

FARINACCI

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

1  
2  
3 UNITED STATES OF AMERICA, )  
4 Plaintiffs, )  
5 vs. ) Criminal Number  
6 VICTOR MANUEL GERENA, et al, ) H-85-50 (TEC)  
7 Defendants. )

Federal Building  
Hartford, Connecticut

--  
February 25, 1987  
10:00 o'clock a.m.

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

A P P E A R A N C E S

For the Plaintiffs:

CARMEN ESPINOSA VAN KIRK, ESQ.  
ALBERT S. CABROWSKI, ESQ.  
Assistant U.S. Attorneys  
450 Main Street  
Hartford, Connecticut 06103

For the Defendants:

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

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

CAPITOL COURT REPORTERS  
P.O. Box 1532  
Hartford, Connecticut 06101

1 For the Defendants: (Continued)

2 DIANE POLAN, ESQ.  
3 Attorney for Elias Castro-Ramos  
4 265 Church Street  
5 New Haven, Connecticut 06510

6 SHIPMAN & GOODWIN  
7 Attorneys for Carlos Ayes-Suarez  
8 799 Main Street  
9 Hartford, connecticut 06103  
10 BY: JAMES BERGEN, ESQ.

11 RICHARD REEVE, ESQ.  
12 Assistant Federal Public Defender  
13 Attorney for Isaac Camacho-Negron  
14 234 Church Street  
15 New Haven, Connecituct 06510

16 LEONARD WEINGLASS, ESQ.  
17 Attorney for Juan E. Segarra-Palmer  
18 6 West 20th Street  
19 New York, New York 10011

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

25 MARGARET P. LEVY, ESQ.  
Attorney for Angel Diaz-Ruiz  
60 Washington Street  
Suite 1402  
Hartford, Conhecticut 06106

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

RONALD KUBY, ESQ.  
Attorney for Luis Alfredo Colon-Osorio  
13 Gay Street  
New York, New York 10014

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

P R O C E E D I N G S

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

3 Call the roll, Madam Clerk, please.

4 THE CLERK: Diane Polan.

5 MS. POLAN: Present.

6 THE CLERK: John Williams.

7 MR. WILLIAMS: I'm here.

8 THE CLERK: Jim Bergen.

9 MR. BERGEN: Here.

10 THE CLERK: Juan Acevedo.

11 MR. KUBY: He was ill when I saw him this  
12 morning. I don't know if he's going to be here or not.  
13 I will cover for him, and I'll speak to him in the next  
14 half hour to make sure that's acceptable.

15 THE COURT: Very good.

16 THE CLERK: Ron Kuby.

17 MR. KUBY: Here.

18 THE CLERK: Mac Buckley.

19 [Absent.]

20 THE CLERK: Jack Wieselmann.

21 [Absent.]

22 THE CLERK: Michael Avery.

23 MR. AVERY: I'm present, Your Honor.

24 THE CLERK: Margaret Levy.

25 MS. LEVY: Here.

1 THE CLERK: Leonard Weinglass.  
2 MR. WEINGLASS: Here.  
3 THE CLERK: Linda Backiel.  
4 MS. BACKIEL: Here.  
5 THE CLERK: Richard Reeve.  
6 MR. REEVE: Here.  
7 THE CLERK: Michael Deutsch.  
8 MR. REEVE: He's upstairs in our office doing  
9 some xeroxing. He will be down in just a moment.  
10 THE CLERK: Harold Meyerson.  
11 MR. ANGLADA-LOPEZ: Good morning.  
12 THE CLERK: Mr. Kunstler.  
13 MR. KUBY: For Mr. Kunstler.  
14 THE CLERK: Roberto Maldonado.  
15 [No response.]  
16 MR. BERGEN: If you read Jack Wieselmann, I'm  
17 going to be standing in for him this morning.  
18 THE CLERK: Antonio Camacho-Negron.  
19 MS. BACKIEL: Puerto Rico.  
20 THE CLERK: Norman Ramirez-Talavera.  
21 MS. POLAN: He's in Puerto Rico pursuant to a  
22 waiver.  
23 THE CLERK: Ivonne Melendez Carrion.  
24 MR. ANGLADA-LOPEZ: Your Honor, she might not  
25 come early. She's doing some things pursuant to her

1 limited waiver, to matters pertaining to the well-being  
2 of the family.

3 THE CLERK: Elias Castro-Ramos.

4 MS. POLAN: Your Honor, I believe M. Castro  
5 is sick. He went home yesterday afternoon, and he was  
6 sick at that time. But he doesn't have a phone. And I  
7 think everybody altogether is sick in the court,  
8 generally.

9 THE CLERK: Carlos Ayes-Suarez.

10 [Present.]

11 THE CLERK: Isaac Camacho-Negron.

12 MR. REEVE: In Puerto Rico on a waiver.

13 THE CLERK: Juan Segarra-Palmer.

14 [Present.]

15 THE CLERK: Filiberto Ojeda-Rios.

16 [Present.]

17 THE CLERK: Angel Diaz Ruiz.

18 MS. LEVY: At home in Puerto Rico pursuant to  
19 a waiver.

20 THE CLERK: Orlando Gonzalez-Claudio.

21 MR. KUBY: He's in Puerto Rico pursuant to a  
22 waiver.

23 THE CLERK: Thank you.

24 Hilton Fernandez-Diamante.

25 MR. WILLIAMS: Puerto Rico.

1 THE CLERK: Luis Alfredo Colon Osorio.

2 MR. KUBY: In Puerto Rico.

3 THE CLERK: Luz Berrios-Berrios.

4 MR. ANGLADA-LOPEZ: She's in a similar situa-  
5 tion, Your Honor. I do know that she's in a meeting  
6 concerning the well-being of her family.

7 THE COURT: She was here yesterday.

8 THE CLERK: Roberto Maldonado.

9 [Absent.]

10 THE CLERK: Paul Weinberg.

11 [Absent.]

12 THE COURT: All right.

13 Counsel, did you receive from the Government  
14 the papers you spoke of at the close of court?

15 MR. AVERY: Not yet, I didn't, Your Honor.

16 THE COURT: Are they available?

17 MS. VAN KIRK: Yes, Your Honor.

18 THE COURT: Madam Prosecutor?

19 MS. VAN KIRK: They are.

20 THE COURT: Could we identify them for the  
21 record?

22 MS. VAN KIRK: Yes, Your Honor. I would like  
23 to make them part of the record also.

24 The sketch that was described by Agent Wil-  
25 liamson, prepared by Agent John Caldwell, and also the

1 photo log prepared by Agent Reiley, it's all one docu-  
2 ment, consisting of three pages, front and back. And  
3 we would like it filed and made part of the next  
4 Government exhibit.

5 THE COURT: The number, Madam?

6 THE CLERK: 70, Your Honor.

7 THE COURT: Without objection, a full ex-  
8 hibit.

9 MS. VAN KIRK: What was the number?

10 THE CLERK: 70.

11 [Plaintiff's Exhibit No. 70 was marked as a  
12 full exhibit.]

13 THE COURT: Does that complete all of the  
14 documents with which you were concerned, counsel?

15 MS. VAN KIRK: There was one other document,  
16 Your Honor, which was a notebook, that counsel stated  
17 he didn't have all the pages. We have copied that, and  
18 I'm turning it over. It's already a part of the  
19 record.

20 THE COURT: Very well.

21 What was that exhibit number, do you recall?

22 MR. AVERY: The notebook, it was -- I think  
23 it might be 189. Seemed to me it was near the end of  
24 the day yesterday and we skipped it. 198. No, I'm  
25 sorry, it is 189.

1 MS. VAN KIRK: Your Honor, we're going to  
2 submit a photocopy of that, because the exhibit that  
3 was submitted by counsel was incomplete. So we'll have  
4 a complete copy. Perhaps we can substitute it.

5 THE COURT: Very well. The witness will  
6 resume the stand, please.

7 [John Williamson resumed the witness stand.]

8 THE COURT: Agent Williamson, you were sworn  
9 yesterday, and your testimony today will continue to be  
10 under oath.

11 THE WITNESS: Yes, sir.

12 MR. AVERY: If I could just have another  
13 minute, Your Honor. I don't quite have all my papers  
14 in order. The reason I don't quite have all my papers  
15 in order is a subject on which I would like to address  
16 the Court.

17 I don't know, perhaps other counsel addressed  
18 this during the time I was absent, and if it is redun-  
19 dant, then I would apologize.

20 I have to say I see no reason whatsoever for  
21 counsel in this case to be subjected to having their  
22 briefcases gone through in the excruciating detail in  
23 which our briefcases are examined as we come into this  
24 courtroom. I stood out there for several minutes while  
25 this was done. Of course, my briefcases had already



1 passed through the metal detector downstairs. I didn't  
2 see anyplace between the first floor and the second  
3 floor where I could have obtained a weapon, if I had  
4 any inclination to do so, which, of course, as an at-  
5 torney who's been practicing as long as I have, and as  
6 an officer of this Court, I have no inclination to do.

7 I think it's an unnecessary level of  
8 security. I know the marshals have their own views. I  
9 respect the marshals. I intend them no disrespect, but  
10 I certainly find it unnecessary and inconvenient, and  
11 to some extent humiliating, to have someone go through  
12 my files paper-by-paper, as though there is anything in  
13 there dangerous, other than the words written on the  
14 papers in the file.

15 THE COURT: I'll speak to the marshals about  
16 it, counsel.

17 I do recall over in Windham County once an  
18 attorney coming in and going through one of those up in  
19 Putnam, after I had stopped practicing, but it came to  
20 my attention. And he always carried a gun in his  
21 briefcase. And to everyone's surprise and shock, they  
22 picked it up on this coming through.

23 But I will inquire of the marshals.

24 MR. AVERY: I just rely on "the pen is migh-  
25 tier than the sword," Your Honor. That's --

1 THE COURT: Very good.

2 MR. AVERY: I would like to make one addi-  
3 tional request, if I might. And that is, if the Court  
4 would allow me to be seated during the questioning  
5 today.

6 THE COURT: I understand. I know the other  
7 counsel understand, too. It isn't -- we don't en-  
8 courage that, but when somebody has a physical problem  
9 that you are just getting over, the Court is very un-  
10 derstanding. And if you want to be seated, we'll per-  
11 mit that. That won't be a precedent for your col-  
12 leagues, however.

13 MR. AVERY: Thank you, Your Honor.

14 THE COURT: I probably should add, unless  
15 they have a foot operation, too.

16 MR. AVERY: I hope they don't have to.

17 Your Honor, for the record, I'm putting all  
18 of the exhibits that I've marked in front of the wit-  
19 ness so that it will eliminate some of the shuttling  
20 back and forth here.

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

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

24 CROSS-EXAMINATION BY MR. AVERY:

25 Q. Agent Williamson, would you see if you can find

1 Exhibit 197? I believe they are in numerical order there.

2 THE COURT: Can everyone hear the counsel  
3 without the use of the microphone?

4 [No response.]

5 MR. AVERY: Very good.

6 THE COURT: Witness has the identification  
7 number?

8 THE WITNESS: Yes. Our inventory number is  
9 L18-A-2-15.

10 Q. And that's a piece of paper, is it not, sir, with  
11 a telephone number on it?

12 A. Yes, that's correct.

13 Q. And did you seize that because it was a telephone  
14 number and for no other reason?

15 A. That's the only reason that I recall.

16 Q. And at the time you seized that, did you recognize  
17 that telephone number?

18 A. No, I did not.

19 Q. All right.

20 Would you see if you could find No. 203 there,  
21 sir?

22 Do you have that, sir?

23 A. I believe so. Let me just -- yes. And this is  
24 our Inventory No. L18-X-X-2.

25 Q. And that is a piece of paper, single piece of

1 paper containing some notes, which also contains telephone  
2 numbers; isn't that correct?

