I would
9 point out that this is also item 1013 on the
10 Government's Exhibit list.

11 THE COURT: 1013?

12 MS. POLAN: Yes, and it's
13 Defendant's Exhibit 121 now.

14 Q. (BY MS. POLAN) Now, that item that
15 appears was also taken from the shoe box in C 12
16 in the closet, is that right?

17 A. That's correct.

18 Q. All right. And that is a bail
19 certificate, is it not?

20 A. Yes.

21 Q. That bail certificate indicates, does
22 it not, that Mr. Castro posted bail in the amount
23 of \$15,000 in May of 1977?

24 A. That's correct.

25 Q. All right. Can you tell me why you

1 seized that document?

2 A. I don't recall this document
3 specifically, no.

4 Q. All right. Thank you. Now, Agent
5 Williamson, you also received some items from a
6 room identified as J which I believe is a hall
7 closet?

8 A. Yes, that's correct.

9 Q. Is that right?

10 A. That's correct.

11 Q. It's correct, is it not, that at the
12 end of the day yesterday those political posters
13 I showed you were from that hall closet, J?

14 A. That's correct.

15 Q. It's correct, is it not that room J
16 contained a lot of books, that closet; do you
17 recall that?

18 A. As I recall there were a lot of books,
19 yes.

20 Q. All right. Now, showing you
21 photographs that have been marked 128 and 129 for
22 identification, are those photographs of the hall
23 closet, J, room J?

24 (Handing)

25 MR. DABROWSKI: Excuse me, could I

1 have the numbers?

2 MS. POLAN: The identification
3 numbers?

4 MR. DABROWSKI: Just the photos.

5 MS. POLAN: Just a second.

6 THE WITNESS: On the one photograph
7 I see our label J. The other photograph -- I
8 can't tell from the photograph if that's J or
9 not.

10 Q. (BY MS. POLAN) All right. Well, we
11 can wait for that. You can identify 128?

12 A. Yes.

13 Q. All right. Now, in addition to seizing
14 the political posters in that closet, you also
15 seized, I believe, a welding torch that was in a
16 box with some instructions?

17 A. That's correct.

18 Q. All right. Do you have that here in
19 court?

20 A. Yes, we do.

21 Q. All right. Can you tell me, while
22 Mr. --

23 MS. POLAN: Are you going to find
24 the welding torch or should the witness? Do you
25 have it?

1 MR. DABROWSKI: We have it.

2 THE WITNESS: It would be in the
3 largest box.

4 Q. (BY MS. POLAN) Can you tell me why you
5 seized the welding torch while we're looking for
6 it?

7 A. Yes.

8 Q. Why is that?

9 A. The first paragraph of the addendum
10 refers to explosive devices or their component
11 parts.

12 Q. So your testimony is a welding torch is
13 a component part of an explosive device?

14 A. The kit contained two gas cartridges.

15 Q. It's a welding -- you defined it as a
16 welding torch, is that what it is?

17 A. That's correct.

18 Q. And it's your testimony that that
19 welding torch is a component of an explosive
20 device?

21 A. That's correct.

22 Q. All right. Now -- strike that.

23 By the way, you didn't find anything in
24 Mr. Castro's house, anything, any actual
25 explosive devices, did you?

1 A. Do you mean other than the welding
2 torch?

3 Q. Yes, other than the welding torch?

4 A. No, I don't recall.

5 Q. No blasting caps?

6 A. No.

7 Q. No explosive materials?

8 A. None other than welding torch.

9 Q. No timing devices?

10 A. No.

11 Q. No pocket watches?

12 A. No.

13 Q. You didn't find any weapons in his
14 house either, did you?

15 A. No.

16 Q. Is this -- I think I better get this
17 marked.

18 THE COURT: What is it, Counsellor,
19 I'm curious.

20 MS. POLAN: I was going to get it
21 marked, Your Honor. This is the welding torch in
22 its box. That's what -- I thought you'd want to
23 see what it looked like.

24 THE COURT: It isn't a very big
25 one.

1 MS. POLAN: No, that's why I
2 thought we should look at it.

3 Q. (BY MS. POLAN) Showing you Defendant's
4 Exhibit 130 for identification, can you identify
5 that object?

6 (Handing)

7 A. Yes, this is the L 17 J 2 with
8 subinventory letters A through A 6.

9 Q. Could you let the Court look at that
10 item?

11 (Handing)

12 THE COURT: Thank you.

13 Q. (BY MS. POLAN) Agent Williamson, it's
14 true, is it not that in Mr. Castro's house in the
15 garage there were a number of other tools that
16 you didn't take?

17 A. I don't recall specifically.

18 Q. All right. Showing you Defendant's
19 Exhibit 131 and 132 for identification which are
20 two photographs, are those photographs of Mr.
21 Castro's garage, if you know?

22 (Handing)

23 A. Yes. They're labeled room A, which was
24 the carport of the house.

25 MS. POLAN: I would offer both of

1 those these.

2 MR. DABROWSKI: No objection.

3
4 (Defendant's Exhibit 131
5 offered and marked into
6 evidence)

7 (Defendant's Exhibit 132
8 offered and marked into
9 evidence)

10
11 Q. (BY MS. POLAN) Now, turning your
12 attention back to the inventory to item C 16, do
13 you have that?

14 A. Yes.

15 Q. Now, C 16 was also taken from the
16 bookcase in Mr. Castro's bedroom, right?

17 A. That's correct.

18 Q. And it's fair to say, is it not, that
19 most of the things in that bookcase were examined
20 but not seized, is that correct?

21 A. That's correct.

22 Q. All right. But C 16 you did seize,
23 right?

24 A. Yes.

25 Q. All right. And showing you what's been

1 marked defendant's 133 for identification?

2 (Hanging)

3 A. This is C 16 subinventory number 1
4 through 4.

5 Q. All right. You describe C 16 on your
6 inventory as two revolutionary pamphlets, is that
7 correct?

8 A. That's correct.

9 Q. All right. Could you take out those
10 documents and just look them over and -- there is
11 actually four, according to the subinventory.
12 There is four different photocopies of different
13 articles in there, is that right, C 16?

14 A. Yes.

15 Q. All right. They're marked C 161,
16 C 162, C 163 and C 164, right?

17 A. That's correct.

18 Q. Now, directing your attention to --
19 well, let me ask you this question: Were these
20 things all in the bookcase when they were seized,
21 do you know?

22 A. I don't know.

23 Q. Were they brought to you together?

24 A. I would say they were because I gave
25 them one inventory number.

1 Q. All right. Now, directing your
2 attention to the first one which is L 16 sub 1. I
3 think we saw the face page of that article
4 yesterday. And that's an article in English, is
5 it not?

6 A. That's correct.

7 Q. That's the one called the "Alienation
8 of Leninist Group Therapy", right?

9 A. That's correct.

10 Q. You testified about that one yesterday
11 so we don't have to repeat that.

12 So with respect to the next one, L 16
13 -- excuse me, C 16 sub 2, what is that document
14 about -- excuse me, I think that's the problem,
15 too many Xeroxes. What is that C 16-2 about?

16 A. Something about the proletarian and the
17 revolution.

18 Q. What are the first two words of the
19 title, can you read them?

20 A. Los Tareas, T A R E A S.

21 Q. Do you know what that means?

22 A. No.

23 Q. What was the basis on which you decided
24 to seize that article?

25 A. I don't recall this article

1 specifically.

2 Q. But you seized it, didn't you?

3 A. Yes.

4 Q. And how about C 16 sub 3, what's that
5 article about?

6 A. These are liberal conceptions and
7 Marxist conceptions of war of the classes.

8 Q. That's "La Lucha De" or "The Class
9 Struggle" perhaps?

10 A. Yes, it could be that also.

11 Q. All of these are photocopies of what
12 appear to be pages from books, don't they?

13 A. Yes.

14 Q. Does this one, 16-3 have an author, can
15 you tell who wrote it from looking at the top of
16 the page; the words V I Lenin on the top of the
17 page?

18 A. Yes.

19 Q. Can you tell me why you seized that
20 one?

21 A. No, I don't recall this document
22 specifically.

23 Q. All right. And directing your
24 attention now to C 16 sub 4, that's the last
25 thing from this group; what's this one about?

1 A. The title, my translation of the title
2 would be "Critical Notes about the National
3 Problem".

4 Q. Right. That also is a photocopied
5 excerpt from a book, isn't it, or it appears to
6 be?

7 A. Yes, by V I Lenin, parts of the book.

8 Q. All right. And can you tell me why you
9 seized that document?

10 A. Once again, I have no specific
11 recollection of the document.

12 Q. All right. I'm correct, am I not from
13 reading your inventory, that the items marked
14 C 14, 15, 16 and 17 are the only things that were
15 taken from the bookcase in Mr. Castro's bedroom,
16 is that right?

17 A. Let me look at the rest of the
18 inventory. Yes, that's correct.

19 Q. So this wasn't a situation where you
20 just took everything that was there?

21 A. No.

22 THE COURT: What is the Exhibit
23 Number on those papers?

24 THE WITNESS: Defendant's Exhibit
25 133, Your Honor.

1 MS. POLAN: Maybe we should put
2 these back so they don't get lost here. Put
3 these back in C 16. Those are the four things.
4 All right.

5 Q. (BY MS. POLAN) Now, Agent Williamson,
6 directing your attention again to your inventory,
7 item C 22, that says -- do you have -- are you
8 following me?

9 A. Yes.

10 Q. That says it was seized from a shoe box
11 in the closet in room C also?

12 A. That's correct.

13 Q. Okay. I take it that that was a
14 different shoe box because it's not part of C 12
15 and it's not part of C 8 and -- is that correct?

16 A. I don't know but I would assume that
17 also.

18 Q. You would assume it came from a
19 different location than --

20 A. Yes.

21 Q. All right. Directing your attention to
22 what's been marked Defendant's Exhibit 134 for
23 identification, can you identify that document;
24 or where it was taken from, I think would help?

25 (Handing)

1 A. This is marked L 17 C 22.

2 Q. All right.

3 MS. POLAN: I would offer this.

4 MR. DABROWSKI: No objection.

5
6 (Defendant's Exhibit 134
7 offered and marked into
8 evidence)

9 Q. (BY MS. POLAN) Referring you again to
10 Defendant's Exhibit 134, this is item C 22, is
11 that correct?

12 A. Yes. This is a photocopy.

13 Q. All right. And it's correct, is it
14 not, Agent Williamson, that this document, C 22,
15 has at its heading at the top, "Partido
16 Socialista Puertorriqueno" which means Puerto
17 Rican Socialist party?

18 A. Yes.

19 Q. It's correct, is it not, that this
20 document appears to be a memorandum dated
21 November 17th, 1976, concerning a magazine for
22 internal circulation?

23 A. Yes. It's a memorandum to the -- all
24 of the -- described as all of the militants of
25 the P S P from an individual who is -- it says is

1 responsible for national political education
2 about an internal -- an internal review,
3 circulation of the internal review.

4 Q. Review, that means magazine, doesn't
5 it?

6 A. Yes.

7 Q. It's from 1976, right?

8 A. That's correct.

9 Q. All right. So at the time you seized
10 this document, did you read it before you seized
11 it?

12 A. I don't recall specifically. Since it
13 was only a one-page document, I would have looked
14 at it.

15 Q. Did you --

16 A. The agent that presented it to me is
17 also a Spanish speaker. So he would have read
18 it.

19 Q. That was Homero Rivera?

20 A. That's correct.

21 Q. But you've testified previously in this
22 hearing that you're the person who made the
23 seizure decisions, is that right?

24 A. That's correct.

25 Q. Did you seize that document because it

1 says Puerto Rican Socialist Party on it?

2 A. I don't recall why I seized it. I
3 would have seized it based upon my review of the
4 document, my knowledge of the warrant and my
5 discussion with the agent who found the document.

6 Q. Well, what in the warrant authorized
7 you to take that document?

8 A. This document talks of the Revista,
9 some sort of an internal magazine which would
10 only be accessible to militants of this
11 organization. And the -- I could have equated
12 militants with terrorists.

13 MS. POLAN: Excuse me one minute.

14 Q. (BY MS. POLAN) Was there anything that
15 you recall having read in the search warrant
16 affidavit or been told that had to do with the
17 commission of crimes in 1976?