3 A. Yes. There are some telephone numbers on the  
4 piece of paper.

5 Q. And did you seize that because it had telephone  
6 numbers on it?

7 A. That would have been one of the reasons, yes.

8 Q. What other reason did you have for seizing that?

9 A. Could I look at the exhibit that has my inventory?

10 Q. Certainly. Look at whatever would be helpful to  
11 you. Just let us know what you're looking at.

12 A. Was that one of the exhibits that you handed me?

13 Q. 203? Oh, you mean your inventory? I don't know.

14 THE CLERK: The Subinventory is 258.

15 MR. AVERY: It should be on the bottom of  
16 that pile. I think it has a little -- is that what you  
17 mean?

18 THE WITNESS: Yes.

19 I don't recall any other reason for seizing  
20 this document.

21 Q. All right.

22 Did you recognize any of those telephone numbers?

23 A. No.

24 Q. Could I just see that exhibit for a moment,  
25 please, sir?

1 [Witness handing exhibit to Mr. Avery.]

2 Do you recognize, sir, that at least some of the  
3 numbers on this page relate to phone numbers of school  
4 officials?

5 A. I don't know that.

6 Q. Do you see the reference here --

7 THE COURT: Is that marked, counsel, as an  
8 exhibit?

9 MR. AVERY: No. This is his original.  
10 Here's the one that's marked, Your Honor.

11 THE COURT: All right, then, because we were  
12 referring to something that appeared to have no mark-  
13 ings, and it wasn't going to be very useful if we  
14 didn't have an identification. Very good.

15 MR. AVERY: Right. I think we're on 202 now.

16 THE COURT: Yes. 203 I have here.

17 MR. AVERY: 203. My mistake.

18 Q. Do you see a reference here to the superintendent  
19 of the region, and the supervisor of RPI, and things of that  
20 sort?

21 A. There is a notation at the top that says in  
22 Spanish, "superintendent of the region."

23 Where was the other?

24 Yes, there is the name, looks like Gladys Martin,  
25 supervisor RPI.

1 Q. Gladys Martin wasn't the name of anybody you had  
2 identified to you as a Machetero, was it, sir?

3 A. No.

4 Q. All right.

5 Can you find Exhibit 224 there, please?

6 Mr. Williamson, I notice you're looking at the  
7 original exhibits. Will you tell us if the original  
8 deviates in any way from the copy that I was furnished by  
9 the United States Attorneys Office?

10 A. Yes.

11 Q. Do you have 224, sir?

12 A. I have your exhibit.

13 THE COURT: Looking for the original. Isn't  
14 there some way, counsel, of setting this up more or-  
15 derly so he can just reach in and pick it up? You're  
16 going to be scrambling through these hours on end for  
17 the rest of the day.

18 MS. VAN KIRK: Your Honor, we had, after con-  
19 sultation with counsel, thought that they were in or-  
20 der. That's why we got all of the originals and put  
21 them in the order that counsel told us they would be  
22 in. Now he's mixing them all up, so it's hard to find.

23 MR. AVERY: Well --

24 MS. VAN KIRK: Even when you skip -- we went  
25 from 190-something to 2-something -- he's got to look

1 through all of that.

2 THE COURT: I just wondered if there wasn't a  
3 better way.

4 MR. AVERY: Your Honor, two things.

5 First of all, the reason I'm skipping is I'm  
6 trying to do all the telephone numbers at one time, be-  
7 cause it occurred to me as I was thinking about this  
8 last night that that would enable us to go faster.

9 And the second thing is, I was unaware until  
10 I got here yesterday, and this problem came up a couple  
11 of times, that the copies I had been furnished by the  
12 United States Attorneys Office weren't identical with  
13 the originals in any respects. I didn't know it was  
14 going to be necessary for the agent to examine the  
15 originals, because I had accepted the representation  
16 that I was furnished with accurate copies.

17 THE COURT: Now that we know what the facts  
18 are, is there any better way of doing this? That's the  
19 question.

20 MS. VAN KIRK: If we went in order, Your  
21 Honor, that the exhibits are in, it would go a lot  
22 faster. That's the order that counsel told me they  
23 would be in.

24 THE COURT: Could we try that, counsel, be-  
25 cause it will end up with the same result, whichever

1 sequence we take.

2 MR. AVERY: Sure.

3 THE COURT: I just want to make it go a  
4 little faster, that's all.

5 MR. AVERY: That's what I was trying to do.

6 THE COURT: I understand.

7 MR. AVERY: Because if we did all the  
8 telephone numbers at once, the examination would be  
9 very simple and direct.

10 THE COURT: I suppose if we're told we were  
11 going to do all the telephone numbers and set them up  
12 in order, that would have worked, too. Since you had  
13 the agreement and she set them up otherwise, I think it  
14 would be better to follow the sequence in which they  
15 are in. I think we'll move along.

16 MR. AVERY: Whatever the Court and opposing  
17 counsel --

18 THE COURT: It seems a practical solution.

19 MR. AVERY: -- wants to do is fine with me.  
20 I will abandon my own efforts to speed things along,  
21 Your Honor.

22 BY MR. AVERY:

23 Q. Let's go back, Agent Williamson, and take No. 189.

24 A. I've located that.

25 That exhibit was our Inventory No. L18-A-27.



1 Q. Yes.

2 Have you looked at that?

3 A. Yes.

4 Q. Why did you seize that?

5 A. As a financial record.

6 Q. Now, this financial record consists of a number of  
7 slips of paper, each of which appear to be for a different  
8 month; isn't that correct? Or for a portion of a month or  
9 for a two-week period?

10 A. Well, each slip of paper bears a date, or most of  
11 them bear dates.

12 Q. And don't they appear to bear dates for two-week  
13 periods, approximately?

14 A. Some of them are approximately two weeks apart.  
15 Others are eight days, and there is one that's five days  
16 apart.

17 Q. Do these appear to you to be budgets, sir?

18 A. That's what it appears to be.

19 Q. And don't they appear to be family budgets?

20 A. I can't tell by looking at the budget, or at this  
21 piece of paper.

22 Q. What kind of financial records did you think they  
23 were?

24 A. I did not know what kind of financial records they  
25 were.

1 Q. Let me see if I understand this. You went in  
2 someone else's house and took papers out without knowing  
3 what you were taking; is that your testimony?

4 A. My testimony is that I did not know -- I knew this  
5 was a financial record, but I did not know what type of a  
6 financial record that it was.

7 Q. How did you know it was a financial record?

8 A. Because there are numbers, and in certain cases  
9 they have dollar signs in front of them.

10 Q. Now, on the very first page it says March 14th on  
11 the top, doesn't it?

12 A. Yes. And it is in Spanish, with the notation in  
13 parentheses "SLPR" after it.

14 Q. And then among the entries there is one for gas,  
15 one for food, one for the Christmas Club, and one for the  
16 house; isn't that right?

17 A. There is a notation that says "gas."

18 Q. Agent, we'll go a lot faster if I ask you a yes or  
19 no question and you can answer it yes or no, and you do  
20 answer yes or no.

21 A. If I can answer the question yes or no, I'll  
22 answer it yes or no.

23 Q. I'm going to repeat the question for you.

24 Among the notations there, there is one for gas,  
25 one for good, one for Christmas Club, and one for the house;

1 isn't that correct?

2 A. I don't know.

3 Q. On the second line, do you see the number 2, and  
4 then after the word "gas" --

5 A. That's what it appears to say.

6 Q. Well, is there any doubt that that's what it says?  
7 You're holding the original in your hands. Let me  
8 see that.

9 A. Well, it's in a handwriting. That's your inter-  
10 pretation of that word.

11 Q. Well, what word do you think it is, sir?

12 A. I don't know. I mean, it appears to be gas.  
13 That's what I said.

14 Q. All right. And underneath that, do you see 120,  
15 and then do you see the word -- I'm sorry, do you see the  
16 number 200, and then do you see the word "acomida," a-c-o-m-  
17 i-d-a? Do you see that, sir?

18 A. Yes.

19 Q. And underneath that, do you see 40, and then do  
20 you see "X-mas Club"?

21 A. Yes.

22 Q. You take that X-mas to be Christmas, do you, sir?

23 A. That would be an abbreviation for Christmas.

24 Q. And underneath that, do you see 127, and then the  
25 word "casa," c-a-s-a?

1 A. There again, I can't make out the handwriting.  
2 That would be one interpretation of what that word could be.

3 Q. On the right-hand side, where it says 4 times 20,  
4 then next to that on the right-hand side do you see where it  
5 says "Sears"?

6 A. Yes.

7 Q. Underneath that you see "Padin," P-a-d-i-n?

8 A. Yes.

9 Q. You know there is a department store in the San  
10 Juan area called Gonzalez Padin, don't you?

11 A. Yes.

12 Q. Underneath that you see "Plaza card"?

13 A. Yes.

14 Q. And underneath that you see "Penneys"?

15 A. Yes.

16 Q. Then down at the bottom, you see a reference to  
17 American Express?

18 A. Yes. It says "Am, Express," with a question mark  
19 after it.

20 Q. And there are similar references -- without, I  
21 hope, the necessity of going through page-by-page with you,  
22 won't you agree that there are similar references on most of  
23 the other pages in that exhibit?

24 A. Yes.

25 Q. Then look at the second to the last page in the

1 exhibit, Agent.

2 Oh, I don't know what it is in the original. On  
3 the copy, it is the second to the last page. But it says  
4 "consensus 1985." Do you see that?

5 A. Yes.

6 Q. Do you see there where whoever wrote this indi-  
7 cates, "don't charge anything on American Express, Visa, or  
8 on credit cards except in emergencies"?

9 A. Yes.

10 Q. And you see how it goes on to indicate, number 8,  
11 for example, "With the planned monthly savings I gave myself  
12 for the monthly payments of Tanya, 100, and the semester  
13 payments of Varela, 300"?

14 A. Yes.

15 Q. And No. 9, you see the references to "purchases of  
16 clothing and home equipment, equipment repairs, car repairs,  
17 hair cuts," et cetera?

18 A. Yes, among other things.

19 Q. Now, did you have any reason to believe that this  
20 obvious family budget was connected with any illegal  
21 activity?

22 A. Yes. This was located in the home of two known  
23 Macheteros members.

24 Q. So, your thesis is, sir, that the family budget of  
25 two known Macheteros members is evidence of illegal

1 activity?

2 A. Yes.

3 Q. All right.

4 Would you look at Exhibit No. 90 again, please?

5 These are the maps we were talking about yesterday.

6 A. Yes.

7 Q. Would you agree that No. 1 is Continental map of  
8 the Americas that includes the Antilles?

9 A. Yes.

10 Q. And No. 2 is a map of the Greater and Lesser  
11 Antilles?

12 A. That one I couldn't say.

13 Q. What about No. 3, three maps of Puerto Rico?

14 A. Yes.

15 Q. And No. 4, map of Africa with divisions?

16 A. There again, I could not say on that.

17 MR. AVERY: Your Honor, could we impose on  
18 one of the interpreters, just to give us a quick render-  
19 ing of No. 2 and 4, which the Agent is not sure of?

20 Thank you.

21 [Interpreter reading document.]

22 INTERPRETER: No. 2, the first word is  
23 "mapa," m-a-p-a. Second word, I can't make out what it  
24 means. It seems to be "a-n-l-t-e-s, a-n-t-t-o-s, or  
25 e-s."

1           The third one says "three mapas PR," the initials  
2 "PR" in caps.

3           No. 4, mapa, it seems to say "Africa with divi-  
4 sions."

5           MR. AVERY: Thank you.

6           Q. Is it still your testimony that you seized this  
7 because it was evidence, in your opinion, of future targets  
8 of Macheteros attacks?

9           A. Yes.

10          Q. All right.

11          Would you take one -- I think I asked you 191.  
12 192.

13          A. Yes. That bears our Inventory No. L18-A-2.

14          Q. And this appears to be the 1985 calendar, that is  
15 weekly calendar, of Maria Dolores Fernos; does it not?

16          A. Yes. It bears her name on the inside on the first  
17 page.

18          Q. And what does it say under her name inside?

19          A. It says "Servicios Legales," and then a telephone  
20 number below that.

21          Q. And you know that that "Servicios Legales" was  
22 legal services?

23          A. Yes.

24          Q. And you knew before you went to search this home  
25 that Maria Dolores Fernos was an attorney at Legal Services,

1 did you not?

2 A. I don't recall that, no.

3 Q. Did you know that she was an attorney?

4 A. When she told me that she was.

5 Q. Prior to that, you didn't know that?

6 A. No, I did not.

7 Q. They gave you a background briefing in which they  
8 told you she was a member of the Macheteros, a member of  
9 directive committee, showed you her picture on the wall.  
10 Nobody bothered to mention to you that she was a lawyer?

11 A. I don't recall that.

12 Q. Did you know that Mr. Farinacci was a lawyer?

13 A. Yes.

14 Q. So you knew that when you were going to search his  
15 home, at least you were going to search the home where at  
16 least one lawyer lived; is that right?

17 A. Yes.

18 Q. But you say you didn't know about Miss Fernos?

19 A. I may have. I don't recall that detail.

20 Q. How early was it during the search that she told  
21 you that she was an attorney?

22 A. I remember a specific discussion when she wanted  
23 to copy some telephone numbers out of one of these books,  
24 that she indicated that she was an attorney.

25 Q. And I think you told us yesterday, you let her



1 copy some of the numbers, but you wouldn't let her copy all  
2 of the numbers; is that right?

3 A. That's correct.

4 Q. Now, in the briefings you had before you went to  
5 conduct this search, were you given any instructions with  
6 regard to the fact that at least one of the residents of the  
7 home you would be searching was a lawyer?

8 A. I don't recall any specific instructions concern-  
9 ing that.

10 Q. You were not told to limit your search in any way,  
11 because one of the people who lived there was an attorney?

12 A. I don't recall any limiting instructions to that  
13 effect, no.

14 Q. And in fact, in practice, you didn't limit your  
15 search in any way, despite the fact that the people who  
16 lived there were attorneys, did you?

17 A. That's correct.

18 Q. Now, in this 1985 weekly date keeper, there are  
19 fairly large numbers of entries; isn't that right?

20 A. Yes, that's correct.

21 Q. There are entries on various days indicating the  
22 activities of the person who kept the calendar.

23 Just a transitional question, Mr. Williamson.

24 A. Yes, there are entries.

25 Q. And some of those are entries for things that have

1 to do with her work at Legal Services, or at least appear to  
2 be such entries; isn't that right?

3 A. I don't know. I did not make any determination  
4 then about what the entries were.

5 Q. So you seized it without determining anything  
6 about the individual entries; is that correct?

7 A. That's correct. I don't recall reading any of  
8 these entries specifically.

9 Q. So it would follow then, would it not, sir, that  
10 at the time you seized this, you didn't have any specific  
11 reason for thinking that the entries in here were ever  
12 evidence of illegal activity, did you?

13 A. Well, yes. This was a known Macheteros member,  
14 and she had identified it as her telephone book.

15 Q. This is a book which contains some telephone num-  
16 bers in the back, and then a calendar section which, in  
17 fact, constitutes most of the book in the front and middle  
18 portion; correct? In other words, it's an average week-at-  
19 a-glance-type thing; correct?

20 A. That's correct.

21 Q. So you're saying you seized it because of the  
22 presence of the telephone numbers in the back.

23 Did you seize it for any other reason?

24 A. I don't recall any other reason. That was the  
25 main reason, that this was filled with telephone numbers.

1 Q. Did you recognize any of those telephone numbers  
2 before you seized it?

3 A. I don't recall recognizing any of them.

4 Q. All right.

5 Would you take Exhibit 193, please? I'm sorry, we  
6 have done 193. Exhibit 194.

7 MR. AVERY: Your Honor, on 194, the photocopy  
8 itself is very blurry. I think counsel would probably  
9 agree. You can't make it out at all, so we want to ex-  
10 amine the original.

11 Could I just have a moment with this, Your  
12 Honor?

13 [Pause.]

14 Let me just pass that up to the Court.

15 THE COURT: Is that the original or the copy?

16 MR. AVERY: That's the original. It's not  
17 much less blurry than the copy, in my opinion.

18 THE COURT: All right.

19 Q. What did you seize that for?

20 A. I don't know. The only reason I can think of is  
21 that this is part -- this exhibit number is L18-A-8-3.  
22 This, along with the other items marked A through sequen-  
23 tially, were located in the telephone book. And if this  
24 were, if I didn't review it, that's the only reason I can  
25 think that I seized this.

1 Q. Do you agree with me today there is no reason to  
2 seize that photo?

3 A. Yes.

4 Q. Would you look at 196, please? 196 consists of  
5 some kind of referral letter regarding a dental patient;  
6 does it not?

7 A. Yes.

8 Q. It appears to be a letter from Dr. Veve, V-e-v-e,  
9 to Dr. Agrait, A-g-r-a-i-t, regarding x-rays that were done  
10 or about to be done on Roxanna Varela; correct?

11 A. Yes.

12 Q. And why was this seized, sir?

13 A. I don't recall specifically. There are telephone  
14 numbers of the doctors' group that appear on the order.

15 Q. I'll grant you that.

16 Did you suspect those doctors of being members of  
17 the Macheteros?

18 A. I don't recall any specific suspicions of those  
19 doctors.

20 Q. Did you seize this because it had those dentists'  
21 telephone numbers on them?

22 A. As I say, I don't recall specifically that, be-  
23 cause there are telephone numbers there, I would -- that  
24 would have given me one reason to seize the document.

25 Q. As you sit here today, do you think that this

1 document is within the language of Addendum 2?

2 A. Yes.

3 Q. Simply because it has telephone numbers on it?

4 A. That, plus other knowledge that I have of the  
5 case.

6 Q. And what knowledge is that?

7 A. Well, I have an understanding that the Macheteros  
8 looked for certain medical personnel that were from their  
9 cause that they would use.

10 Q. So you thought that the fact that these people  
11 were suspected of being Macheteros, they might send their  
12 kid to a dentist who was a Macheteros, and therefore you  
13 could get a lead on that dentist by seizing this document?

14 A. See, I don't recall anything specific like that  
15 that I used to seize this in August of 1985.

16 Q. But as you sit here today, that would be a reason  
17 that would occur to you, if you were making the decision  
18 today?

19 A. If I made the decision today, knowing what I know,  
20 that would make the telephone numbers even more pertinent.

21 Q. And I take it, then, you didn't receive any in-  
22 structions during your briefing sessions that would have in-  
23 dicated to you that you should not seize a document under  
24 the telephone number listing, that was a printed piece of  
25 stationery where the telephone numbers were part of

1 someone's letterhead?

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

3 Q. All right.

4 Let me ask you to look for No. 199.

5 MR. AVERY: Your Honor, I'm skipping 197 and  
6 198 because we have already done them. So we're moving  
7 on to 199.

8 A. Okay. I have this document located. This is our  
9 Inventory No. L18-A-8.

10 Q. Could I see that for a moment?

11 And for the record, can we agree that the  
12 photocopy that's been introduced into evidence contains the  
13 advice to international passengers portion of the ticket,  
14 the seat portion of the ticket, but does not have the writ-  
15 ing on the back or the notice of incorporated terms, all of  
16 which are part of the original?

17 A. Yes, that's correct.

18 Q. And the parts that are missing from the photocopy  
19 on file are simply those portions which are part of any air-  
20 line ticket you buy that are printed on there by the company  
21 as a standard form; correct?

22 A. That's correct.

23 Q. Now, why did you seize this airline ticket?

24 A. This would be evidence of travel of a Macheteros  
25 member.

1 Q. Did you have any evidence that this particular  
2 travel was conducted for an illegal purpose?

3 A. Not that I recall.

4 Q. Did you have any reason to believe that this par-  
5 ticular airline ticket would be evidence of any illegal  
6 activity?

7 A. Yes. I knew we were looking for travel documents  
8 for Macheteros members.

9 Q. Well, you are telling us you thought all travel  
10 documents of suspected Macheteros members were evidence; is  
11 that right?

12 A. Yes.

13 Q. But asking you a somewhat more narrow question,  
14 did you have any reason to think that this particular ticket  
15 was evidence of any specific illegal activity?

16 A. I don't recall any decision on my part this was  
17 specifically connected to anything.

18 Q. You just took all the tickets you found?

19 A. I would have taken any ticket that was found  
20 there.

21 Q. All right.

22 And as you sit here today, you don't have any  
23 evidence that this ticket is evidence of any specific il-  
24 legal activity, do you?

25 A. I have no knowledge of that myself, other than

1 that it would be evidence of one of the crimes that was  
2 listed in the warrant.

3 Q. Namely?

4 A. Well, any -- it could be any of the -- we knew  
5 that the Macheteros traveled to overseas locations for  
6 training and support with other groups overseas. And this  
7 could be evidence of their travel to that.

8 Q. Did you have any evidence that Macheteros were  
9 being trained in the Dominican Republic?

10 A. I don't recall that.

11 Q. You wouldn't suspect the Government of the  
12 Dominican Republic to be training the Macheteros, would you?

13 A. I would not suspect that.

14 Q. No. And this was a ticket for travel to the  
15 Dominican Republic; was it not?

16 A. That's correct.

17 Q. So apart from your general suspicion of interna-  
18 tional travel by Macheteros, this wasn't connected with any  
19 specific illegal activity that you knew of, was it?

20 A. Not that I knew of specifically.

21 Q. All right.

22 Would you look at No. 200, please?

23 Let me just, to try to save some time, let me just  
24 call your attention to the date on the itinerary there  
25 that's part of that exhibit, and ask you if you seized this



1 exhibit for the same reason you seized No. 199.

2 A. This is our Inventory No. L18-A-11. Yes, this  
3 would also be evidence of the travel of Macheteros member.

4 Q. And you didn't have any additional reason for  
5 seizing this, than you've already described to us in connec-  
6 tion with 199, did you?

7 A. Not that I recall.

8 Q. All right.

9 Would you look at No. 201, please?

10 A. Okay. This exhibit is our Inventory No. L18-H-11.

11 Q. Can I see that?

12 May I just pass this up to the Court for a moment?

13 [Handing document to the Court.]

14 [Pause.]

15 Agent, why did you seize this particular document?

16 Well, first, for the record, this is a little  
17 notebook with some writings and scribblings on it; correct?

18 A. Yes.

19 Q. And why did you seize that?

20 A. One of the reasons that I would have seized this  
21 would have been for the telephone numbers that appear on the  
22 book.