18 A. I don't recall anything about that, no.

19 Q. Now, Agent Williamson, it's true, is it
20 not, that you seized a number of video tapes and
21 a video cassette recorder from the living room in
22 Mr. Castro's home. I think that's room H?

23 A. Yes, that's correct.

24 Q. Okay. It's correct, is it not, that
25 H 1 is six video cassette tapes?

1 A. That's correct.

2 Q. All right. And some of those cassette
3 tapes had labels on them, didn't they?

4 A. I don't recall specifically.

5 Q. All right. Well, when you seized them,
6 did you watch them or did you just take them?

7 A. I did not watch any of the tapes.

8 Q. You didn't?

9 A. No.

10 Q. You just seized them?

11 A. That's correct.

12 Q. And were they watched -- if you know,
13 did anybody look at them, the content, later?

14 A. I don't know.

15 Q. All right. But you just seized them
16 all?

17 A. Pursuant to my inventory, I see that I
18 seized six video cassette tapes.

19 Q. Do you know if that was all the video
20 cassette tapes in the house?

21 A. I don't recall.

22 Q. All right. And you also seized a
23 number of audio tapes?

24 A. According to my inventory, H 2, I
25 seized three sound tapes.

1 Q. All right. And I'm correct, am I not,
2 in my -- in understanding that you believe that
3 you were authorized to seize any and all video
4 tapes by the language of that warrant?

5 A. That's correct.

6 Q. And that was regardless of the content
7 of the video tapes, is that correct?

8 A. I testified I did not review them for
9 content.

10 Q. Right. I'm just trying to find out
11 just to make sure I understand and the Judge
12 understands that you believed you were authorized
13 to take any video tapes regardless of the
14 content?

15 A. My testimony was that I didn't review
16 any of them for content. So my understanding was
17 that I could seize them without reviewing them.

18 Q. Fine. Do you recall if any of those --
19 question withdrawn.

20 MS. POLAN: If I could just have a
21 minute.

22 Q. (BY MS. POLAN) So you did not read
23 that warrant as limiting the seizure of video
24 tapes to video tapes that were related to the
25 allegations in the warrant affidavit or the

1 crimes listed in the warrant itself?

2 A. The way I read the warrant in this
3 addendum was that if I located video tapes I
4 could seize them.

5 Q. Fine.

6 MS. POLAN: Your Honor, there are a
7 number of financial records that I would like to
8 have in evidence so the Court can review them but
9 I don't need the witness' testimony. I would
10 like the Court to have the documents, not just
11 the inventory. But I don't need to take the
12 witness' time.

13 THE COURT: Are they part of the
14 exhibits here on the floor?

15 MS. POLAN: Yes. Well, they're my
16 copies of things that are particular -- just
17 examples of things that are in the subinventory
18 that -- I want the Court to be able to see the
19 documents but I don't need --

20 THE COURT: I'm sure you and
21 counsel could agree upon them. If they've been
22 taken in Government custody, they won't hesitate
23 to have them marked.

24 MS. POLAN: The point is I just
25 want Your Honor to be able to see what you're

1 reading on inventory. So when it says something,
2 where I perhaps think the description is
3 inaccurate, you'll be able to see the actual
4 thing they took.

5 THE COURT: Very well.

6 MS. POLAN: Is there any problem
7 with that, Mr. Dabrowski?

8 MR. DABROWSKI: No, there is not.

9 MS. POLAN: I think I'm finished
10 with this witness. If I could have one minute.

11 MS. POLAN: I have nothing further
12 of Agent Williamson.

13 THE COURT: Thank you.

14 Counsellor? Is there anything new,
15 Counsellor, that hasn't been covered?

16 MR. DABROWSKI: Yes, Your Honor.

17 THE COURT: On this subject?

18 MR. DABROWSKI: There is, Your
19 Honor.

20 THE COURT: All right. Those are
21 your notes there, all right. Very well.

22 MR. DABROWSKI: I'm not taking a
23 peek at Ms. Polan's notes, nor would she permit
24 me, Your Honor.

25 THE COURT: Very well.

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3
4 REDIRECT EXAMINATION BY MR. DABROWSKI
5

6 Q. Agent Williamson, with regard to Ms.
7 Polan's remarks yesterday about some of your
8 responses, specifically that you don't recall
9 many of the instances or specifics concerning
10 this particular search, this was not the only
11 search in connection with the case in which you
12 were the search team leader, is that correct?

13 A. That's correct.

14 Q. In fact, after you finished this
15 search, you yourself, along with your search
16 team, went to the residence of Jorge
17 Farinacci-Garcia and participated in the search
18 at that location?

19 A. That's correct.

20 Q. And similarly you have other -- many
21 other duties and responsibilities as a special
22 agent of the F B I, is that correct?

23 A. Yes, sir.

24 Q. Now, with regard to the search warrant
25 affidavit itself, you testified that you had read

1 that entire affidavit, is that correct?

2 A. Yes, that's correct.

3 Q. And would it be fair to say that you're
4 familiarity with that affidavit was much greater
5 on August 30th 1985 than it is today?

6 A. Yes, much greater.

7 Q. And similarly, in that affidavit and in
8 the addendum, there is reference made to specific
9 criminal statutes of the United States?

10 A. That's correct.

11 Q. Did you read those statutes or were you
12 familiar with them at the time?

13 A. Yes. I had read them, and I was
14 familiar.

15 Q. Did you read the specific statutes that
16 were cited in that affidavit to familiarize
17 yourself with those statutes in the context of
18 your duties and responsibilities in connection
19 with this search?

20 A. Yes, I did.

21 Q. Now, you have before you Defendant's
22 Exhibit 130 which is the welding torch, is that
23 correct?

24 A. Yes.

25 Q. You also have Defendant's Exhibit 128

1 which is a photograph of a closet from which that
2 torch was seized, is that correct?

3 A. Yes, that's correct.

4 Q. Would you show that photograph to the
5 Court, please.

6 Now, is it fair to say that this
7 welding torch is not a large four-foot huge
8 container; it's a small item, a very small torch?

9 MS. POLAN: Your Honor, I object on
10 two bases. One, Mr. Dabrowski is cross examining
11 this witness. This is supposed to be redirect.
12 Your Honor has seen the welding torch. We've all
13 seen this. This is a classic example of, "the
14 item speaks for itself" and this is
15 argumentative, it's cross examination. I haven't
16 objected to the first five questions, but I have
17 the same objection to them. If this is redirect,
18 it should be focused on things I asked about.

19 MR. DABROWSKI: She focused on a
20 welding torch. As a matter of fact, she
21 submitted the very exhibit I'm using.

22 THE COURT: I've seen the welding
23 torch. Is there something about it that isn't
24 obvious on its face?

25 MR. DABROWSKI: There sure is. I'm

1 about to point it out. That's what concerns Ms.
2 Polan because she knows exactly where I'm going.

3 MS. POLAN: Your Honor, I would ask
4 the Court to instruct Mr. Dabrowski to ask
5 questions that are not leading and that are not
6 cross examination questions to his own witness.

7 THE COURT: Well, he's cross
8 examining the witness. The Court will allow some
9 latitude. Proceed.

10 MS. POLAN: He's not cross
11 examining. It's his witness. This is redirect,
12 Your Honor.

13 THE COURT: It's redirect, that's
14 right. He did put him on. All right. Let him
15 continue, Counsellor, without framing the
16 question for him.

17 MR. DABROWSKI: If I get to a
18 critical area, Your Honor, I'll attempt not to
19 lead the witness. I'm simply trying to expedite
20 things here.

21 MS. POLAN: He's simply trying to
22 testify, Your Honor. Mr. Dabrowski knows how to
23 testify. He's very good at it.

24 THE COURT: Let's proceed.

25 Q. (BY MR. DABROWSKI) Now, you yourself

1 were not the explosives expert, is that correct?

2 A. That's correct.

3 Q. That was Agent Lyons?

4 A. That's correct.

5 Q. And he was --

6 MS. POLAN: Objection, Your Honor.

7 This is well beyond the scope of my cross
8 examination of this witness. We're going to have
9 Agent Lyons. We can ask Agent Lyons what he
10 found.

11 THE COURT: Did Agent Lyons bring
12 it to you, do you know?

13 MR. DABROWSKI: He did not, Your
14 Honor. I can cut right through that.

15 MS. POLAN: This is ridiculous.

16 THE COURT: Proceed with your
17 questioning. Please don't interrupt him further
18 unless there is reason for it.

19 Q. (BY MR. DABROWSKI) Did Agent Reilly
20 bring it to you?

21 A. Yes, he did.

22 Q. He's the one who found it in the
23 closet?

24 A. That's correct.

25 Q. Neither you nor Agent Reilly are an

1 explosives expert, is that correct?

2 A. That's correct.

3 Q. In fact, from your perspective, is it
4 fair to say that you, yourself --

5 MS. POLAN: Objection, Your Honor.

6 Q. (BY MR. DABROWSKI) Did you have a
7 question as to whether or not you could seize the
8 item prior to speaking to Agent Lyons?

9 A. Yes, I did.

10 Q. Did you discuss it with Agent Lyons?

11 A. Yes, I did.

12 Q. You at that time, of course, had read
13 page 8 of the affidavit?

14 MS. POLAN: Objection, Your Honor.

15 Q. (BY MR. DABROWSKI) Which states a
16 search uncovered four plastic containers filled
17 with gasoline and one butane tank.

18 MS. POLAN: Your Honor, I object to
19 these questions.

20 MR. DABROWSKI: Your Honor, I
21 should be permitted to finish my questions.

22 THE COURT: Why don't you approach
23 it a different way.

24 MS. POLAN: Your Honor, these are
25 completely leading questions.

1 THE COURT: The young lady can't
2 take your talking and mine at the same time. And
3 you aren't going to impress anybody.

4 Now, the question is was there a
5 special reason for selecting this particular
6 item. You were there. Tell us about it. What
7 was the reason; why did you take it?

8 THE WITNESS: I had a discussion
9 with Agent Lyons who was our explosives expert.
10 And he told me that these, the gas tanks within
11 this box, could be used as an accelerant, an
12 explosive device, and that, in fact, the F A L N
13 had used such tanks in an explosive device in the
14 past.

15 Q. (BY MR. DABROWSKI) On May 30th of
16 1982 --

17 MS. POLAN: Objection, Your Honor.

18 Q. (BY MR. DABROWSKI) As part of the
19 affidavit --

20 MS. POLAN: Objection, Your Honor.

21 THE COURT: Wait until he finishes
22 the question and then object.

23 MS. POLAN: The problem with my
24 waiting until he finishes the question -- he is
25 asking a leading question by reading out of the

1 affidavit. And if we wait until it's over, the
2 problem with the leading question is that it's
3 already been asked. That's why I'm interrupting,
4 Your Honor. Mr. Dabrowski is reading from the
5 affidavit and that's improper. And you know it
6 and he knows it. And I don't know how to stop it
7 without --

8 THE COURT: It's whether I know it
9 or not.

10 Proceed with your question, and then
11 state your objection after he's completed his
12 question.

13 Q. (BY MR. DABROWSKI) The affidavit in
14 support of the search warrant you read
15 particularized at page 8, a bomb, an incident
16 concerning a bomb that was planted on May 30th of
17 1982 at the Caribe Hilton Hotel in Puerto Rico
18 which did not detonate, is that correct?

19 MS. POLAN: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: I read the affidavit.
22 Yes, sir.

23 Q. (BY MR. DABROWSKI) That particular
24 incendiary device involved four containers filled
25 with gasoline and a butane tank as well as other

1 component parts.

2 THE COURT: Ask him what it
3 contained; or are you telling him?

4 MR. DABROWSKI: Your Honor, he
5 read the affidavit and it's at page 8.

6 THE COURT: Page 8, all right.

7 Q. (BY MR. DABROWSKI) Is that correct?

8 MS. POLAN: Objection, Your Honor.

9 THE COURT: Overruled.

10 THE WITNESS: That's correct.

11 Q. (BY MR. DABROWSKI) Now, when you
12 referred to the fact that you seized this item as
13 an explosive device or component part, are you
14 referring to all the language contained at
15 paragraph one of the addendum?