23 Q. Any other reason?

24 A. I don't recall specifically, but there are some  
25 large amounts of money noted on the note pad, on the third

1 page, the amount of \$14,000.

2 Q. Is there a dollar sign there?

3 A. Yes. That's what it appears to me.

4 Q. So there is a notation there of \$14,000. And is  
5 it related to anything on this note?

6 A. I don't know. It appears under a date of June 4,  
7 1985. I don't know if that relates to that or not.

8 Then there is 14,000, also appears on the right-  
9 hand side of the page, without the dollar sign circled,  
10 and --

11 Q. Underneath the words "I don't have"; right?

12 A. That's correct.

13 And then on the --

14 MR. AVERY: Actually, Your Honor, just so the  
15 record is clear, it says "no tengo," and underneath  
16 that is 14,000.

17 Q. And what else, Agent?

18 A. More telephone numbers that appear there on the  
19 pages. There is also the -- a notation on -- it would be  
20 the fourth page, 75,000. That's 75,000, with no dollar  
21 sign. And then the notation beside it, "expensive places,"  
22 in English.

23 Q. And did you have any specific knowledge relating  
24 these notations to any illegal activity?

25 A. Well, I knew that we were looking for evidence of

what happened to large sums of money.

Q. I don't understand that. These particular notations had no specific meaning to you, did they?

A. I don't recall any specific relationship.

Q. Is there any other reason why you seized this document?

A. And then there are -- this would be on Page -- I'm counting the backs of pages of paper. On the seventh page there also appears to be a list of expenses with dates.

Q. You mean where it says "30 mayo," m-a-y-o, "990," and so on?

A. Yes.

Q. So you treat that as a financial record?

A. Yes. A financial record or a list of expenses.

Q. You didn't have any reason to suspect that those were illegal expenses or evidence of illegal activity, did you?

A. Well, yes. This was seized off of the dresser in the master bedroom. I was aware that the Macheteros reimbursed their members for certain expenses.

Q. Did you have any evidence, is there any reference in the affidavit to Mr. Farinacci or Miss Fernos ever having been reimbursed for expenses?

A. -- I don't specifically recall.

Q. Don't you recall specifically that Mr. Farinacci

1 and Miss Fernos are not listed in the affidavit as among  
2 those alleged Macheteros who received regular payments from  
3 the organization?

4 A. No, I don't recall that. No.

5 Q. Didn't anyone call to your attention, when you  
6 went to search their house, that they were not alleged to be  
7 paid members, paid staff members of the organization?

8 A. I don't recall any discussion to that effect, no.

9 Q. And you don't recall reading the affidavit and  
10 learning that yourself from a reading of the affidavit?

11 A. I recall reading the affidavit. I don't recall  
12 that specific point.

13 Q. All right.

14 So you seized this because these were expenses and  
15 you thought as Macheteros they might be reimbursed for these  
16 expenses?

17 A. No. That's not my testimony.

18 Q. What is your testimony?

19 A. As I say, the -- based upon what I wrote on my in-  
20 ventory, I described it as the note pad with phone numbers.  
21 I would have seized the document because there were these  
22 telephone numbers in there.

23 Upon reviewing it now, I also see these large sums  
24 of money noted, which I would have also seized the document  
25 because of those.

1 Q. And these 990. 670, 800 and 806 on the last page,  
2 would you have seized it because of that?

3 A. That would have been an additional reason, other  
4 than the first two that I've already given you.

5 Q. But the reason you seized it, in fact, was because  
6 of the telephone numbers, as you recall, what you actually  
7 did on August 30th?

8 A. Based upon my inventory, that's -- as I say, I  
9 don't specifically recall seizing this document, you know,  
10 what went through my mind on August 30th. But that would  
11 have been my main reason for it.

12 Q. Let me see if I understand something about your  
13 approach to the addendum.

14 You say this -- where it says "30 mayo 990; 25  
15 marzo, m-a-r-z-o, 670; 11 marzo 800; 4 mz 806," and then  
16 that's totaled to come up to 3266, that that would have been  
17 a reason to seize this document?

18 A. Yes.

19 Q. And is that because any list of expenses that you  
20 found in this home, where suspected Macheteros lived, would  
21 have fallen within Addendum 2 as you understood it?

22 A. I don't know if any would have.

23 Q. But this would have?

24 A. Based upon what I know about the documents right  
25 now, yes.

1 Q. I'm calling your attention to that portion of the  
2 document that we're looking at right now, the 990, 670 and  
3 so on. That would have fallen within the addendum as you  
4 understood it?

5 A. Yes.

6 Q. And you don't -- you didn't get any instructions  
7 from anyone which would have excluded this type of notation  
8 from what fell within Addendum 2, did you?

9 A. No.

10 Q. And you didn't know what this 990, 670, 800 or 806  
11 referred to, did you?

12 A. No.

13 Q. You seized it in part because you didn't know and  
14 you wanted to find out; isn't that right?

15 A. No. I think I've already testified the main  
16 reason that I seized this document was because it contained  
17 telephone numbers, to the best of my recollection.

18 Q. Let me put it this way: Had you seized just this  
19 page, you would have seized it because you didn't know what  
20 this was, and you wanted to find out; isn't that right?

21 A. No. I would have seized it because, to me, this  
22 appears to be a financial record that would show where cer-  
23 tain moneys have been spent.

24 Q. Where were these moneys spent?

25 A. I don't know.

1 Q. It doesn't show where any money was spent, does  
2 it?

3 A. No, it just shows the particular date that they  
4 were spent.

5 Q. Doesn't -- well, never mind.

6 Let me ask you to go back in your box there, be-  
7 cause we have, through my inadvertence, passed an exhibit.  
8 Between 198 and 199 there is a letter or a portion of a let-  
9 ter which you call L18-A-2-19.

10 Can you find that? It's not in the exhibits. It  
11 in your box. It hasn't been marked as an exhibit yet.

12 A. Okay.

13 THE COURT: The number again, so he can fol-  
14 low it?

15 MR. AVERY: L18-A-2-19.

16 Let me show the witness what I have. I'm  
17 just not sure I have the whole exhibit. That is what  
18 I'm looking for.

19 THE WITNESS: Is that it?

20 MR. AVERY: Yes.

21 Your Honor, this is a document that I only  
22 have the second page of. I just want to show it to  
23 Miss Van Kirk for a moment.

24 Your Honor, we have agreed we'll mark the  
25 original at this point and then substitute a copy

1 later, which the --

2 THE COURT: Very well.

3 MR. AVERY: -- the U.S. Attorneys Office will  
4 make.

5 Would you make a copy for me, too, then,  
6 since I don't have one?

7 MS. VAN KIRK: Yes.

8 MR. AVERY: Could I just have another moment  
9 with this, Your Honor? Or you know, what I would like  
10 to do, just set this aside for now and come back to it,  
11 because this is the first I've seen the first page, so  
12 I want to ask you about it before I question the agent.

13 But let's give it to the clerk, because she  
14 is going to make a copy for us.

15 MS. VAN KIRK: What number is that, please?

16 MR. AVERY: That will be 262.

17 BY MR. AVERY:

18 Q. All right. Can you look at -- you have the  
19 original photographs in there, do you, that are part of --

20 MR. AVERY: I'm sorry, Your Honor, I've to-  
21 tally lost my place here.

22 THE COURT: We'd left off with 201, and you  
23 skipped to 262.

24 MR. AVERY: Yes, we did, and I went back.

25 Q. And now after 201 in your box, do you have some



original photographs of -- package of approximately 33 photographs?

MS. VAN KIRK: Excuse me. Perhaps I can be of assistance. Off the record.

[A discussion was held off the record.]

Q. You have them in your hands now?

A. Yes.

Q. Could we see those, please?

MR. AVERY: Your Honor, we haven't marked any exhibit for those photographs, because the photocopy is not clear enough to see anything.

Let me suggest, so we don't take everyone's time, that we pass this for the time being, and I'll check this during the recess and come back to it.

Can you just hold this out, Agent?

MS. VAN KIRK: Could we have it marked?

MR. AVERY: Do you want to mark the package?

MS. VAN KIRK: If you want to mark the original.

MR. AVERY: There is 33 in here.

THE WITNESS: I'm not sure.

MR. AVERY: One package of 33 photographs, Your Honor, which would be No. 263.

THE COURT: Were these found in one place, or were they put together?

1 THE WITNESS: These were found on the dresser  
2 in the master bedroom.

3 MR. AVERY: Now I'm going to No. 203, Your  
4 Honor, because we did 202 yesterday.

5 Q. Would you look at No. 203, Agent Williamson?

6 MS. VAN KIRK: Excuse me. I think we did  
7 that one, didn't we? 203 was the second one this morn-  
8 ing.

9 MR. AVERY: Did we?

10 MS. VAN KIRK: XX-2.

11 MR. AVERY: Quite right.

12 Q. Then let me ask you: Do you have your No. 18-H-  
13 12, A and B, in your box there, video cartridges, or do you  
14 have those separately?

15 A. I don't believe we have those with us.

16 MS. VAN KIRK: What was the number again?

17 MR. AVERY: The video cassettes.

18 MS. VAN KIRK: I don't think we have them.

19 MR. AVERY: Why not? I want to know why the  
20 video cassettes are not here.

21 MS. VAN KIRK: They are not in the courtroom.  
22 They were not one of the items I was told that you  
23 would do. We can get it.

24 MR. AVERY: I would like to have all the  
25 evidence brought down here which I've previously ad-

1           vised the Government we are going to go through, all  
2           the evidence. For convenience sake, I tried to premark  
3           some of these things so we could do that. Now I don't  
4           want to be hoisted on that petard.

5                        I advised the government that we wanted to  
6           look at all the evidence, specifically the video cas-  
7           settes.

8                        THE COURT: Well, she'll bring them in. But  
9           the point is, why don't we proceed with the list we  
10          have here, and then we'll have those out of the way.

11                       MR. AVERY: Yes, we are.

12                       MS. VAN KIRK: Your Honor, perhaps we should  
13          have counsel tell us which are not here so that we can  
14          get them here, if we don't have them, like the video  
15          cassettes. That's one of them.

16                       MR. AVERY: All the exhibits which were  
17          seized from Mr. Farinacci's home. Almost all of them  
18          are listed on Exhibit C attached to our motion, as I  
19          have previously indicated.

20                       MS. VAN KIRK: Well, Your Honor, if he can  
21          identify which one specifically, we don't have here, we  
22          can find it much easier. Otherwise, we'll have to  
23          bring everything and then rummage through the boxes.  
24          That's the only purpose for telling us now what it is  
25          that's not on the list that he would like here, and

we'll have it here.

THE COURT: Why don't you find that out at the recess, between yourselves. I'm sure you can work it out.

MR. AVERY: I don't share your confidence, but I would like all the evidence listed on Exhibit C brought down to the courtroom.

THE COURT: All right.

Q. Do you have in your box there, Agent Williamson, what you call L18-I-1? Should be right after Exhibit 203.

A. Yes.

Q. Could we see those, please?

[Pause.]

Are these in one envelope?

A. Yes.

MR. AVERY: Let me have that one marked. These are the two photos.

Your Honor, these are two colored photographs. Could we have these marked as the next exhibit, please?

THE CLERK: 264.

[Handing the document to the Judge.]

[Defendants' Exhibit No. 264 was marked for identification.]