16 MS. POLAN: Objection, leading.

17 THE COURT: Same ruling. Proceed.

18 THE WITNESS: Yes.

19 Q. (BY MR. DABROWSKI) Did you, in fact,
20 make the decision to seize this device after a
21 discussion with your explosives expert, Agent
22 Lyons?

23 A. Yes, I did.

24 MS. POLAN: Objection.

25 THE COURT: Proceed.

1 Q. (BY MR. DABROWSKI) After that --

2 MR. DABROWSKI: I'm sorry. I'm
3 sorry, Your Honor, I did not hear the Court's
4 ruling on the objection.

5 THE COURT: Proceed.

6 Q. (BY MR. DABROWSKI) It was after that
7 conversation with Agent Lyons that you made the
8 decision to seize this particular welding torch.

9 THE COURT: Rather than putting it
10 in the affirmative -- I know it's pressing
11 it -- but why don't you ask him in question form
12 rather than stating the affirmative aspect of it,
13 Counsellor. Let him continue. He's intelligent
14 enough to respond.

15 Q. (BY MR. DABROWSKI) Agent Williamson,
16 can you tell us why you seized that welding
17 torch; why at the time you decided to seize it,
18 you thought it to be an explosive device or a
19 component part of an explosive device?

20 A. I seized it based upon my knowledge of
21 the affidavit, the warrant, the addendum and my
22 discussions with Special Agent Lyons.

23 MR. DABROWSKI: Your Honor, it's
24 now 11:30. I can continue but --

25 THE COURT: How much longer?

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MR. DABROWSKI: I'll be approximately a half hour, Your Honor.

THE COURT: All right. Take our recess.

(Recess)

THE COURT: You may proceed, Counsellor.

Q. (BY MR. DABROWSKI) Agent Williamson, two days ago you were asked a question by Ms. Polan in connection with why it was you took photographs of individuals, one of whom in fact, turned out to be an attorney who had arrived at the scene of the search; do you recall that?

A. Yes, I do.

Q. Do you recall that you testified that those photographs were taken with your knowledge because of a concern for your safety?

A. That's correct.

Q. And you noted that the log, the search log at that time reflected that a car had arrived with a Puerto Rican male and a female. And a license number was taken down and their photographs were taken at approximately 7:35

1 a.m.?

2 A. That's correct.

3 Q. Did you have a concern for your safety
4 at that time?

5 MS. POLAN: Objection, Your Honor.
6 That was -- he answered the question when I asked
7 him. I don't know --

8 THE COURT: He did testify
9 previously he had concern for his safety.

10 MR. DABROWSKI: And it has been
11 asked and answered. So I'll ask a different
12 question.

13 Q. (BY MR. DABROWSKI) Why did you have a
14 concern for your safety?

15 MS. POLAN: Objection, Your Honor.
16 I don't think that it is particularly relevant.
17 I asked him why he took the pictures.

18 THE COURT: To the extent it's
19 relevant, we'll allow it.

20 MR. DABROWSKI: If it wasn't
21 relevant --

22 THE COURT: The Court isn't going
23 to be impressed one way or the other.

24 MS. POLAN: I'm just trying to save
25 some time. I thought this was going over the

1 things I had asked about, the overbreadth of the
2 search.

3 THE COURT: That's what it's for.

4 THE WITNESS: At the time I was
5 aware of the violent nature of this terrorist
6 group, the fact that they were responsible for
7 deaths of certain individuals and the fact that
8 there were numerous numbers of them that were
9 going to be arrested that day.

10 In addition, prior to our arrest of Mr.
11 Castro-Ramos, I had heard radio traffic to the
12 effect that there had been a shooting of an agent
13 at one of the other locations.

14 Q. Now, there was reference made by Ms.
15 Polan to Agents Held and Clow; it's a fact that
16 they were not present at any time during the
17 execution of this search, is that correct?

18 A. That's correct.

19 Q. Now, C 11, C 12 and C 13 are what;
20 could you say what those are once again?

21 A. C 11 was a folder that contained
22 documents. C 12 was a shoe box that contained
23 documents, passports. And C 13 was the black
24 satchel or briefcase that contained the hoods,
25 money and other terrorist items.

1 Q. And when you prepared the evidence
2 inventory at the scene, your Evidence Inventory
3 Form, you simply described that as a -- C 11, as
4 a large brown folder with revolutionary
5 materials, is that correct?

6 MS. POLAN: Your Honor, this is
7 another case of "the document speaks for itself."
8 Mr. Dabrowski objected when I asked him what did
9 he write down, saying we all could read what he
10 wrote down.

11 MR. DABROWSKI: I'll rephrase the
12 question. The Evidence Inventory Form --

13 THE COURT: The inventory form
14 itself. I have it before me, what it reads.

15 Q. (BY MR. DABROWSKI) The Evidence
16 Inventory Form, which is in evidence and the
17 Court has before it, reflects that C 21 is a
18 large brown folder with revolutionary materials.
19 All of the C 11 sub items that Ms. Polan showed
20 you and she talked about during the direct --
21 excuse me, her cross examination were taken from
22 that brown folder, is that correct?

23 A. That's correct.

24 Q. Evidence Inventory Form item C 12 is
25 noted in the form which the Judge has before him

1 as a shoe box with passports, bankbooks,
2 financial records and receipts; and all of the
3 items that you've testified about with the
4 subcategory C 12 sub something came from that
5 shoe box, is that correct?

6 A. Yes, that's correct.

7 MS. POLAN: Your Honor, this has
8 been asked and answered a number of times. I
9 remember Mr. Dabrowski objecting this morning,
10 when I started to ask, saying he's already
11 answered that. So I don't know why we need more
12 testimony. I think it's absolutely clear to the
13 Court.

14 THE COURT: What is there new that
15 I'm going to learn from this now? It says just
16 what you said here. So I haven't learned
17 anything new at this time.

18 MR. DABROWSKI: They're foundation
19 questions, Your Honor, to the introduction of
20 what I hope to be Government Exhibit 26, which is
21 a photograph of the closet clearly depicting two
22 of those items, actually they'd be C 11 and C 13,
23 prior to the seizure.

24 The purpose is simply to demonstrate to
25 the Court they're from amongst all of the items

1 in that closet. Those were the two items that
2 were taken. All of the documents that you heard
3 about were contained in the two items, in C 11
4 and C 13, are right in this photograph and
5 they're right here.

6 And this photograph clearly speaks the
7 so-called 10,000 words to the breadth of the
8 search. That's what was taken, right up in the
9 corner of that closet. And despite the fact that
10 we spent two days going over it document by
11 document, there they are up the corner of the
12 closet that's essentially --

13 THE COURT: Have the witness
14 identify the photograph. Show it to counsel.
15 See if she has objection and --

16 MR. DABROWSKI: That's what I was
17 doing, Your Honor.

18 THE COURT: All right. Let's do
19 that.

20 Q. (BY MR. DABROWSKI) The final one,
21 C 13, you described as a black zippered attache
22 containing the money, ledgers, phone books,
23 notes. And my copy of the Evidence Inventory
24 Form, it's not legible, but all of the C 13
25 subcategories that Ms. Polan showed you during

1 the cross examination, in fact, came from the
2 black satchel, is that correct?

3 A. Yes, that's correct.

4 Q. Now, you did not further describe these
5 on your Evidence Inventory Form at that time, is
6 that correct?

7 A. No, I did not.

8 Q. Was there any reason for that; why
9 didn't you create a subinventory or why didn't
10 you go through every single document?

11 A. As I tried to explain to the Judge
12 yesterday, we had set up a procedure when we
13 would find numerous items that we were seizing
14 together, that we would give them one inventory
15 number. And then at a later time they would be
16 subinventoried item by item.

17 Q. Showing you Government Exhibit 26, can
18 you identify that photograph?

19 (Handing)

20 A. That's the photograph of bedroom C
21 which is the bedroom and closet from where items
22 11, 12 and 13 were taken.

23 Q. In that particular photograph from the
24 angle that it's taken, can you actually see items
25 C 12 and C 13?

1 A. Yes.

2 MR. DABROWSKI: I'd move for the
3 full admission of this photograph, Your Honor.

4 THE COURT: Was this picture taken
5 before the search, if you know?

6 THE WITNESS: It was taken prior to
7 those items being seized, Your Honor. I don't
8 know if this photograph was taken before the --

9 THE COURT: Is there a time element
10 stated on the back of it? Will counsel look at
11 it, see if you have any objection to it.

12 MS. POLAN: I'd like to inquire,
13 Your Honor.

14 You didn't take this photograph, did
15 you, Agent Williamson?

16 THE WITNESS: No, I did not.

17 MS. POLAN: Were you in the room
18 when it was taken?

19 THE WITNESS: No, I was not.

20 MS. POLAN: You don't really know
21 when it was taken during the search, do you?

22 THE WITNESS: Well, I can tell from
23 the fact that the items that I seized are still
24 in the closet that it was taken prior to their
25 seizure.

1 THE COURT: Was this photograph,
2 did it depict the existence of the items in the
3 closet, whatever they were, prior to the time you
4 commenced your search? Do you know that? If you
5 don't know, just say "I don't know."

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

8 MS. POLAN: I would object on the
9 basis he doesn't know, Your Honor.

10 THE COURT: All right. Some other
11 witness can bring it in.

12 Q: (BY MR. DABROWSKI) Were you in that
13 room prior to the actual seizure of these items?

14 A. At some point I would have walked
15 through each room, yes.

16 Q. But were you in that room, that is
17 room C, before those items were taken from the
18 shelves?

19 A. Yes.

20 Q. And does that photograph accurately
21 depict the location of C 11 and C 12 prior to
22 their being removed from the closet and brought
23 to you for a final determination as to seizure?

24 MS. POLAN: Your Honor, I object.
25 He already said he doesn't know.

1 THE COURT: If he knows, he can
2 answer.

3 THE WITNESS: It appears to, yes.

4 THE COURT: What's that?

5 THE WITNESS: It appears to.

6 Q. (BY MR. DABROWSKI) In fact, was it
7 not part of the procedure that was employed that
8 an item of significance that was to be seized was
9 to be photographed prior to its removal from
10 where it was first found?

11 A. That's correct.

12 MR. DABROWSKI: I move for the full
13 introduction of that photograph, Your Honor.

14 MS. POLAN: Your Honor, I have the
15 same objection. He's saying what he assumes and
16 what the procedures were. But he doesn't have
17 any personal knowledge of when the photograph was
18 taken; for example, if other things had been
19 taken out of that closet before it was taken.

20 THE COURT: The question was,
21 though, does that portray the existence of the
22 condition that he observed before the search was
23 commenced. I understood him to say it appears
24 to, yes.

25 MS. POLAN: But I don't think he

1 knows. I would like to inquire.

2 MS. POLAN: Do you know for sure?

3 THE WITNESS: I don't know for a
4 certainty, Your Honor.

5 THE COURT: Bring it in through
6 somebody else if it's essential. We've taken up
7 so much time with this we might as well take up a
8 little more.

9 Q. (BY MR. DABROWSKI) Directing your
10 attention to the shoe box items C 12, Ms. Polan
11 showed you her Exhibit 115; you have that **before**
12 you, do you not?

13 A. Yes.

14 Q. And that is a traffic ticket receipt?

15 A. Yes.

16 Q. Does it reflect a license number?

17 A. Yes, it does.

18 Q. What's that license number?

19 A. 774289. That's -- it also has a --

20 Q. That's the driver's license number,
21 right?

22 A. Yes. And in addition it has a -- in
23 Spanish, it's Tablilla, T A B L I L L A, which
24 is -- that's a license plate, a license plate
25 number.

1 Q. Of any kind of particular car?

2 A. I can't read the notations on the --

3 Q. On that day -- what's the license
4 number of that vehicle?

5 A. It appears to be 52 U 104.

6 Q. On the same day you seized that item,
7 had you read page 61 of the affidavit in support
8 of this search warrant?

9 MS. POLAN: Your Honor --

10 THE WITNESS: Yes, I read the
11 entire affidavit.

12 MR. DABROWSKI: Your Honor, I just
13 note for the record that page 61 reflects both
14 the vehicle and the driver's license number.

15 MS. POLAN: Your Honor, I object to
16 Mr. Dabrowski testifying about what's in the
17 warrant, telling this witness what's in the
18 warrant. If he wants to ask him, "What do you
19 remember reading on page 61", I have no objection
20 to that. Or if he wants to ask him if he
21 remembers reading in it --

22 THE COURT: The Court will read it.
23 I don't think there is any problem with regard to
24 the issue.

25 MS. POLAN: I don't think Mr.

1 Dabrowski has to read the affidavit.

2 Q. (BY MR. DABROWSKI) I'm showing you
3 Government Exhibit, for this hearing, 27. This
4 is Government -- on the Government's Exhibit list
5 as 1008. Do you recognize that document?

6 (Handing)

7 First of all, was it seized from the
8 residence?

9 A. Yes, this bears our subinventory number
10 L 17 C 12-60.

11 Q. Is there a license number on that
12 document?

13 MS. POLAN: Your Honor, this
14 exhibit is not in evidence. I don't believe it's
15 proper for him to be testifying.

16 Q. (BY MR. DABROWSKI) First of all when
17 Ms. Polan showed you some of the items that were
18 taken from C 12, she did not show you this item,
19 is that correct?

20 A. That's correct.

21 Q. But that item was one of the items
22 found in the shoe box?

23 MS. POLAN: Your Honor, I would
24 object to him again asking the witness about a
25 document that's not in evidence. It is not in

1 evidence.

2 MR. DABROWSKI: I'm about to move
3 it into evidence.

4 MS. POLAN: He's asking him if I
5 showed it to him.

6 MR. DABROWSKI: I move for full
7 admission of this exhibit.

8 MS. POLAN: I object to this. This
9 is supposed to be about the overbreadth of the
10 search. The point is not to put in evidence
11 everything on the Government's Exhibit list. I
12 didn't question -- if I didn't question him about
13 something, it's either because I thought it
14 wasn't important to bring to the Court's
15 attention or perhaps I thought it was within the
16 scope of the warrant. We're going to be here for
17 a month if we go through everything on the
18 exhibit list.

19 THE COURT: Well, I want to caution
20 Mr. Dabrowski in the same fashion I did you.
21 Namely, I'm going to review all of these. Now,
22 you noticed yesterday I said to the Government I
23 would like a list of those that are on your
24 exhibit list and what they are, so I'll know
25 those that may become relevant, and those that

1 may never be used, non-relevant list, not on the
2 exhibit list. So that I can look with special
3 attention to those that they're claiming as
4 relevant.

5 I expect to receive that in due course
6 from the Government as I asked for it. I will
7 review them all individually. And it will save
8 an awful lot of time because I'm going to devote
9 a lot of time to it. And I'm going to come to
10 the right answer with respect to the issues
11 before us.

12 MS. POLAN: My objection is that
13 this document is not relevant to the inquiry
14 before us. And the inquiry is overbreadth. I'm
15 not challenging the seizure of that document.
16 And what I'm concerned about is that Mr.
17 Dabrowski is going to take the next hour or two
18 showing this witness things on the exhibit list
19 which he believes they had a right to seize.

20 If I didn't bring that to the Court's
21 attention, I'm not challenging it or I don't
22 think it's important. And I don't think it's
23 going to help the Court at all to determine the
24 legal issues about the overbreadth of the warrant
25 or the search. I don't see why that's -- I'd

1 like to have some, you know, something from the
2 Government about what this is relevant to.

3 THE COURT: It seems to me the
4 Government's brief is going to be on file
5 concerning this issue. These can be itemized,
6 the ones that have been unchallenged. And if
7 they are relevant and very relevant to the
8 Government's case, I don't know. But when the
9 Court reviews them and reviews them on their
10 merits --

11 MS. POLAN: But we don't need to
12 have every exhibit on the exhibit list shown to
13 the witness to say, "Why did you seize this?"
14 That's not going to help us.

15 THE COURT: The only ones we're
16 concerned about are those that are challenged?

17 MS. POLAN: That's correct.

18 MR. DABROWSKI: Every item in the
19 **search**, Your Honor, is challenged. Ms. Polan's
20 **position** here is that the agents' conduct was so
21 outrageous that it shocked the conscience of the
22 Court and that it requires the suppression of all
23 evidence in this case.

24 So first of all, the admissibility, the
25 Government's ability to admit into evidence every

1 item in this search is an issue. I have a number
2 of points to make. Number one, Ms. Polan took
3 three days in a broad-ranging inquiry. For her
4 to get up here and object to the Government
5 taking one hour to clarify this record is
6 ridiculous. Number two, the Court specifically
7 invited this.

8 Now, you just tempered -- I am
9 prepared, and I have all the Government's
10 exhibits here with translations attached to them
11 ready to submit to the Court. I assume you were
12 not only inviting that but instructing the
13 Government to do that yesterday.

14 THE COURT: That's right.

15 MR. DABROWSKI: Now, in view of the
16 Court's remarks, I will incorporate the
17 submissions into my brief. But it's also
18 important to note this: This agent seized at
19 this location, amongst other items, some
20 very -- items he described as very significant, a
21 case, a shoe box and a bag. And when he
22 testified, he indicated that he made individual
23 decisions but also made a decision to seize that
24 item collectively to preserve that shoe box as it
25 was, to preserve the bag, and to preserve the

1 case.

2 Now, what Ms. Polan has done here, Your
3 Honor, is she has selected out items which she
4 has chosen, which admittedly wouldn't be some
5 which would be seized individually, but which the
6 Government clearly would argue were appropriately
7 seized under the circumstances.

8 She neglected to advise the Court that
9 the license number and driver's license number,
10 amongst the documents she put in, are at page 61
11 of the affidavit. She neglected to bring to the
12 Court's attention the Mitsubishi, Exhibit 1008,
13 which again is at page 61 of the affidavit. She
14 neglected to put into evidence from C 123 the
15 masks. She neglected to put into evidence a
16 number of things.

17 Now, in order for the Government to be
18 able to argue in this brief that this agent not
19 only didn't engage in activity which shocked the
20 conscience of the Court, but he engaged in
21 appropriate action, he seized items he should
22 have taken, that any responsible agent should
23 have taken, meaning to show the Court at least
24 some of the items that were in these containers,
25 so that the Court can get a feel for what's this

1 bag, what's this case, what's this shoe box have
2 in it as a whole; not only individually, but as a
3 whole. Why did that agent take those documents.

4 A good many of the exhibits that are
5 contested here came from C 11, C 12 and C 13.
6 And I not only have the right but the obligation
7 to point out to the Court that there were a
8 number of items in those containers that were
9 properly -- not only properly, that had to be
10 seized.

11 Now, as far as taking up time, believe
12 me, I want to get out of here faster than
13 anybody. But -- and I will attempt to do that.
14 But I have an obligation to make sure the Court
15 understands what else was in those documents
16 because you haven't seen them from Ms. Polan.

17 THE COURT: Let's proceed.

18 MS. POLAN: Your Honor, if I can
19 make one remark. The question of whether the
20 Court is going to suppress all the evidence based
21 on an argument that the search was so overbroad,
22 that it's required, that determination doesn't
23 depend on whether or not they seized anything
24 they were entitled to seize. I could concede
25 that they seized some things they were entitled

1 to seize. That's not the inquiry.

2 The inquiry is what about all the stuff
3 they shouldn't have seized. And all I'm saying
4 to the Court is that Mr. Dabrowski can make legal
5 arguments and he can --in a brief he can address
6 the Court's attention to whatever pages of the
7 affidavit had whatever license plate numbers in
8 it and that it's not helping to have this agent
9 identify any automobile registration that he took
10 from the house. It doesn't add anything to any
11 argument.

12 MR. DABROWSKI: Well --

13 THE COURT: We get back to the same
14 problem, Counsellor. The Court is going to
15 review these and read them. We're going to have
16 transcripts of them, presumably, from Spanish
17 into English. And if they -- reasonably prudent
18 agents under all the existing circumstances would
19 have acted as he did, then that's it. If on the
20 other hand, contrary-wise, so be it. But the
21 warrant itself also will be evaluated on its face
22 of what's within it.

23 MR. DABROWSKI: Let me go to the
24 heart of the matter. If we can agree on a
25 procedure, I can sit down right here. For

1 example, one of the things I would like to know
2 from an evidentiary point of view here, which I
3 can also do in my brief if the procedure is
4 permissible, is to explain why it was that the
5 video tapes had significance, why it was they
6 were seized, why it was -- make specific
7 reference to the black hood that is in C 13.

8 MS. POLAN: Your Honor, I would
9 object to Mr. Dabrowski testifying about the
10 evidentiary value of something that he himself
11 didn't seize. That's objectionable.

12 THE COURT: You can put that in
13 your brief, Counsellor. And I'll read it.

14 MR. DABROWSKI: You see, what we
15 have here, Your Honor, is a black hood.

16 MS. POLAN: Could the record
17 reflect that what we have here is a black cloth
18 with two holes in it so the record is clear. It
19 is a black cloth. And it has two holes in it.

20 THE COURT: Well --

21 MR. DABROWSKI: The record should
22 reflect that I just handed the Clerk of the Court
23 a black cloth with two holes in it. And I asked
24 that it be marked for identification.

25 THE COURT: It may be marked.

1 MR. DABROWSKI: Your Honor, what
2 the Government would attempt to establish here,
3 for example, is that we would direct the Court's
4 attention to page 4 of the affidavit and page 7
5 of the affidavit which shows that hoods were used
6 in connection with a T V video tape that was
7 aired in Puerto Rico. And that, in fact, a black
8 hood with holes in it was recovered following a
9 Muniz Air Base assault. And if permitted to,
10 bring out at this hearing other evidence in
11 connection with other information about the
12 nature and extent of these hoods. For example --

13 THE COURT: Why can't you put that
14 in your brief?

15 MR. DABROWSKI: I can, Your Honor.
16 And I would propose to do that. And that would
17 be perfectly permissible with the Government. I
18 assumed Ms. Polan objected to that. Apparently
19 now she would prefer that it be done that way
20 rather than in a hearing.

21 MS. POLAN: No, what I object to
22 is, one, Mr. Dabrowski characterizing a black
23 piece of cloth with two holes in it as a hood.
24 Because we're going to have a printed record here
25 of what's going on. I don't object to Mr.

1 Dabrowski making a legal argument in his brief
2 about -- that that particular item in front of
3 the agent was legally seized because it was an
4 auto registration form. I don't object to that.

5 I do object to Mr. Dabrowski trying to
6 justify in a legal brief certain seizures based
7 on no evidence in the record. The agent, for
8 example, about the video tapes, testified very
9 clearly less than an hour ago that he believed he
10 was authorized to seize all the video tapes, that
11 he didn't watch them and he didn't have to. We
12 don't need any more testimony about that. Mr.
13 Dabrowski wants to argue whatever he wants to
14 about whether that's justified. I don't object.

15 But I don't think that Mr. Dabrowski
16 has the right to argue in his brief about things
17 in which there is no evidence.

18 MR. DABROWSKI: You see what we
19 have here, Your Honor. We're at a crossroads.
20 When the Government approached this hearing, I
21 suggested that we use the detailed subinventory,
22 that both sides be able to freely refer to it and
23 that we could eliminate these days of hearing.

24 If you go back and look at the record,
25 you will see that in large measure everything

1 that Agent Williamson said you can read right
2 off the subinventory. In addition, we could
3 submit the items of evidence we need, appropriate
4 for the Court to see, and avoid all of these
5 hearings.

6 Ms. Polan insisted upon not doing that
7 and going forward with the hearing. And we have
8 now established a procedure whereby we submit
9 into evidence the documents that we want the
10 Court to see. Now Ms. Polan comes up, and when
11 she sees the Government sitting here with some of
12 the items she doesn't want the Court see, she
13 said, "Let's not do this." We have to do it one
14 way or the other. What's good for them is good
15 for the Government.

16 Now, she has put into evidence her
17 items. I want the Court to see some of the
18 documents that were in C 11 and C 12 and
19 identify, get English translations of them here.

20 THE COURT: I think if you have any
21 claim of that kind, put it in your brief. And
22 I'll read it, make my own comparison of the
23 search warrant. And I'll make a comparison with
24 the particular exhibit and draw a conclusion.
25 And I think that's a much better way of handling

1 it.