Q. Now, Agent Williamson, would it be fair to say

1 that one of these photographs is of a man holding two small  
2 children in his arms?

3 A. Yes, that's correct.

4 Q. And the other photograph is of a man holding one  
5 child and a woman balancing another child on a -- some kind  
6 of fence or railing of some kind?

7 A. Yes, that's correct.

8 Q. And do you recognize any of the people in any of  
9 the photographs?

10 A. No, I do not.

11 Q. You don't recognize Maria Fernos in the photograph  
12 you're holding in your hands?

13 A. No, I do not.

14 Q. Do you -- can you tell us who either of the people  
15 -- well, can you tell us why you seized those photos?

16 A. Yes. We were specifically looking for photographs  
17 in the addendum. These photographs were located by Agent  
18 Miller. He reviewed an album containing other photographs.

19 Q. And he seized these?

20 A. He brought these to my attention.

21 Q. All right.

22 So he reviewed a whole album containing  
23 photographs, took these two out, and brought them to you?

24 A. That's correct.

25 Q. And why did you take these?

1           A.    I don't have a specific recollection.    But these  
2 are, right now to me, these are photographs of unknown adult  
3 individuals.    These could -- I was aware at the time that  
4 there were numerous Macheteros members that were uniden-  
5 tified.

6           Q.    Did you think that these photos constituted  
7 evidence of any of the offenses listed on the second page of  
8 the addendum?

9           A.    I thought they could, yes.

10          Q.    In what sense could they have?

11          A.    Well, those offenses lay out certain crimes, a  
12 number of which the group Macheteros has taken credit for.  
13 And if these would identify a member of the Macheteros,  
14 those could be used as evidence.

15          Q.    By that same token, you could have seized any  
16 photograph in Mr. Farinacci's home; is that correct?

17          A.    No, I believe I've testified previously that that  
18 blurred photograph of a very young child, I would not have  
19 seized that.    Nor did we seize this entire album that was  
20 reviewed by Agent Miller.

21          Q.    How did you decide which ones to seize and which  
22 ones not to seize?

23                Let's set aside blurred photos of infants as a  
24 category that on reflection you wouldn't seize.

25                That aside, how did you decide which ones to seize

and which ones not to seize?

A. Based on the photographs that were -- I only made a determination based on the photographs that searching agents presented to me.

Q. Yes.

A. And these would be the reasons I would have seized these photographs, because these are unknown adult individuals.

Q. So, did you understand the addendum to allow you to seize any photograph of an unknown adult that you found in Mr. Farinacci's home?

A. That would be my understanding today. At the time, I just made specific decisions based upon the photographs that were presented to me.

Q. Well, you're saying Agent Miller didn't bring you the whole album?

A. No, he did not.

Q. So he exercised some decision-making about which ones he would bring to you; correct?

A. He only brought me these two after reviewing the entire album.

Q. Do you know what criteria -- strike that.

Did you give him any instructions about what criteria to use in selecting photos out of the album to bring to you?

1 A. I don't recall specific instructions.

2 He read the addendum and the affidavit.

3 Q. And then he was on his own in terms of making the  
4 initial selection?

5 A. Yes.

6 Q. All right.

7 And he brought those to you?

8 A. Yes.

9 Q. And you seized them.

10 And would you have seized or authorized the  
11 seizure of any photo of an unknown adult that you found in  
12 Mr. Farinacci's house?

13 A. I don't know if -- I'm trying to think of a  
14 hypothetical.

15 There may be -- might have something in the  
16 photograph that would have made it innocuous to me, and for  
17 that reason I would not have seized it.

18 But I can only give you my decision based upon the  
19 -- these photographs here.

20 MR. AVERY: Could I just have a second, Your  
21 Honor?

22 Q. Well, you're saying that some photos might have  
23 appeared to you to be innocuous and you might not have  
24 seized them; correct?

25 A. That's correct. I don't recall that situation



arising.

Q. In other words, in fact, you didn't reject any photos that were brought to you?

A. I don't recall any.

Q. How would you tell the difference between an innocuous photo and one that's not innocuous? Was there any general guidelines you would use?

A. That's why I say I can't think of a specific incident. I know that blurred baby pictures I would not have taken.

Q. Sure. Sure. But are you saying that -- well, let me put it this way.

Was there anything in the warrant addendum to -- or the affidavit -- which you understood limited in any way the photographs you could seize?

A. Well, yes. There was no evidence in there that extremely young children were Macheteros members.

Q. Let me just talk about adults. Okay.

Did you -- of course there are young children in those photographs you are holding in your hands, which you did seize; isn't that right?

A. Yes, along with the adults.

Q. Along with adults.

With respect to photos of adults, did you think there was anything in the addendum or in the affidavit which

limited in any way your ability to seize all photos of unknown adults?

A. I guess I don't know, unless I saw a specific photograph, maybe, that would bring up some reason why that could not possibly have a relationship to the, you know, to the affidavit.

Q. To the investigation?

A. Or the investigation.

Q. But that's not spelled out in the addendum as such, is it?

A. In the addendum?

Q. Yes.

A. I believe the addendum says photographs.

Q. Right. So would it be fair to say you viewed it as within your discretion to decide if there were some photographs that shouldn't be taken?

A. Yes.

Q. All right.

Now, Exhibit 204.

THE COURT: Is that the number we were handling, counsel?

MR. AVERY: Exhibit 204 would be the next one we haven't reached yet. We took those photos out of order because I thought they were out of order in the box.

THE COURT: All right. What was the number on those, Madam Clerk, those two?

THE CLERK: 264.

THE COURT: 264?

THE CLERK: Yes, Your Honor.

MR. AVERY: I'm sorry, Your Honor. 264 is what we just had. Now I'm asking about 204.

THE COURT: All right.

Q. Agent Williamson, let me ask you a question, one last question, about 264.

Have you ever learned who the people are who are in those photos?

A. No.

MR. AVERY: Could I just see those for a second, Your Honor?

THE WITNESS: The photographs?

Q. If I told you, Agent Williamson, that the male in the pictures was the dean of the law school at the University of Puerto Rico, would that enable you to recognize him?

A. No.

Q. All right.

Now I want you to look at 204.

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

MR. AVERY: Thank you.

ANTONIO  
FERNOS

[Recess taken from 11:30 a.m. until 11:55 a.m.]

MR. AVERY: Your Honor, Mr. Farinacci asked that I mention to the Court that he's really not feeling well. He's been sick since he arrived here, and he has a fever, and he wants to attend the proceedings. But from time to time, he may go out, just to get some relief or something.

And I would just ask the Court's indulgence in that regard.

THE COURT: No problem.

MR. AVERY: Thank you.

THE COURT: I hope this sickness doesn't prevail through the courtroom.

MR. AVERY: Well, I think it's a potential problem on this case.

BY MR. AVERY:

Q. Agent Williamson, let me show you some of these photographs that are part of Exhibit 263.

First of all, when you seized these photos, why did you seize these photos?

A. Can I look at the individual photographs?

Q. Sure.

A. Would you like me to go through them one-by-one?

Q. Hopefully that won't be necessary.

Can you give us some idea of why you seized them, without doing that?

If it is necessary for you to go through them one-by-one, then by all means do so. If you can tell us generically why you seized them, I would appreciate that.

A. Well, they are photographs and -- of the unknown individual. I think I've already testified why I believe that would be evidence of the crimes that the Macheteros have taken credit for.

Also, some of these could be evidence of travel of the Macheteros members, and this could be -- if these could be identified, the locations --

Q. Did you interpret the addendum which authorized you to seek evidence of travel, to authorize evidence of travel within Puerto Rico?

In other words, if someone traveled from San Juan to Utuado, U-t-u-a-d-o -- you know what Utuado is, don't you?

A. I know that's a city.

Q. In Puerto Rico?

A. In Puerto Rico, yes.

Q. So if someone traveled from San Juan to Utuado, would you consider that evidence of travel that you could seize within the meaning of Addendum 2?

A. Yes.

Q. How far did someone have to go for it to be considered travel, in your opinion?

A. I would have to look at each specific document.

Q. So you didn't have any general guidelines that you used in deciding what constituted travel?

A. I interpreted it based upon the warrant and what was contained in the affidavit; my knowledge of that at the time.

Q. Was there anything in the warrant which limited travel to trips of any given distance?

A. I don't recall any language like that in the addendum.

Q. And do you recall anything from the affidavit which you interpreted as limiting travel to trips of any given distance?

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

Q. So would you say that you applied your own discretion in determining whether or not a given trip constituted travel within the meaning of the warrant?

A. Well, my decision was based on each -- each piece of evidence that I seized here. If I said that it was a travel document, I have tried to give you the reasons why.

Q. Well, let me put it this way: When you looked at individual documents to determine, or photos, to determine

whether they were evidence of travel, you made an individualized decision about each one; correct?

A. That's correct.

Q. And you applied your discretion in deciding whether that one was evidence of travel, as you understood the warrant; correct?

A. That's correct.

Q. All right.

Now, let me just ask you -- and so you're saying some of these photos might have been evidence of travel if you could identify the places in them; right?

A. Yes.

Q. I'm just repeating what you just said.

A. Yes.

Q. Let me show you this particular photograph. It shows a man standing next to a -- in between two women, pointing down at what might be a baby in a little blanket.

Do you see that?

A. Yes.

MR. AVERY: Can I just show this to the court here?

[Handing document to the Judge.]

I know the Judge has met these people, but you haven't.

Q. You don't recognize that as Mr. Farinacci's mother

and father in that photograph?

A. The only individual that I recognize in the photograph, it looks to me like Maria Fernos.

THE COURT: I don't think I have met them, counsel.

MR. AVERY: You saw his father in court.

THE COURT: I have never met them.

MR. AVERY: I didn't mean to say that you did. I don't want you disqualified from the case on the grounds that you have met the defendant's parents. I just meant in court.

Q. Doesn't that look like a family that just brought home a new baby and is showing it off to the grandparents?

A. That could be that, yes.

Q. Why did you take it?

A. Well, this photograph in particular shows one of the many different hair styles or -- looks of Maria Fernos, who's a -- to me, she was a known Macheteros member, and this would help to identify her.

Q. So you could have taken any picture you found in the house of Maria Fernos; that's your testimony?

A. My testimony is that that's why I took this. This would have been a reason to take this particular photograph.

Q. All right.

Let me just show you this photograph. Has a male



standing behind a child on a bicycle.

Do you recognize the person in that photo?

A. Yes. That looks like the defendant, Jorge Farinacci.

Q. And do you recognize the little girl on the bike?

A. No, I don't.

MR. AVERY: All right. Let me just show this to the Court, if you don't mind.

[Handing document to the Judge.]

Q. It appears to be a photo of someone teaching a child how to ride a bicycle, doesn't it?

A. But it also shows the vehicle in the photograph.

Q. And so you would have seized any photograph that had a vehicle in it, would you?

A. Well, no. That's not my testimony.

Q. Why is that significant?

A. Well, as I recall from the affidavit, Mr. Farinacci was using a BMW and was surveilled going to Macheteros meetings. And this -- it appears to be a BMW vehicle in the photograph, with Mr. Farinacci standing behind it.

Q. All right.

Now, do you know where this -- where these 33 photographs were seized from?

A. These were located, according to my inventory, un-

der the place found -- I put "dresser in the master bedroom of Mr. Farinacci's house."