2 I see some of the items on here. For
3 example, nobody has to bring a black cloth with
4 some holes in front of it to swing me one way or
5 the other. And nobody has to go down and pick up
6 a bulletproof vest and hold it up in the court
7 and try and convince me one way or the other. I
8 don't need that sort of thing. Put it on paper,
9 and I'll consider it. That's what the Court is
10 for.

11 MS. POLAN: Your Honor --

12 THE COURT: Save a lot of time.

13 MR. DABROWSKI: If what you're
14 saying is we may make reference to these
15 exhibits; for example, Ms. Polan questioned the
16 agent about a document that was captioned "actas"
17 or "minutes" or whatever the testimony reflects.
18 There is a portion of that document that makes
19 specific reference to \$40,000 being drawn from an
20 interest of the other bank. Ms. Polan did not
21 point that out when they had that document before
22 the agent. If I could do that --

23 THE COURT: Would you put that in
24 your brief because you can't ask this witness
25 that question because he doesn't know anything

1 about the overall case. And you can't testify
2 for him and ask him, yes and no, if you knew
3 so-and-so would you be justified. That's beside
4 the point.

5 MR. DABROWSKI: No. But I think if
6 you look at the English translation of the
7 minutes, all you have to do is -- in one second,
8 you can see that those minutes are relevant, Your
9 Honor. And you were shown the Spanish, you
10 weren't shown the English.

11 THE COURT: Well, you have the
12 right to submit the English translation and I
13 want to see the English translation. I don't
14 propose to risk my fifty years ago of Spanish
15 today in translating. It's too far back. And my
16 vocabulary isn't that good.

17 So if you want your claims, and she
18 could submit their claims in her brief. And the
19 Court will evaluate them, save a lot of time and
20 neither one of you will be any further ahead if
21 you follow the other procedure.

22 MR. DABROWSKI: I agree. And I
23 would prefer the procedure. I would --

24 THE COURT: This will be the
25 procedure.

1 MS. POLAN: Your Honor, I just want
2 to state something for the record which is about
3 this procedure. I don't object to Mr. Dabrowski
4 filing a brief in which he attempts to justify
5 certain seizures of items on whatever legal
6 theory he can come up with. However, I do object
7 to him filing a brief in which he characterizes a
8 piece of evidence, an item that is not in
9 evidence as one way or the other where the Court
10 has no basis on which to the make a
11 determination.

12 If the documents are here, the
13 documents are here. But if he's going to go --
14 but I think the descriptions on the subinventory
15 are characterizations. And that's why I brought
16 several items. I showed them to the agent.
17 Revolutionary literature, for example, that does
18 not help the Court to say if something is
19 seizeable or not.

20 And I specifically object to Mr.
21 Dabrowski being able to argue in his brief about
22 things on which there is no evidence as to what
23 something is. You saw that black briefcase,
24 you've seen it. You know what it is. That's
25 what you need to do. I think if Mr. Dabrowski

1 wants to show you that black cloth, I have no
2 objection to that. I do object to him
3 characterizing something as a mask when it's not
4 a mask. That's a conclusion of his.

5 THE COURT: The Court will have to
6 make a determination. And the Court will. I
7 think we've covered it pretty much, and I don't
8 think much is to be gained by prolonging it.

9 MR. DABROWSKI: I would like to
10 submit at this time, Your Honor, and I'll simply
11 provide to the Court copies of each of the
12 Government's exhibits along with translations
13 where appropriate.

14 For example, I have in front of me now,
15 Exhibit 1004, it's L 17 C 139 sub 17-6. It has
16 the Spanish defense exhibit now on the left. It
17 has the Government's translation on the right. I
18 would intend to do that with each -- with most of
19 the Government's exhibits. And I will attach
20 that as --

21 THE COURT: I presume your
22 adversary will submit the English translations of
23 hers.

24 MR. DABROWSKI: That brings us to
25 that particular subject which I don't want to

1 argue at length now because I agreed with Mr.
2 Weinglass to argue next week. But we are going
3 to have to direct the Court's attention to the
4 fact that a procedure to resolve disputes between
5 translated -- between the Government's
6 translations of documents of the defendants and
7 even more timely, the conversations, that we have
8 to set up the procedure now to resolve, to --
9 number one, determine whether there are questions
10 concerning the accuracy of the Government's
11 translations. If there are not, there is no
12 problem. If there are, we have to set up a
13 procedure to resolve those --

14 THE COURT: I think Mr. Williams
15 has a motion on that at the present time pending.

16 MR. WILLIAMS: I do.

17 MR. DABROWSKI: I'm not going to
18 say any more. I have agreed with Mr. Weinglass
19 that we are going to argue that next week.

20 THE COURT: It should be worked out
21 by counsel. And Mr. Williams has a motion on it.
22 He better be consulted on it, too.

23 MR. DABROWSKI: We can work out the
24 schedule. We can work out some details. But we
25 have agreed we have to argue other portions to

1 the Court. And I'll defer that to another day.

2 THE COURT: Very well. Are there
3 documents that need translating now, that the
4 Government wants to offer translation on, that
5 are already in existence, on file with the Clerk;
6 or are those translations in the case of Ms.
7 Polan?

8 MR. DABROWSKI: No. These, for
9 example, with regard to the minutes, the
10 translation that I have attached here is a
11 translation that we provided to the defendants
12 some time ago. It, however, is a translation
13 which, if the defendants dispute, and I have
14 reason to believe they are going to dispute a lot
15 of translations, we have to address that fact and
16 resolve it.

17 Now, it's my understanding that what
18 the Court has -- is going to do, is force the
19 parties together. And then if we cannot resolve
20 our disputes, the Court -- the Court's own
21 translators will intervene and be the final
22 arbiters. All I want to do is establish, get a
23 procedure in motion.

24 So for example, if they disagree with
25 regard to these minutes, we can have their

1 translations which we should. We may agree that
2 theirs are better than ours, and they may be in
3 some instances. And then if not, if they
4 disagree with this, then ultimately that's going
5 to have to be resolved. And we'll submit it to
6 the Court's translators. If that's the way --

7 THE COURT: Fine. Work that out
8 between yourselves to the extent you can. And
9 then the Court -- if you can't agree, the Court
10 will determine it.

11 Q. (BY MR. DABROWSKI): Now, Agent
12 Williamson, with regard to the C 11, C 12 and
13 C 13, is it fair to say that -- well, how did you
14 make the decision as to whether or not to seize
15 those particular items?

16 A. Those items, C 11, C 12 and C 13, after
17 the agents had seized them, had brought them to
18 my attention, I made a review of the items
19 individually, and after that review, made the
20 determination that the item as a whole had
21 significance and seized each of those items as a
22 whole.

23 MR. DABROWSKI: Just so the record
24 would be clear, Your Honor, I would like this
25 agent to simply identify six exhibits, all of

1 which came from C 11, which the Government wants
2 me to submit for purposes of record.

3 THE COURT: Is it marked for
4 identification?

5 MR. DABROWSKI: Yes, Your Honor.
6 I'm going to offer them as a full exhibit.

7 THE COURT: Has counsel seen them?

8 MR. DABROWSKI: Yes, Your Honor.

9 MS. POLAN: No I haven't, Your
10 Honor.

11 MR. DABROWSKI: Counsel has not
12 seen this copy. However, I made these personally
13 two nights ago from the disclosure file that was
14 given Ms. Polan, so if they're in that file, she
15 has them.

16 MS. POLAN: I'd like to know which
17 exhibits they are, Your Honor?

18 MR. DABROWSKI: I'll identify that
19 for her. Government Exhibit 29 for this hearing,
20 is Exhibit 997 L 17 C 11-91. It has the
21 Government's translation attached to it.

22 THE COURT: Apparently these
23 numbers, sequential numbers are going to stand us
24 in good stead here in being able to keep track of
25 these.

1 MR. DABROWSKI: The L numbers?

2 THE COURT: No, the sequential
3 numbers.

4 MR. DABROWSKI: I don't know, Your
5 Honor. I am to this day using the L 17 numbers
6 to track my documents. I have always resisted
7 and still am confused by Mr. Avery's system which
8 has been imposed upon us by the Court. Exhibit
9 1004 now which I have in my hand is meaningless
10 to me. L 17 tells me it came from Castro-Ramos,
11 C says it came from the bedroom, ll says it came
12 from the file folder, 3917 sub 6 tells me which
13 file it came from. So I know exactly where that
14 document came from. If you tell me Exhibit 1004,
15 I don't have a clue.

16 THE COURT: Very helpful to the
17 Court.

18 MR. DABROWSKI: Well --

19 MR. AVERY: Enlightenment always
20 goes hard with the bureaucracy, Your Honor.

21 MS. POLAN: If we can have one
22 minute, Your Honor. Maybe we could --

23 MR. DABROWSKI: Ms. Polan has
24 brought to my attention something I knew was a
25 problem which I thought I just raised with the

1 Court. And that is that she may disagree with
2 this translation. And I agree she has a right to
3 disagree. And what I suggest is that she's had
4 this document translated on her own. If she
5 disagrees, so state and let's resolve it.
6 That's one less exhibit.

7 THE COURT: Mark them for
8 identification and then she can translate it.
9 And maybe she'll agree with you, maybe she won't.
10 And then we'll have somebody else translate them.
11 And the Court will be guided by the Court
12 appointed translator.

13 MR. DABROWSKI: I have to a make
14 one other statement. It's very important. We
15 cannot undertake a final printing as a Government
16 exhibit until we resolve its accuracy. We've got
17 documents on word processing or computer
18 equipment or at least -- I'm not sure if we have
19 this one. We're putting most of them on.

20 In the -- once the dispute is resolved
21 as to the accuracy of this translation, then that
22 machine can make the appropriate changes and
23 print out the final product which the jury will
24 see, should this be admitted into evidence. So
25 this is an appropriate concern and it has to be

1 addressed.

2 THE COURT: Very well.

3 MR. DABROWSKI: But for the moment,
4 this is the translation we have.

5 MS. POLAN: Your Honor, I seldom do
6 this, but I think at this point -- I think I
7 would withdraw part of the objection I made
8 before to a certain extent. I don't object if
9 Mr. Dabrowski wants to show this document,
10 Government Exhibit 29 for identification, the
11 original in Spanish to the agent and ask him why
12 he took it. I don't object to that question if
13 he wants to do it.

14 I do object to the agent reading the
15 English to decide why he took the document
16 because what he had on August 30th was a Spanish
17 document. And if he wants to present that to him
18 and say, "Why did you take it?" I don't object
19 to that.

20 But I am going to have an objection if
21 the English which I have not -- and I don't know
22 if I object to this translation -- if that's
23 given to the agent. And it may be inaccurate
24 since there was no English at the time.

25 THE COURT: All right. Proceed.

1 MR. DABROWSKI: First of all, Your
2 Honor, the translation is being submitted for the
3 convenience of the Court. This particular
4 translation was given to Ms. Polan almost a year
5 ago.

6 THE COURT: Show it to him in
7 Spanish. See if he can read it.

8 MR. DABROWSKI: He's already seen
9 the document. It's already in as a full exhibit,
10 as a defense exhibit.

11 MS. POLAN: This one isn't.

12 MR. DABROWSKI: Exhibit 1004 isn't?

13 MS. POLAN: I'm saying if you're
14 going to go through these, I want him to see the
15 Spanish.

16 Q. (BY MR. DABROWSKI) Showing you
17 Government 29 for identification, and that's
18 Government sequentially numbered exhibit which is
19 number 997. Without looking at the English, do
20 you recognize the Spanish document; can you tell
21 us if that came from the search of Elias Castro's
22 residence?

23 A. Yes, it bears the subinventory number
24 L 17 C 11-9-1 and 9-2.

25 Q. Is that one of the documents that was

1 contained within the file folder that you relied
2 upon in seizing the entire folder as well as the
3 documents individually?

4 A. Yes, it was.

5 Q. I'm showing you Government Exhibit 30,
6 Government Exhibit sequential Exhibit Number
7 1004. Would you look only at the Spanish and
8 tell us if you recognize that document?