Q. And you didn't take all the photos that were located on the dresser, did you, or do you know?

A. I don't know.

Q. But in any event, you didn't take all the photos that were found in the house?

A. No.

Q. And the decision of which photos to take was apparently made by the agents who went out and -- the initial decision was made by the other agents who were searching and who then brought them to you; correct?

A. Yes.

Q. All right.

Now, do you have in front of you what is marked as Exhibit 262?

THE COURT: Could I see the one you're just putting down there?

[Handing document to the Judge.]

MR. AVERY: While you're looking at that, could I just have a moment, Your Honor?

[Pause.]

THE COURT: All right, counsel.

MR. AVERY: Thank you, Your Honor.

Q. What do you have in front of you now, 262?

A. Yes.

And our Inventory No. is L18-A-2-19.

Q. All right.

Now, why did you seize this particular document?

A. Okay. This document, reading the letter, it appears to be from an individual named Carlos, who apparently is writing from prison, to an individual by the name of Miguel, M-i-g-u-e-l, dated June 9, '85. And the letter uses the defendant Farinacci's -- one of his code names.

Q. And what would that be?

A. Fari.

Q. F-a-r-i?

A. Yes.

Q. Yes.

A. And it's requesting that he needs financial assistance, that he needs on the part of Mr. Farinacci.

Q. Now, you're saying, and you said yesterday, too, that Fari is a code name for Mr. Farinacci.

Who told you that?

A. That's in the affidavit for the search warrant.

Q. And where is that in the affidavit? Can you show us that?

A. Do I have the affidavit here?

Q. I think so. I think we marked it as Exhibit 261, if I'm not mistaken.

Well, I see you're starting on Page 1 and then Page 2, and that being a 67-page affidavit, that could get tedious.

Let me ask you this question; we can come back to this, or Mrs. Van Kirk can, if she wants to, on redirect.

Let me ask you this: Didn't you know by the time you conducted this search that Fari was a perfectly ordinary nickname for Farinacci?

A. What I knew was that it was a code name that the Macheteros used for him.

Q. Well, weren't -- didn't you know that the Macheteros code names were supposedly designed to keep secret the actual identity of persons?

A. Yes.

Q. And the allegation that was made by the agents in the affidavit was that they would select fictional names to stand in for their real names?

A. Yes, I recall.

Q. Yes. And so, if I told you that my name was Michael but some people called me Mike, you wouldn't think of that as a code name, would you?

A. Not unless that was a code name that the -- your group gave to you.

Q. It would be pretty inept, wouldn't it?

A. Seems to me --

Q. Yes. And --

A. -- it would be.

Q. And that wasn't typically how the Macheteros were accused of selecting the code names, was it?

A. I don't know how they selected their code names.

Q. Well, you weren't aware of any code names that simply consisted of the shortening of someone's last name, the way everybody would call him on the street who knew him and was his friend, were you?

A. I don't know. My specific recall was this code name, or this was listed in the affidavit as a code name for the defendant.

Q. You're telling me today, under oath, that you didn't realize that F-a-r-i was the everyday, commonplace nickname for Mr. Farinacci that was used by his acquaintances?

A. That's correct.

Q. All right.

Do you know who this Carlos is that this letter is from?

A. No, I don't.

Q. Did you have a suspicion on August 30th of 1985 who this Carlos was?

A. I don't recall.

Q. You don't recall.

Did you know who Miguel was, or did you have a suspicion as to who Miguel was?

A. I don't recall that, either, at that time.

Q. Could I see that affidavit for a moment?

I want to show you Page 28 of Exhibit 261.

Now, this is a portion of the affidavit that describes information allegedly given by an individual known as Carlos Rodriguez. Rodriguez; isn't that correct?

A. Yes.

Q. And this Carlos Rodriguez indicates on Page 28, during the time that -- or rather, the affiant indicates on Page 28, "During the time that Rodriguez was a member of the Macheteros, he came to know the following individuals as also being members of the Macheteros or other clandestine Puerto Rican terrorist groups, as shown." And there had, lists Jorge A. Farinacci, "Fari," "Roberto"; correct?

A. That's correct.

Q. Doesn't say there that Fari is a code name, does it?

A. Well, this paragraph is directly below the paragraph about code names.

Q. Yes. There is a paragraph about code names that -- for individuals cells, meeting place, places, and for operations; correct?

A. That's correct.

Q. And then the next paragraph simply says he knew these people. And that's listed as one of the names he knew them by; correct?

A. Well, you would have to read from the document. It says that.

Q. Well, I already did that, didn't I?

A. He came to know the following individuals as being members of the Macheteros. And under Farinacci it just gives his name and a comma, and then the two names in quotations.

Q. Yes. Which there are not specifically identified as code names; right?

A. My reading of this, if I read it as a whole document, was that those were code names.

Q. All right.

Now, being aware of that document, did you think that the Carlos here was Carlos Rodriquez?

A. I don't recall what I thought at that time.

Q. That Carlos in Exhibit 262 was Carlos Rodriquez?

A. I don't recall. Certainly today that would be a possibility, based on the fact that I know that Carlos Rodriquez is also in prison.

Q. This letter is sent from prison, apparently, is it not, by its text?

A. That's how I would interpret the letter.

Q. All right. Yes.

And when you went to search Mr. Farinacci's house, did any of the agents on the terrorism squad tell you to look for this letter in particular?

A. Not that I recall.

Q. Didn't they tell you that there was an FBI informant named Carlos Rodriguez who had been cooperating with the Bureau?

A. Yes, they did.

Q. And didn't they tell you that they had had this Carlos Rodriguez send this letter to Mr. Farinacci in an attempt to set him up and develop evidence against him in connection with this investigation?

A. No, they did not.

Q. And didn't they tell you to make sure that you got that letter out of his house if it was there?

A. No, they did not.

Q. You find something humorous in that?

A. It just seems ridiculous.

Q. It seems ridiculous to you that the FBI would try to set somebody up using an informant or an agent provocateur?

A. To me, it seemed like you were suggesting that we had planted this evidence to show you in the residence.



Q. I was suggesting that you were trying to set Mr. Farinacci up. Yes, that is what I was suggesting.

Inasmuch as Mr. Rodriguez was working with the Bureau at that time, he couldn't have sent that letter without your knowledge, could he?

A. Yes.

Q. Out of prison?

A. Talking about my knowledge.

Q. I'm not talking about Agent Williamson. No. I'm talking about the FBI.

MS. VAN KIRK: I object, Your Honor. The issue here is Agent Williamson, whether he knows.

MR. AVERY: I'll withdraw it, Your Honor.

Q. Let me ask you to look at No. 204.

THE COURT: Is that other letter you just passed over, is that in English or in Spanish?

MR. AVERY: I only have it in Spanish, Your Honor, because I didn't have a complete copy of it. And the translation I got is just of the second page.

And --

THE COURT: Does the witness have it in English or Spanish?

MR. AVERY: He has it in Spanish.

THE COURT: We'll leave it there. We'll get a translation later.

MR. AVERY: Thank you.

I just wanted you to know that we did have the translation of the second page. But I'm advised that the translation wasn't very accurate, so that's why I didn't offer it.

THE COURT: Who did it, do you know?

MR. AVERY: Whoever was hired by -- I don't know whether it was Mr. Iavarone or whoever arranged for --

MR. WILLIAMS: That was the Accent people, Your Honor.

Q. Do you have Exhibit 204?

A. Yes. That's our Inventory No. L18-A-20.

Q. And is the photocopy a complete copy of the original?

A. Your photocopy goes from L18-A-20-1 through 19, which it does not include the check register.

Q. No, I think that's a separate exhibit.

Take a look at Exhibit 205. Take a look at 205. Look at 204 and 205 together, if you would, sir.

A. Okay. Those are the checks. And then the 206, I believe, is the check register.

Q. Yes.

So if you look at 204, 205 and 206 all together, does that -- is that then a complete set of what was

originally seized?

I notice you also have here a piece of paper which you identify as L18-A-20-23. But that, I think has been identified as one of our earlier exhibits, if I'm not mistaken.

A. They look familiar.

Q. That's No. 188 or 187.

THE COURT: You have gone through those once.

MR. AVERY: Yes, we have. I'm just trying to account for all the paper that he has in front of him, Your Honor, not to go back and do it over.

A. I believe it's all here, without going through it page-by-page.

Q. All right.

Basically you seized this checkbook; correct?

A. That's correct.

Q. And it's now been broken out into different items for photocopying purposes, which we had marked as different exhibits; right?

A. That's correct.

MR. AVERY: All right.

And for the record, Your Honor, that would be Exhibit 187, 204, 205 and 206.

Q. Now, why did you seize this checkbook?

A. The main reason would be that they would be finan-

1 cial record.

2 Q. Any other reason?

3 A. They do contain some telephone numbers on the  
4 register.

5 Q. Did you recognize any of those telephone numbers?

6 A. No.

7 Q. And the financial records you seized, did you not,  
8 because they weren't ancient and you were seizing all finan-  
9 cial records that you found?

10 A. I can't tell you whether we seized all the ones we  
11 found. I can't tell you I definitely seized --

12 Q. These?

13 A. -- these.

14 Q. But my question is: You seized them because they  
15 were financial records and for no particular reason beyond  
16 that; correct?

17 A. Well, the particular reason was they were listed  
18 in the affidavit as being evidence of crimes.

19 Q. Right. But the point is, you seized them without  
20 making a specific examination of each check or each entry in  
21 the register to determine whether that check or entry was  
22 evidence of any specific illegal activity; correct?

23 A. That's correct.

24 Q. All right.

25 Let me ask you to look at No. 207.

1 A. This item was our Inventory No. L18-A-22.

2 Q. And this is a list of credit card numbers; is that  
3 right?

4 A. Yes, that's correct.

5 Q. And did you seize this because it constituted  
6 financial records?

7 A. That would have been one of the reasons, yes.

8 Q. Were there other reasons?

9 A. I think for identification purposes.

10 Q. Any other reasons?

11 A. Not that I can recall.

12 Q. And that would have been pursuant to the rationale  
13 you've already given us for seizing other financial records  
14 and identification document; is that correct?

15 A. Yes.

16 Q. All right.

17 Let me ask you to look at Exhibit 208.

18 A. May I explain something on this? This card was  
19 not found in the wallet.

20 Q. Where was that card found?

21 A. This card was -- the agent wrote this in his hand-  
22 writing. These were the -- he copied these off of the cards  
23 that were found in the wallet.

24 Q. You mean to say that you gave her a little break  
25 and didn't actually seize her credit cards?

1 A. Yes.

2 Q. And so he just wrote down the different credit  
3 cards she had in her wallet and their numbers and so on;  
4 right?

5 A. Yes.

6 Q. So it isn't that you seized the card; that's  
7 simply a summary of information you saw in her possession  
8 which you didn't seize?

9 A. That's correct.

10 Q. And under what paragraph of the warrant, addendum,  
11 did you think you were authorized to do that?

12 A. Under what we just spoke of.

13 Q. The financial records, identifying documents-type  
14 information?

15 A. Yes.

16 THE COURT: What's that exhibit number?

17 MR. AVERY: That would be 207, Your Honor.

18 Q. Okay. Thank you.

19 208, Please.

20 A. Yes. These are our Inventory Nos. L18-A-2-A, and  
21 -- correction, that's A-217 and A-218.

22 MR. AVERY: Could I just have one second,  
23 Your Honor?

24 [Pause.]

25 Q. This is a receipt or an invoice from a place

called Sonny Car Care, S-o-n-n-y, or a receipt and an invoice, indicating some repair work done on an automobile; is that correct?