9 (Handing)

10 A. Yes, I do. This is our subinventory
11 number L 17 C 11-39-17-6.

12 MR. DABROWSKI: This, Your Honor,
13 is a full exhibit as a defense exhibit.

14 Q. (BY MR. DABROWSKI) Would you read the
15 third paragraph from the bottom, in English for
16 the Court; you're reading from the Spanish, will
17 translate that, please?

18 A. You want me to translate it -- to my
19 best ability would be it was -- discussed the
20 application for the loan of the -- then there is
21 the word L G O S. I would say that's -- that
22 identifies some individuals who were applying.

23 Q. It's fair to say you don't know what
24 that is, that is right?

25 A. Right. "It was approved the quantity

1 of \$40,000 and that they would be given -- and
2 that they would give to him the accumulated
3 interest in the other bank."

4 Q. I'm showing you Government Exhibit 31,
5 the sequential number is 998. And I'm just
6 showing you the Spanish. And just -- it's a long
7 document, there is a English translation on the
8 other side. Have you ever seen that before?

9 A. No, sir.

10 Q. Well, you won't see it now. But look
11 at the Spanish document.

12 (Handing)

13 Do you recognize that document?

14 A. Yes. This is our subinventory number
15 L 17 C 11-14-2, up through page -- the first page
16 is the only page of the document that was fully
17 marked with the subinventory number.

18 Q. All right. Do you recognize this
19 exhibit as being one of the documents that you
20 found in C and that you relied upon in seizing
21 that entire file folder?

22 A. Yes.

23 Q. Showing you Government Exhibit 32,
24 sequential number is 1001, if you'll just look at
25 the Spanish version. That's the newspaper

1 article that Ms. Polan showed you, is that
2 correct?

3 A. Yes, that's correct.

4 Q. You've previously testified about that?

5 A. Yes, that's correct.

6 Q. You found that in C 11?

7 A. Yes, I did. It has our subinventory
8 number L 17 C 11-17 A 1 through A 4.

9 Q. The English translation you've never
10 seen, is that correct?

11 A. That's correct.

12 MR. DABROWSKI: Your Honor, these
13 are Government Exhibits 33 and 34. They are the
14 sequential numbers 1002 and 1003.

15 Q. (BY MR. DABROWSKI) I'll just ask if
16 you can identify those documents as coming from
17 C 11 and as being documents you relied upon in
18 seizing that entire folder.

19 (Handing)

20 A. Yes. 1002 is L 17 C 11-21-5 and 1003
21 bears our subinventory number L 17 C 11-21-6.

22 Q. Could you just briefly tell us what
23 those documents are?

24 A. C 11 21-5 is a -- appears to be a birth
25 certificate.

1 Q. Just -- can you tell us what date it
2 was issued?

3 A. The --

4 Q. Not the -- well, there is a date of
5 birth and the date the copy was issued, is that
6 correct?

7 A. There is the date of birth which was
8 May 12, 1948, and then there was the date that
9 was actually inscribed which was -- looks like
10 May 12th or 15, 1948. Then the date this --
11 there is a date stamped on this copy which looks
12 like July 13, 1985.

13 Q. Who's name is that; that's a birth
14 certificate of what person?

15 A. An individual by the name of Edgardo,
16 E D G A R D O, Torres, T O R R E S, Davila,
17 D A V I L A.

18 Q. 1003, the other exhibit is -- that's
19 the sequential number, L 17 C 11-21-6?

20 A. Yes. This is a death certificate for
21 Edgardo Torres-Davila.

22 Q. The same person?

23 A. Yes, same date of birth, same name.

24 Q. The copy of the death certificate was
25 issued?

1 A. There is a stamp, a date stamp on the
2 bottom right-hand corner of the document that
3 reads July 29, 1985.

4 Q. Did you rely -- in making the
5 determination to seize C 11, did you rely upon
6 these two documents contained therein?

7 A. Yes.

8 Q. Do you know who this Edgardo
9 Torres-Davila is?

10 A. No, I don't.

11 Q. Showing you Government Exhibit 35, just
12 the Spanish, would you identify that document?

13 (Handing)

14 A. Yes. This is L 17 C 11-34.

15 Q. Could you just generally describe what
16 that document is?

17 A. To me this is a document concerning all
18 the organization and certain rules of the
19 **Machetero** terrorist organization.

20 Q. In making the determination to seize
21 C 11, did you rely upon what you saw this
22 document?

23 A. Yes, I did.

24 MR. DABROWSKI: Your Honor, I'd
25 move for the full admission of, for purposes of

1 this hearing, Exhibits 29, 30, 31, 32, 33, 34 and
2 35, subject to the examination of the
3 translations and opportunity for defense to
4 either submit their version, their own
5 translation to the Court, or for both parties to
6 resolve that issue.

7 MS. POLAN: Your Honor, I don't
8 object in principal to what Mr. Dabrowski is
9 saying. I have no problem with the Spanish
10 language part of the exhibits going into the
11 Court now. The problem with the English is this
12 is part of a larger problem about how are we
13 going to resolve disputes between defense
14 translations and Government translations.

15 And I'm not in a position to say if I
16 object to the translations of these three
17 documents, that I think are on the exhibit list.
18 There is a Government translation. There are two
19 that are just birth and death certificates. And
20 the last thing he's offering isn't on the exhibit
21 list, so I don't think we got a translation from
22 the Government.

23 THE COURT: Do you have a
24 translation of the same thing?

25 MS. POLAN: I don't know. I

1 believe they've been done but I don't right now
2 know what the translation says.

3 THE COURT: Was that done in East
4 Hartford?

5 MS. POLAN: I believe they were. I
6 don't have possession of all of these. I'm not
7 in a position to say if I object. So that's my
8 only procedural problem with this, that if there
9 is something in that translation that's
10 objectionable.

11 THE COURT: You can see it. If
12 it's different than this, the Court will receive
13 it. And if there is some conflict at the moment,
14 we'll have both of you iron it out.

15 MS. POLAN: I'm just pointing out
16 to the Court this is a larger problem. It's
17 going to have to get resolved pretrial.

18 THE COURT: That will be done.

19 MS. POLAN: I wasn't prepared to
20 resolve it on behalf of the all defense counsel.

21 MR. DABROWSKI: Your Honor, I want
22 the record to reflect with regard to each
23 document I'm submitting here that has a
24 translation attached to it, with one exception
25 where I am not, when I do it. I pulled the

1 translations in the copies from the control file
2 the Government maintained of documents that we
3 sent to the defendants. So everything being
4 submitted to the Court was sent to the defendants
5 almost a year ago. In other words, these
6 translations were provided to the defense and its
7 been clear --

8 THE COURT: It may be marked as a
9 full exhibit subject to the condition the Court
10 stated.

11
12 (Government's Exhibits
13 29-35 offered and marked
14 into evidence)

15 THE COURT: Can you conclude,
16 Counsellor?

17 MR. DABROWSKI: No, Your Honor. I
18 have about four or five documents from C 13 that
19 I want to submit in evidence and then a few brief
20 remarks.

21 THE COURT: All right.

22 Q. (BY MR. DABROWSKI) I believe, Agent
23 Williamson, in a response to a question asked by
24 Mrs. Polan concerning C 13, the satchel, that you
25 viewed that to be an extremely significant

1 container?

2 A. That's correct.

3 Q. Could you tell us why?

4 A. Looking at the items individually, it
5 appeared to me that that was defendant,
6 Castro-Ramos' little Machetero kit or whatever.
7 He had his hoods in there. He had his list of
8 his expenses with his code names of Machetero
9 members and the amount of salary he was receiving
10 as a member and whatnot. There was also
11 Macheteros documents within the satchel.

12 Q. Agent Williamson, when you refer to a
13 hood, you're surely not referring to this black
14 cloth, are you, as a hood?

15 A. Yes, that's one of them.

16 Q. This is Government Exhibit 28. Why do
17 you describe that as a hood as opposed to a black
18 cloth?

19 A. Because it has two holes cut in the
20 cloth that would be the size and the position for
21 eye holes.

22 Q. You also read the -- in connection with
23 your search of the residence of Jorge
24 Farinacci-Garcia, you read the affidavit in
25 support of his search warrant, did you not?

1 A. Yes, I did.

2 Q. Do you recall there were references to
3 there being --

4 MS. POLAN: Objection. Objection,
5 Your Honor. If he wants to ask him about a
6 specific item, what he remembers, I just -- I
7 don't want to cut him off. But I don't really
8 want Mr. Dabrowski reading from the warrant into
9 the record any more.

10 MR. DABROWSKI: I won't, Your
11 Honor.

12 Q: (BY MR. DABROWSKI) Agent Williamson,
13 do you know of your own knowledge whether a black
14 hood like that one was seized from a briefcase in
15 the possession of Jorge Farinacci-Garcia, one of
16 the defendants?

17 MR. AVERY: Objection, Your Honor.

18 MS. POLAN: Objection.

19 THE COURT: What's the objection,
20 Counsellor?

21 MR. AVERY: I don't think he was
22 present at any search of Mr. Farinacci in which
23 any such item was allegedly seized and,
24 therefore, I think the phrase, "Do you know of
25 your own knowledge" is thrown in there to -- in

1 an attempt to mask a hearsay response that's
2 being elicited from this witness. That's my
3 objection.

4 THE COURT: Well, if he knows of
5 his own knowledge; if he doesn't, he can say, "I
6 don't know of my own knowledge."

7 MR. AVERY: I think the question is
8 what does, "of your own knowledge" mean. Rule
9 101 restricts him to observations he made. So I
10 think the point is was he ever present at a
11 search of Mr. Farinacci where such a hood was
12 found.

13 Q. (BY MR. DABROWSKI) Were you present
14 during any such search of Mr. Farinacci's
15 briefcase, and I am not referring to the search
16 that you conducted on August 30th; did you ever
17 personally participate in any other search of
18 items allegedly belonging to Jorge
19 Farinacci-Garcia other than the residence search
20 on August 30th 1985?

21 A. No.

22 Q. Showing you Government Exhibit 42,
23 could you identify that?

24 (Handing)

25 A. I described both of these on my

1 inventory as masks.

2 Q. That's really a child's shirt, is it
3 not?

4 A. As I testified on a question by the
5 defense counsel, it's a red T shirt with, again,
6 eye holes cut out of it and a thread holding the
7 two holes together where it would fit over your
8 nose. And then the T shirt is stiched across the
9 top which would make this into a hood.

10 Q. So on August 30th of 1985 you believed
11 that that was actually a hood rather than a
12 child's shirt?

13 A. Yes, I did.

14 Q. Now, was there -- you testified about
15 some money. Refresh my recollection; where was
16 the money that was found?

17 MS. POLAN: Your Honor, we've been
18 over this seven times. He said seven times that
19 the money was in the black attache case. There
20 is no doubt about that.

21 THE COURT: I think we covered that
22 it was in the black attache case.

23 MR. DABROWSKI: Your Honor, I'll
24 move the full admission of the Government Exhibit
25 42 and Government Exhibit 28.

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THE COURT: Without objection, full exhibit.

(Government's Exhibit 42 offered and marked into evidence)

(Government's Exhibit 28 offered and marked into evidence)

Q. (BY MR. DABROWSKI) I'm showing you Government Exhibit 36, Government sequential Exhibit number 1016. Do you recognize that document? If so, tell us where it was found?

(Handing)

A. Yes, this was also found in the black satchel. The subinventory number is L 17 C 123 - 1.

Q. Just briefly describe that document?

A. This is more -- well, it's a -- they're rules of the Machetero terrorist organization contained behind a cover that -- they put a cover on the front with some high heeled shoes on it and a copy -- some sort of advertisement.

Q. Is it fair to say that the cover appears to have no association to the contents?

1 A. That's correct.

2 Q. I show you Government Exhibit 37, ask
3 that you look at only the Spanish version of that
4 document; do you recognize that?

5 A. Yes. This is L 17 C 13 G.

6 Q. Found in the black satchel?

7 A. Yes. This document was also found in
8 the black satchel.

9 Q. Showing you Government Exhibit 38,
10 sequential number 1018, could you tell us what
11 that document is?

12 A. This is a document the -- it's L 17
13 C 13-G-D. And this has some notations on it
14 about amounts of money next to various words
15 about, looks like, salary, \$600, and some
16 percentages and numbers.

17 Q. And showing you Government Exhibit 40,
18 sequential number 1021, could you identify that
19 document?

20 (Handing)

21 A. Yes. This is L 17 C 13-I 3-B, and this
22 is a list of telephone numbers and to the -- to
23 the left of the telephone numbers, there are
24 various locations. There are two copies of that
25 list of numbers and locations. However, they're

1 not photocopies. They look like they were both
2 handwritten.

3 Q. Now, Government Exhibits 36, 37, 38 and
4 40 were all seized from the black satchel C 13;
5 and were they all relied upon by you in making
6 your determination to seize that -- both those
7 documents individually and the satchel as a
8 whole?

9 A. Yes, they were.

10 MR. DABROWSKI: Your Honor, for the
11 record, I marked as Government Exhibit 39,
12 Government sequential number 1019, it's a
13 calendar, if I may describe it that way, a
14 planning diary labeled L 17 C 13 I 1. Both Ms.
15 Polan and I believe that she has introduced that.

16 THE COURT: L 17 what.

17 MR. DABROWSKI: L 17 C 13 I 1. And
18 the only thing I will do is -- I'll check if in
19 fact, it wasn't. I would like to offer it, but
20 we both believe it has been offered.

21 Q. (BY MR. DABROWSKI) Showing you
22 Government Exhibit 41 which is Government
23 sequential exhibits 1022, 1023 and 1024, again
24 only look at the Spanish; and can you identify
25 that document and tell us if it came from the

1 satchel and if you relied upon it in seizing that
2 satchel?

3 (Handing)

4 MS. POLAN:: Your Honor, before he
5 testifies about this exhibit, I would like to
6 just inquire about the exhibit, if he knows,
7 before it goes in as one exhibit.

8 THE COURT: I don't know what the
9 exhibit is. So, any objection to her inquiring?

10 MR. DABROWSKI: No, Your Honor.

11 THE COURT: All right.

12 MS. POLAN: Agent Williamson,
13 referring you to Government Exhibit 41 for
14 identification, this is three pieces of paper, is
15 it not?

16 THE WITNESS: Yes, that's correct.

17 MS. POLAN: And can you tell me if
18 those papers were all -- were they fastened
19 together in any way when they were seized?

20 THE WITNESS: These are copies of
21 the original. I'd have to look at the original
22 but I -- by looking at the copies, I don't
23 recall.

24 MS. POLAN: My problem, Your Honor,
25 is that I don't know if these things are really

1 three pieces of something that go together or if
2 they're three things that got stuck together.
3 That's my problem with it being one exhibit.
4 They appear to be on different typewriters,
5 things like that. They don't appear to me to
6 follow one from the other from my reading of the
7 document. And that's why I'm trying to inquire
8 if it's one document or three.

9 MR. DABROWSKI: The Spanish
10 versions are clearly three separate pages. The
11 translations, one incorporating the three pages,
12 we take the position they flow together. And
13 they were seized as 04, 05 and 06, that is in
14 sequence in that folder. They were in the
15 satchel as I understand it.

16 MS. POLAN: That's why I'm trying
17 to ask the agent if he knows whether these were
18 fastened together, or separate, and the
19 Government chose to sequentially number them.
20 That's all I'm trying to find out.

21 THE COURT: He doesn't know?

22 THE WITNESS: I don't know.

23 MS. POLAN: You don't know if they
24 were separate or together?

25 THE WITNESS: I don't recall, no.

1 Q. (BY MR. DABROWSKI) Did you rely on the
2 Spanish version which is what you're looking at
3 now for purposes of making the determination to
4 seize both that document and the satchel as a
5 whole?

6 A. Yes, I did.

7 MR. DABROWSKI: I'd move for the
8 full admission at the moment of the Spanish
9 version, Your Honor. We'll straighten out the
10 matter concerning the translation.

11 THE COURT: Without objection, full
12 exhibit. It may be marked. If you will help our
13 Clerk get them in proper sequence.

14
15 (Government's Exhibit 41
16 offered and marked into
17 evidence)

18 MS. POLAN: Your Honor, in that
19 case, I have a specific objection to the
20 translation in that case because the translation
21 is made as if it's one document. And so I do
22 object to that translation because they appear to
23 me to be three different documents.

24 THE COURT: At 2:00 will you have
25 the information as to whether or not it was one

1 document or three separate pieces of paper from
2 the original?

3 MR. DABROWSKI: I have the
4 information now, Your Honor. My feeling is there
5 is going to be a dispute here. We're not going
6 to be able to resolve this in an hour.

7 MS. POLAN: One way we can revolve
8 part of the dispute is if the Government would
9 redo their translation to put it on straight
10 pages because it's just a run-on translation.
11 And then they could all be separated. That's
12 part of the problem as I see it, that there is
13 just one translation as if it's a whole document.
14 And I don't believe it is.

15 THE COURT: Oh, three pages or not,
16 if you want to read that, that's one issue. The
17 Court will read the separate pages, draw its own
18 conclusion.

19 MR. DABROWSKI: Your Honor, just
20 for the record, because it's not part of C 11, 12
21 or 13, it being Government sequential number
22 1027, L 17 C 12-9-1, that being a passport with
23 -- in another name with an obliterated face on
24 it. In examining that passport last evening, I
25 noticed it contained -- within the passport

1 itself were a series of photographs of Mr.
2 Castro-Ramos. I also noticed that in the
3 disclosure that was given to the defendants in
4 connection with this document that those
5 photographs were not copied.

6 And in effect the agents who copied the
7 passport copied the passport but didn't copy the
8 photographs. That's the document I referred
9 about that was different. And I'm now handing
10 counsel a copy of the eight photographs of Mr.
11 Castro-Ramos contained -- that were actually
12 contained -- and I represent to be contained
13 within that passport. I'm not offering that at
14 this point, however. I have nothing further.

15 MS. POLAN: Your Honor, I don't
16 understand what Mr. Dabrowski's position is about
17 this picture he just gave to me. Are you
18 attempting to offer that?

19 MR. DABROWSKI: No, Your Honor. I
20 thought we were free to make reference to certain
21 documents in our briefs. I'll offer that right
22 now.

23 MS. POLAN: I would like the
24 original in evidence, Your Honor, because I don't
25 agree that -- I don't agree with Mr. Dabrowski's

1 characterization of that exhibit at all.

2 THE COURT: Can you have the
3 original at 2:00?

4 MR. DABROWSKI: Yes, I can. I can
5 have it at 2:00, Your Honor.

6 MS. POLAN: I've never seen the
7 original, Your Honor.

8 THE COURT: As long as the Court
9 sees it, there will be no problem.

10 MR. DABROWSKI: It's here right
11 now. But we'll do it at 2:00.

12 THE COURT: Are we about concluded
13 with this witness?

14 MR. DABROWSKI: I'm through with
15 the witness, Your Honor, with the exception of
16 that passport.

17 THE COURT: All right, two o'clock.

18 *****

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(Luncheon recess)

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MR. DABROWSKI: For the record,
Your Honor, I have no further questions.

25

THE COURT: Is there another

1 witness we're going to call?

2 MS. POLAN: As soon as we're done
3 with him, yes.

4 THE COURT: How many more witnesses
5 are there, do you know?

6 MS. POLAN: How many more
7 witnesses? There are three search agents. The
8 searching agents, I think, will be relatively
9 brief, the three who searched with him.

10 THE COURT: All right. Could you
11 finish up with him? I think we've run him out
12 pretty clear.

13 MS. POLAN: Your Honor, except for
14 a few things he said on that redirect that looked
15 like cross examination to me.

16 THE COURT: All right.

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23 RECROSS EXAMINATION BY MS. POLAN

24
25 Q. Now, Agent Williamson, I think on your

1 redirect examination, Mr. Dabrowski was asking
2 you about the seizure of this welding torch. Do
3 you recall that testimony?

4 A. Couldn't --

5 Q. Don't touch it?

6 A. I wouldn't.

7 Q. You think it's going to explode?

8 A. I don't know what it will do.

9 Q. Now, your testimony, I believe, was
10 that you seized that after you had a discussion
11 with Special Agent James Lyons?

12 A. That's correct.

13 Q. Is it your testimony that Agent Lyons
14 told you that these tanks in here, which appear
15 to be about three inches long, were the same kind
16 of tanks that were found at the Caribe Hilton
17 Hotel in San Juan in 1982?

18 A. No. That is not my testimony.

19 Q. What is -- what did he tell you?

20 A. Agent Lyons said that this, the tank,
21 could be used as an accelerant for an explosive
22 device.

23 Q. Did he make any comparison between
24 those particular gas canisters or fuel canisters
25 and the ones that were actually found at the

1 Caribe Hilton Hotel in May of 1982?

2 A. No. I don't recall any such
3 discussion.

4 Q. So it's just Mr. Dabrowski who
5 suggested that to you, isn't it?

6 A. As I recall, the affidavit for the
7 search warrant had language to that effect.

8 Q. But you don't now, today, recall any
9 discussion with Agent Lyons in which Agent Lyons
10 told you that these little fuel canisters were
11 similar to the ones at the Caribe Hilton?

12 A. What the discussion concerned was
13 whether or not this could be used as a component
14 of an explosive device.

15 Q. I'm just trying to find out from you if
16 he made any comparison to the Caribe Hilton,
17 that's the question.

18 MR. DABROWSKI: Your Honor, the
19 witness should be permitted to repeat the answer.
20 In addition, if this is recross examination, what
21 she has attempted to recross on didn't come out.
22 The conversation I brought out on redirect with
23 regard to Lyons was related to a search of a
24 FALN, F A L N residence, not with regard to the
25 Caribe Hilton.

1 THE COURT: Let's get the answer to
2 it. And get on with this answer to the question
3 so we can finish and start with Mr. Avery.

4 Go ahead.

5 THE WITNESS: If I can continue to
6 answer, Your Honor, the discussion with Agent
7 Lyons concerned whether this could be used as a
8 component for an explosive device. And he said
9 yes, it could. And that, in fact, he was aware
10 that gas canisters had been used as accelerants
11 by the F A L N terrorist group.

12 Q. (BY MS. POLAN) All right. Did he make
13 any reference to the May 1982 Caribe Hilton
14 explosive devices?

15 A. Not that I recall.

16 Q. All right. And you know, don't you,
17 that the few canisters that were found at the
18 Caribe Hilton were very large, approximately the
19 size of fire extinguishers?

20 A. No, I don't.

21 Q. Agent Lyons didn't tell you that, did
22 he?

23 A. No, he did not.

24 Q. All right. Now, it's true, is it not,
25 that you didn't seize the gasoline in Mr.

1 Castro's car, did you?

2 A. No, I don't believe that appears on the
3 inventory.

4 Q. Right. And that could have been used
5 as an accelerant, couldn't it have?

6 A. I don't know. I'm not an expert.

7 Q. Well, you don't know whether people can
8 make explosive devices with gasoline?

9 THE COURT: Counsellor, you're
10 wasting time.

11 Q. (BY MS. POLAN) They can, can't they?

12 THE COURT: Any common ordinary
13 person that's not retarded knows that,
14 Counsellor. Let's proceed.

15 MS. POLAN: I'm trying to find out
16 if this witness knows that, Your Honor.

17 THE WITNESS: I would assume that
18 gasoline could be used for an accelerant.

19 Q. (BY MS. POLAN) And is it your
20 testimony that Agent Lyons told you that fuel,
21 such as the fuel in this three inch tank here, is
22 what had been found, had been used by the F A L N
23 in bombings; is that what he told you?

24 A. No. As I recall the discussion
25 concerned whether this particular canisters could

1 be used as components of an explosive device. He
2 said that they could, and he used the term,
3 "accelerant." And he continued by saying that
4 some sort of gas cans had been used in such a
5 manner by the F A L N terrorist group.

6 Q. But he never told you that it was the
7 fuel from a welding torch that had been used, did
8 he?

9 A. I don't recall.

10 Q. It's true, is it not, that a number of
11 items that are normally found in people's homes
12 can be used as accelerants if somebody so
13 desires?

14 MR. DABROWSKI: Objection, Your
15 Honor, irrelevant.

16 THE COURT: Sustained.

17 Q. (BY MS. POLAN) Now, Agent Williamson,
18 you testified several times and again on redirect
19 that you seized all the contents of the black
20 attache case which is known as item C 13 because,
21 in your words, you considered it, "Mr. Castro's
22 terrorist kit", is that right?