A. Yes.

Q. And why did you take this?

A. Well, there would have been several reasons. It gives the identification of a make of an automobile that was being driven on this -- on a certain date by the defendant.

Q. Namely?

A. Jorge Farinacci.

Q. No, the automobile being namely?

A. Oh, a gray Mazda.

Q. Yes.

A. That I knew we were looking for information concerning vehicles used by the Macheteros.

Also, this is a receipt and type of financial record. I was aware that the Macheteros reimbursed their -- certain of their members for certain expenses.

Once again, it is both of these, well, at least on two different dates.

Q. All right.

Is that the --

A. I would also -- the amount of the expense, these are a type of financial records showing the amount of money that he paid on that date.

1 Q. What about the fact that there is a phone number  
2 here for Sonny Car Care? You don't want to pass up the  
3 phone number excuse for taking it, do you?

4 A. There are also phone numbers on the invoice, yes.

5 Q. Now, tell me if you think this would be a fair  
6 characterization of what you were doing, Agent Williamson.

7 You have been told that the people who were  
8 suspected of being members of the Macheteros talked on the  
9 telephone, drove cars, spent money, and knew people. So you  
10 felt you could seize, pursuant to the warrant you had in  
11 your hands, any evidence of any telephone numbers, any ex-  
12 penditures of money, any relationship to any vehicle, and  
13 identification putting them together with other people; is  
14 that right?

15 A. I think your initial characterization would be  
16 wrong. But the latter part of your statement, those were  
17 the reasons that I took these particular documents.

18 Q. You didn't have any specific information that the  
19 gray Mazda identified in this auto record was used in any  
20 illegal activity or driven to any so-called clandestine  
21 meetings, did you?

22 A. I don't recall specifically the gray Mazda being  
23 mentioned.

24 Q. And you didn't have any information that Sonny Car  
25 Care was some kind of front for Macheteros or other illegal



1 activity, did you?

2 A. No.

3 Q. All right.

4 Let me call your attention to No. 209.

5 By the way, while we're on 208, just so the  
6 transcript is complete, you mention it shows a certain  
7 amount of money. That amount is total of \$230, isn't it?

8 A. That's correct.

9 Q. Now 209.

10 A. Yes. This is our Inventory No. L18-A-2-21.

11 Q. And this is a Visa bill, is it not?

12 A. Yes.

13 Q. Doesn't have the name of the debtor on it, does  
14 it?

15 A. No, it does not.

16 Q. It has an account number?

17 A. Yes.

18 Q. And it shows whoever this is had a previous  
19 balance of \$40, paid ten bucks, now has a balance of \$30.70,  
20 taking into account the 70 cents is finance charge?

21 A. That's correct.

22 Q. You took this as a financial record, I take it?

23 A. Yes. This would be a financial record.

24 Q. Did you take it for any other reason?

25 A. I don't recall specifically.

1 Q. You didn't have any information relating this par-  
2 ticular Visa account to any illegal activity, did you?

3 A. Well, I was aware that the Macheteros were in pos-  
4 session of a large amount of money that was obtained il-  
5 legally.

6 Q. Probably enough to pay off this \$10 here?

7 A. More than that, yes.

8 Q. Other than the fact that you were aware that the  
9 Macheteros were accused of stealing a large amount of money,  
10 did you have any information regarding the account number  
11 listed on this bill?

12 A. No.

13 Q. All right.

14 Would you look at 210, please?

15 By the way, just to go back to 208, do you know  
16 where that Sonny Car Care is located?

17 It's a block from Mr. Farinacci's house.

18 Did you happen to pass it as you were -- did you  
19 see it that day?

20 A. I don't recall.

21 Q. All right. 210.

22 MS. VAN KIRK: Your Honor, I just have a  
23 point I would like to make about that last question.

24 I would like the record to reflect that the  
25 witness did not testify that, in fact, it was a block

1 from Mr. Farinacci's residence. That was testimony  
2 from counsel.

3 MR. AVERY: Well, it was an unsuccessful  
4 question.

5 MS. VAN KIRK: Well, just so the record is  
6 clear.

7 MR. AVERY: I know the questions are not  
8 evidence.

9 THE COURT: Won't carry any weight either  
10 way, whether it was a block or two blocks or a mile.

11 MR. AVERY: If he had known where it was, I  
12 was going to ask him whether it was evidence of travel,  
13 Your Honor. But since he didn't, I let it slide.

14 Q. We have a photocopy here of this checkbook you  
15 seized. And the photocopy contains a copy of what you  
16 seized, other than the ordinary pages of the check register,  
17 which don't have any writing on them. And the fact that the  
18 person just photocopied a single check, whereas you seized a  
19 whole checkbook full of blank checks -- is that right?

20 A. That's correct.

21 Q. And you seized this as a financial record, I take  
22 it?

23 A. That's correct.

24 MS. VAN KIRK: May we have the identification  
25 number, please?

1 THE WITNESS: This is L18-A-14.

2 Q. And this appears to be the personal checkbook of  
3 Mr. Farinacci, does it not?

4 A. It's a checkbook in his name.

5 Q. And it demonstrates a high balance. I mean, the  
6 highest balance over the period of time indicated in the  
7 check register is \$852; isn't that right?

8 A. Yes.

9 Q. Now, this was taken from his briefcase?

10 A. Yes.

11 Q. And that briefcase was in the -- on the sofa in  
12 the living room of his house, was it?

13 A. That's correct.

14 Q. And you have told us previously that you knew he  
15 was an attorney; correct?

16 A. That's correct.

17 Q. Did you take any steps at all, when searching that  
18 briefcase, or did you direct the other agents to take any  
19 steps at all when they searched the briefcase, to avoid  
20 looking at or seizing or reading material that might relate  
21 to Mr. Farinacci's clients and be covered by the attorney-  
22 client privilege?

23 A. I don't recall any limiting discussions to that  
24 effect.

25 Q. And you don't recall any instructions being given

1 to you by the people who gave you briefings to that effect  
2 either, do you?

3 A. I don't recall any.

4 Q. And in fact, no such precautions were taken when  
5 the briefcase was actually opened and searched, were they?

6 A. To limit our reading of the --

7 Q. Yes.

8 A. No.

9 Q. All right.

10 Would you look at Exhibit 211, please?

11 And I would ask you to compare this with the  
12 original and see if we have the entire exhibit here.

13 THE COURT: Have you found it?

14 THE WITNESS: Yes.

15 A. These copies are the same that are in the  
16 Defendants' Exhibit 211. They are our Inventory No. L18-H-  
17 2-C.

18 Q. And these are invoices or copies of bills or the  
19 like from the magazine Pensamiento Critico, and the print  
20 shop Talleras Alborado; isn't that correct?

21 A. Yes, that's correct.

22 Q. And did you seize these because they were finan-  
23 cial records?

24 A. That would have been one of the reasons, yes.

25 Q. Were there other reasons?

1           A.    As I recall, Talleras Alborado was one of the  
2 other locations searched on August 30th.

3           Q.    Well, you knew that Talleras Alborado was the  
4 print shop where Pensamiento Critico, the journal, was  
5 printed; isn't that right?

6           A.    I was not aware of that but from the affidavit  
7 that the Macheteros have a connection with the publication  
8 Pensamiento Critico.

9           Q.    Well, quite apart from the question of whether or  
10 not the Macheteros have any relationship to Pensamiento  
11 Critico, you knew that Mr. Farinacci was an editor at Pen-  
12 samiento Critico; did you not?

13          A.    I don't recall that.

14          Q.    You didn't know that. They didn't tell you that  
15 in the background briefings?

16          A.    I don't know that now. I don't recall any such  
17 knowledge.

18          Q.    All right.

19                What are you telling me? Why did you take these?  
20 Just because Talleras Alborado was also going to be searched  
21 and so you recognized the name and seized it?

22          A.    The main reason would have been that these are  
23 financial -- type of financial records. They also show a  
24 connection with the -- a-- the name of the client on here is  
25 -- well, I guess they are all the same client. It's Puerto

1 Rican Committee of Solidarity for the People of El Salvador.

2 And I'm aware of, from the affidavit, that the  
3 Macheteros also had connections with certain other  
4 countries, including El Salvador.

5 Q. Well, did you have any information, or do you  
6 claim that there was any information in the affidavit that  
7 indicated that the Puerto Rican Committee of Solidarity for  
8 the People of El Salvador was an illegal activity?

9 A. I don't recall specific language on that.

10 Q. Now, there is -- well, so you took these financial  
11 records basically for the same rationale you've seized other  
12 financial records, number one; correct?

13 A. Yes, for that reason.

14 Q. And then, number two, you are saying that you saw  
15 El Salvador in here and you had been told that the  
16 Macheteros had connections with El Salvador, and so you  
17 seized it for that reason?

18 A. Yes. That was in the affidavit for the search  
19 warrant.

20 Q. Had you heard that from anyplace else besides in  
21 the affidavit for the search warrant?

22 A. Not that I recall.

23 Q. Before you -- strike that.

24 Did you give the agents on your team any instruc-  
25 tions that would have limited what items they searched or

1 what items they seized, based on the First Amendment rights  
2 of Mr. Farinacci or anybody else?

3 A. Well, the limiting instructions would be that we  
4 were only looking for documents that were specifically  
5 listed in the addendum to the search warrant.

6 Q. Which included financial records; correct?

7 A. That's correct.

8 Q. And you've indicated that you understood that to  
9 mean all financial records, without limitation, unless you  
10 ran across some real ancient financial records; correct?

11 A. That was the hypothetical that I could think of  
12 that I would not have seized.

13 Q. Right. But except for real ancient financial  
14 records, you understood there were no limitations on the  
15 financial records you could seize; correct?

16 A. I don't recall my specific limitations, other than  
17 by -- I can tell you why I seized these particular items.

18 Q. Yeah, but don't you recall telling Miss Polan last  
19 week in testimony that you didn't understand there were any  
20 limitations on financial records, with the possible excep-  
21 tion of maybe some real ancient financial records?

22 A. She -- Miss Polan asked me to think of what types  
23 of financial records I would not have taken. And, you know,  
24 as a hypothetical, the only thing that I could think of at  
25 the time were very ancient financial records.



1 Q. Agent Williamson, you have told me several times  
2 today that you didn't recognize any limitations on the  
3 financial records you could seize; isn't that right?

4 A. I have just repeated what my testimony was.

5 Q. Well, other than this hypothetical -- let's just  
6 set aside real ancient financial records, because it didn't  
7 even come up; right?

8 A. Not that I recall.

9 Q. Right. So you didn't see any limitations on the  
10 financial records that you could seize; isn't that right?

11 A. Well, I don't recall whether I rejected or not any  
12 financial records.

13 Q. Well, was there any category of financial records,  
14 as you read the warrant, that you should have rejected?

15 We have been over this.

16 A. The hypothetical that I thought of at the time,  
17 with Miss Polan, was the very ancient financial records.

18 Q. Yes. Put that out of your mind, please. I'm just  
19 asking you to repeat your former testimony.

20 You thought you could take all financial records,  
21 with that possible exception?

22 A. I would have looked at each record and made a  
23 specific determination on that record, whether that fell  
24 within the scope of the warrant.

25 So if you're asking me on a specific item, I can

1 tell you, but just trying to dream up ideas, I'm having a  
2 hard time.

3 Q. I'm not asking you to dream up anything. But we  
4 have already gone over today a large number of financial  
5 records that you seized, and you've told us you took them  
6 simply because they were financial records; correct?