23 A. I think that would be a fairly accurate
24 description of what I said, yes.

25 Q. And you did testify also that you found

1 documents in that attache case that you
2 identified as Macheteros documents, is that
3 correct?

4 A. That's correct.

5 Q. All right. Now, referring you to
6 Government Exhibit 36, which has an
7 identification number of L 17 C 13 - 1, and it is
8 listed as item 1016 on the Government's Exhibit
9 list, Mr. Dabrowski asked you about this exhibit
10 which is in Spanish. And I believe you testified
11 that it was some kind of rules of the Macheteros
12 terrorist organization, is that correct?

13 A. That's correct.

14 Q. Can you review that document and tell
15 me if the word Macheteros appears anywhere in it?

16 MR. DABROWSKI: Your Honor, the
17 document speaks for itself. It's a long
18 document. And it's going to take him awhile just
19 to do that. It's a waste of time. We can
20 examine the document.

21 MS. POLAN: Your Honor, if Mr.
22 Dabrowski wants to stipulate that the word
23 Macheteros does not appear in it, then he doesn't
24 have to read it.

25 MR. DABROWSKI: No. I don't want

1 to stipulate. The document speaks for itself.

2 THE COURT: How long will it take
3 you to read it? How long is it?

4 MS. POLAN: I think he can skim it.

5 THE WITNESS: Well, Your Honor, in
6 the first sentence it refers to machete, and it's
7 talking about the symbol of the group. And just
8 by reading that alone, that would lead me to
9 believe that this document concerns the Machetero
10 terrorist organization.

11 THE COURT: That was the reason it
12 attracted your attention to pick it up; is that
13 it?

14 THE WITNESS: That would be one of
15 the reasons, Your Honor, yes.

16 THE COURT: All right.

17 Q. (BY MS. POLAN) But it's correct, is it
18 not, that the word "Macheteros" doesn't appear on
19 that document, does it?

20 A. I don't know without reading the entire
21 document.

22 Q. Well, Agent Williamson, you're here
23 testifying that the reason you took everything
24 out of item C 13, all of its contents, even pens
25 and pencils and keys and other seemingly

1 innocuous items, that you identified this
2 briefcase as containing Macheteros documents.
3 And I want to know what the basis is of that
4 testimony, how you knew this was a Macheteros
5 document; and your testimony is because the word
6 "machete" is in it?

7 A. The fact that it describes their
8 insignia, which contains a machete, that based
9 upon that, I would --

10 Q. Well, is that what you remember doing
11 on August 30th with this document?

12 A. I don't recall exactly what I did with
13 that document.

14 Q. Now, directing your attention to
15 Government Exhibit 37 which is L 17 C 13-6,
16 Exhibit 1017, that's also something that came out
17 of C 123. That is a one-page document that's
18 entitled, "Memo", is that right?

19 A. Yes.

20 Q. Is there anything on that document that
21 identifies it as being a Macheteros document?

22 A. Based upon the content of the document,
23 the location of the document --

24 Q. Well, let's forget about the content
25 and location, is there anything on the document

1 that identifies it as a Macheteros document?

2 A. Without referring to the content of the
3 document?

4 Q. You can refer to the content. How is
5 it identified as a Macheteros document?

6 A. This refers to internal security,
7 talking about how the members of this group
8 should not go around carrying firearms or
9 documents of the party unless they're absolutely
10 necessary. It's a security document.

11 Q. Well, is there any way from looking at
12 that document to know whether that's a document,
13 for example, of the Puerto Rican Socialist Party?

14 A. I'm not aware --

15 MR. DABROWSKI: Objection, Your
16 Honor. The document reads in part that, "No
17 comrade should carry weapons or documents
18 belonging to the party." And it goes on and
19 speaks again about documents and weapons. The
20 Court is going to get a translation of it. And
21 that translation will speak for itself.

22 THE COURT: It should speak for
23 itself.

24 MS. POLAN: Your Honor, my inquiry
25 is he's saying that he seized a number of things

1 based on identification of things as being
2 **Macheteros** documents. And I think -- I'm
3 certainly entitled to inquire whether he had any
4 basis or if that's a conclusion he drew.

5 THE COURT: After the Court reads
6 it, the Court will determine whether there is any
7 basis for it or not.

8 MR. DABROWSKI: Your Honor, for
9 example, the document says that --

10 THE COURT: I don't think we
11 need --

12 MR. DABROWSKI: Which the members
13 have should be kept in hiding places in their
14 homes or in the houses of co-collaborators. It's
15 a document that's very short. It's one page in
16 the Spanish version. You pick it up, look at it
17 and within a matter of seconds, the relevance
18 leaps out at you.

19 MS. POLAN: Can we ask Mr.
20 **Dabrowski** to stop testifying?

21 THE COURT: The Court will read it,
22 and that will end it. You can argue until you're
23 black in the face. It won't do any good because
24 I'm going to read it myself. And I'm going to
25 decide what is said. I can understand English.

1 Q. (BY MS. POLAN) Now, with respect to
2 this item C 13, directing your attention to
3 Defendant's 139 for identification, is that
4 something you took out of Mr. Castro's house?

5 (Handing)

6 A. Yes.

7 Q. And specifically is that something that
8 came from this terrorist kit, C 13?

9 A. Yes.

10 Q. All right. And could you open that;
11 it's a brown paper bag, isn't it?

12 A. Yes, with -- well, there is some
13 receipts here also.

14 Q. Could you open the bag. And directing
15 your attention to the item that you just took out
16 of the bag, what's the number on that?

17 A. L 17 C-13-H.

18 Q. Okay. Showing you this item, is that
19 something that you have identified as something
20 somebody would have in a terrorist kit?

21 A. That was in the kit.

22 Q. What is this; how would you describe
23 it?

24 A. It looks like some kind of a poem.

25 Q. Some kind of poem about romance maybe?

1 A. Yes.

2 Q. And it's printed on some cloth?

3 A. Yes.

4 Q. That was in C 13, wasn't it?

5 A. That's correct.

6 Q. All right.

7 MS. POLAN: I would offer this.

8 MR. DABROWSKI: No objection.

9

10 (Defendant's Exhibit 139
11 offered and marked into
12 evidence)

12

13

14 Q. (BY MS. POLAN) All right. Directing
15 your attention to Defendant's 140 for
16 identification, is that something that was taken
17 from Mr. Castro's house?

18 A. Yes. This would have been in L 17 C
19 13, bears the subinventory number N.

20 Q. So that was in this black satchel, the
21 terrorist kit?

22 A. Yes.

23 Q. Can you tell me what's -- what is that;
24 first, is that -- can you describe what the
25 document is you're holding?

1 A. It's an envelope from First Federal
2 Savings Bank in Santurce, S A N T U R C E, Puerto
3 Rico, addressed to Defendant Castro-Ramos.

4 Q. Can you tell me what's inside of that;
5 first of all, why don't we look at number one,
6 first. What item is this?

7 A. That's L 17 C 13 N 1.

8 Q. What is that?

9 MR. DABROWSKI: Your Honor, rather
10 than go through seriatim, I'll permit the
11 defendant through counsel to put in evidence
12 without objection any document or item that's
13 part of C 13. And she can just supplement it on
14 the record, and it will speak for itself. And we
15 can save the rest of the day. I have no
16 objection to any item from C 13.

17 THE COURT: Why don't you have them
18 marked, Counsellor. I'll review them.

19 MS. POLAN: That's fine, Your
20 Honor. I would just summarize for the record, if
21 Mr. Dabrowski doesn't object, that C 13 N sub 1
22 is a letter from the First Federal Savings Bank.

23 MR. DABROWSKI: I do object. The
24 document is in evidence. It speaks for itself.
25 The Court can examine it. I just --

1 MS. POLAN: I'm going to ask him or
2 say what it is from the inventory. You don't
3 know what it is. You can't read it and this
4 isn't helping anything. These things aren't
5 translated.

6 MR. DABROWSKI: She can't read from
7 it. And if it's not in evidence, if it goes in
8 evidence --

9 THE COURT: Is it in Spanish?

10 MS. POLAN: Yes. And I can tell
11 the Court what it is. Or the agent --

12 THE COURT: Tell me what it is.
13 And I'll review it and see if what you told me is
14 correct.

15 MS. POLAN: C 13 N - 1 is a letter
16 to Mr. Castro from the First Federal Bank about
17 the adjustment of his monthly mortgage payment,
18 effective September 1, 1985.

19 MR. DABROWSKI: I agree, Your
20 Honor.

21 MS. POLAN: 13 N 2 A, B, C are
22 coupons, mortgage payment coupons. N 3 is a
23 flyer from the bank about the mortgage and N 4 is
24 a coupon to send the bank -- excuse me, mailing
25 labels to send the bank -- send the mortgage

1 payments to the bank.

2 MR. DABROWSKI: I agree, Your
3 Honor.

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

6 MR. DABROWSKI: No objection, Your
7 Honor.

8

9 (Defendant's Exhibit 140
10 offered and marked into
11 evidence)

11

12

13 THE COURT: The Exhibit number,
14 Counsellor?

15 MS. POLAN: Now, showing you
16 again --

17 THE COURT: The Exhibit number,
18 Counsellor?

19 MS. POLAN: For this? That's --

20 THE COURT: That's what I asked
21 for. It's been marked. I want to know what it
22 says.

23 MS. POLAN: It's 141 for
24 identification. I'm sorry, I hadn't quite gotten
25 to it.

1 Q. (BY MS. POLAN) Showing you again
2 Government Exhibits 33 and 34 which are also
3 marked on the Government's Exhibit list as 1002
4 and 1003, I think you testified these were copies
5 of birth and death certificates for an individual
6 named Edgardo Torres-Davila?

7 A. That's correct.

8 Q. And that they were taken from C 11?

9 A. That's correct.

10 Q. All right. Now, you were aware, were
11 you not, Agent Williamson, that Mr. Torres-Davila
12 had been a member of the Federation of Teacher's
13 with Mr. Castro and his wife?

14 A. No, I was not.

15 Q. You were aware, were you not, when you
16 found those items that they were found inside of
17 an envelope that had other items in it, is that
18 correct; do you want to look at the inventory?

19 A. I don't recall. On C 11 my inventory
20 only reflects a large brown folder.

21 Q. Well, how about C 11-21, because these
22 are C 11-21?

23 A. According to the subinventory, C 11-21
24 was a large manila envelope.

25 Q. All right. Now, showing you what's

1 been marked Defendant's 141 for identification,
2 can you tell me what -- is C 11-21 inside there?

3 A. Yes.

4 Q. That brown envelope. And according to
5 the subinventory, it's correct, is it not, that
6 these two exhibits, the birth and death
7 certificate, are listed as being inside that
8 manila envelope, C 11-21?

9 A. That's correct.

10 Q. All right. And it's correct, is it
11 not, that also in that same envelope with the
12 birth and death certificate was C 11-21-2 A, is
13 that right; now, can you look at this document
14 and tell me if you can identify what it is from
15 the top?

16 A. It looks like the life insurance or an
17 application for funeral benefits, death benefits.

18 Q. So it's an application to collect on a
19 life insurance policy?

20 A. That's what it appears to me to be.

21 Q. Isn't that also the case with
22 C 11-21-3?

23 A. Yes.

24 Q. All right. And isn't it correct that
25 also in that same envelope C 11-21-1 is a

1 statement of the funeral expenses for Mr.
2 Torres-Davila?

3 A. Yes.

4 Q. So all of these items, the application
5 for funeral -- reimbursement for funeral
6 expenses, the funeral bill and the application to
7 collect the life insurance benefits were in the
8 same envelope with the birth and death
9 certificate of Mr. Torres-Davila when you found
10 them?

11 A. According to the subinventory form,
12 yes.

13 MS. POLAN: I would offer this,
14 Your Honor.

15 MR. DABROWSKI: No objection.

16
17 (Defendant's Exhibit 141
18 offered and marked into
19 evidence)
20

21 Q. (BY MS. POLAN) You know, Agent
22 Williamson, don't you, in order to collect
23 benefits, you have to furnish the insurance
24 company with a copy of the death certificate?

25 A. Yes.