7 A. I think on a number of them I gave you other  
8 reasons also.

9 Q. Yes. Well, let me just ask you this. I thought  
10 this point was clearly established by now, but let me just  
11 ask you this.

12 Did you think that the warrant authorized you to  
13 seize all financial records, or did you think there were any  
14 limitations in the warrant on the financial records you  
15 could seize?

16 A. I think on anything in the warrant there is a  
17 limitation.

18 Q. And what is that limitation?

19 A. Well, they are evidence of specific crimes that  
20 are delineated in the warrant.

21 Q. And did you understand that all financial records  
22 you found in the home of a suspected Machetero fell within  
23 that category?

24 A. I think I've already stated, I gave the exception  
25 of ancient records --

1 Q. Yes. Other than that.

2 A. -- as one.

3 And at this point, I can't think of other excep-  
4 tions.

5 Q. And the addendum didn't describe any other excep-  
6 tions to you, did it, specifically?

7 A. No.

8 Q. And you didn't receive any instructions from  
9 anybody in any of the briefings which identified other ex-  
10 ceptions to you, did you?

11 A. I don't recall any limiting instructions.

12 Q. And nobody gave you a limiting instruction which  
13 related to protecting the First Amendment rights of publica-  
14 tions, did they?

15 A. I don't recall any such instructions.

16 Q. So no one told you with regard to seizing records  
17 from Pensamiento Critico or Talleras Alborado that you had  
18 to take care not to tread upon their First Amendment rights,  
19 did they?

20 A. I don't recall a specific instruction on that.

21 Q. And you didn't give any such instructions to any  
22 of the people working with you, did you?

23 A. I don't recall.

24 Q. And as you made decisions about what to seize, you  
25 didn't discard anything because of a sensitivity to the

1 First Amendment rights of people who publish journals, did  
2 you?

3 A. I made each decision based upon whether I thought  
4 it fell within the scope of the warrant, specifically.

5 Q. Well, that's commendable, but try to answer my  
6 question.

7 THE COURT: I think the last question might  
8 be too obtuse, counsellor. In other words, you limited  
9 it to Pensamiento, which is a publishing firm, their  
10 First Amendment rights.

11 Actually, he was in Mr. Farinacci's home at  
12 the time.

13 Let's stay with him. When we get to Pen-  
14 samiento, you can ask whoever did that --

15 MR. AVERY: Well, the reason this came up is  
16 we're talking about records of Pensamiento Critico that  
17 he seized in Mr. Farinacci's house.

18 THE COURT: Whose records were they, Mr.  
19 Farinacci's or Pensamiento's? I thought they were  
20 bills to Mr. Farinacci. That was the impression I got.

21 THE WITNESS: This is a -- it appears to be,  
22 Your Honor, an invoice.

23 MR. AVERY: Could you just pass it up to the  
24 Judge so he can see it?

25 [Handing document to the Judge.]

1 THE COURT: This first one you showed me is a  
2 bill from Pensamiento Critico to the Committee of  
3 Solidarity, so to speak, for El Salvador; is that  
4 it?

5 THE WITNESS: Yes, sir.

6 THE COURT: And apparently it was a bill to  
7 Mr. Farinacci, although it doesn't name him  
8 specifically, he found it in his home.

9 MR. AVERY: I think that might be an unwar-  
10 ranted assumption, that it was a bill to Mr.  
11 Farinacci, Your Honor. But --

12 THE COURT: Well, whoever he was affiliated  
13 with. It wouldn't come to his home in that case.

14 MR. AVERY: Mr. Farinacci makes no secret of  
15 his association with Pensamiento Critico. He's  
16 the editor of Pensamiento Critico. And I think  
17 this is a bill to this organization from Pen-  
18 samiento Critico. In other words, I think Pen-  
19 samiento Critico wants the Puerto Rican Committee  
20 of Solidarity with El Salvador to pay \$145 for  
21 designing a -- some kind of bulletin for them.

22 THE COURT: Is that an incorporated entity?

23 MR. AVERY: Pensamiento Critico?

24 THE COURT: Or is that an individually-

25 owned --

1           MR. AVERY: It's an unincorporated joint ven-  
2           ture, I supposed, with an editorial board and  
3           whatnot.

4           THE COURT: In other words, it's a committee  
5           of which he's a member; is that the --

6           MR. AVERY: He's on the editorial board. In  
7           fact, he's the editor.

8           Your Honor, I notice it's 1:00 o'clock.

9           THE COURT: Very good. We'll recess until  
10          2:00 o'clock.

11          [Thereupon, a luncheon recess was taken at  
12          1:00 o'clock p.m.]

13

14

15

16

17

18

19

20

21

22

23

24

25

AFTERNOON SESSION

1  
2 MR. AVERY: Your Honor, Mr. Farinacci had  
3 suggested to me that he's not sure that he can make it  
4 until 4:00 o'clock today because of the way he is feel-  
5 ing.

6 We're agreeable to going forward. In the or-  
7 dinary course, he would want to be here and I would in-  
8 sist on it. But given that he's from out of town -- my  
9 feet are killing me, to tell you the truth, and the  
10 agents are just here for this hearing.

11 Given that, an it's going to be -- his absence  
12 will be for a short period of time. Our calculation  
13 was if he has to leave early, we would just waive his  
14 presence for the remainder of the afternoon, if that's  
15 agreeable with the Court. Because he does want to be  
16 fit for the hearing on the statements that were al-  
17 legedly made, where his presence is more --

18 THE COURT: On these, he can't help you too  
19 much anyway. They submit --

20 MR. AVERY: Well, he's been helpful. If I  
21 need something later this afternoon, I'll come back to  
22 it tomorrow.

23 THE COURT: Very well.

24 MR. AVERY: If he gets up and leaves, I hope  
25 that will be --

THE COURT: I understand.

MR. AVERY: Thank you.

MS. VAN KIRK: Excuse me, Your Honor. If we could have a summation of how long this witness is anticipated. He had made travel arrangements for today. But just so that he can have an idea.

MR. AVERY: Let's see. We're on No. 211. Well, we're not going to finish with him today, I would say. Maybe we'll finish with Agent Williamson tomorrow. I would hope so. I'm trying to move it along as far as I can. I think the Court knows that.

At least until sometime tomorrow, we'll need this agent.

THE COURT: I'm sure with your background, you will look at it in the same way that you know the Court is looking at these, as you submit them. So we'll proceed.

MR. AVERY: That's why I'm asking him, "Did you take this for the same reason you took the last one?"

We do have a general request I wanted to make. Since we're pausing here for a moment, let me make that at this time, Your Honor, if I can find my -- yes, there were two things we wanted to request that were mentioned in the testimony. Or one that was men-

oned in  
s, that  
hat he  
stified  
iden-  
e. And  
ing the  
seized  
of that  
ent ob-  
chart  
e, and  
to the  
e?  
ng that  
a per-  
Your  
ssion.  
they  
elihood



1 of finding explosives at the various residences. That  
2 is to say, they had arranged them in terms of, I sup-  
3 posed, the most to the least likely that they would  
4 find explosives there.

5 And we would ask for production of that docu-  
6 ment with respect to the probable cause issue in the  
7 warrant. That is to say, that might be relevant to  
8 whether or not there was any probable cause at all to  
9 search for explosives at certain residences.

10 And so we would ask that that be de-in-  
11 camera-tized and furnished to the defense for reasons  
12 that I have just given.

13 MS. VAN KIRK: The Government objects to that  
14 also, Your Honor. There was a reason for submitting it  
15 in-camera. And the probable cause is within the four  
16 corners of the affidavit. If it's not there, it's not  
17 anywhere else, so it's not relevant to the probable  
18 cause issue.

19 THE COURT: Sustained.

20 MR. AVERY: I just wanted to make sure that  
21 the record is clear, that it would be relevant, in our  
22 view, to a potential challenge on a Franks basis to the  
23 affidavit, if at the same time they submitted an af-  
24 fidavit with regard to a particular defendant's house,  
25 saying they were looking for explosives there, they had

1 another memo indicating that there was no likelihood of  
2 finding explosives there.

3 THE COURT: Same ruling.

4 The Court doesn't believe it's relevant and  
5 vital to protect your interests.

6 MR. AVERY: Thank you, Your Honor.

7 BY MR. AVERY:

8 Q. Going back to No. 211 just for a moment, the Pen-  
9 samiento Critico bills, do you still have those in front of  
10 you, Agent Williamson?

11 A. Yes.

12 Q. You mentioned just before we broke for lunch the  
13 crimes which are listed on the second page of the addendum,  
14 the various violations of Title 18 noted in the addendum.

15 My question, sir, is: What crime among those  
16 crimes listed on the second page of the addendum did you  
17 think this exhibit might be relevant to or evidence of?

18 THE COURT: This is 209 you're speaking of  
19 now?

20 MR. AVERY: 211, I'm speaking of. Thank you,  
21 Your Honor.

22 THE COURT: 211.

23 A. Well, in any of the crimes where the -- there is  
24 an amount of money that was taken by the Macheteros, and  
25 they took credit for.

1 Q. Have you finished your answer, sir?

2 A. I'm considering the document.

3 In addition, as I recall, two of the statutes were  
4 seditious conspiracy and abrogating an overthrow of the  
5 Government.

6 And again, as I recall, there was language in the  
7 affidavit to the effect that there was assistance given to  
8 the Macheteros by certain foreign countries, including El  
9 Salvador, so that this may have significance for those  
10 crimes.

11 Q. Your testimony is a bill from Pensamiento Critico  
12 to the Puerto Rican Committee of Solidarity with the People  
13 of El Salvador might be relevant to the crime of seditious  
14 conspiracy or conspiracy to overthrow the Government by  
15 force and violence?

16 A. Yes.

17 Q. And your other answer, I take it, indicates that  
18 since the Macheteros were accused of stealing amount of  
19 money, any document that related to a specific amount of  
20 money might have some evidential value. Is that what you're  
21 saying?

22 A. These documents in particular, I think they would  
23 have relevance.

24 Q. Okay. No. 212, please.

25 MR. AVERY: While he's looking for that, may

1 I confer with the prosecutor for a moment?

2 THE COURT: Surely.

3 [Pause.]

4 Q. Do you have that?

5 A. Yes.

6 Q. Could I just see the original of that?

7 Just so the record is clear, Agent Williamson, you  
8 have seized a document which you entitled L18-H-6, which is  
9 a checkbook, and Exhibit 212 is a photocopy of one of the  
10 blank checks that's in that checkbook; is that correct?

11 A. Yes. That's correct.

12 Q. And there is no check register in that checkbook,  
13 is there, sir?

14 A. No, there is not.

15 Q. And none of the checks in there have been  
16 executed; isn't that right?

17 A. That's correct.

18 Q. So this is just a checkbook of blank checks?

19 A. That's correct.

20 Q. And why did you seize this?

21 A. All right. As a financial record.

22 Q. And it's simply a record of the existence at some  
23 point in time of a bank account; isn't that right?

24 A. Yes, that's correct.

25 Q. And there is nothing in that exhibit which tells

1 you at what point in time that bank account was opened, is  
2 there?

3 A. No.

4 Q. All right.

5 Would you look at No. 213, please?

6 Oh, let me ask you a question about 212.

7 Did you know who Yolanda Musgrave Font was at the  
8 time you seized Exhibit 212?

9 A. No.

10 Q. Have you learned since?

11 A. No.

12 Q. You didn't know that that was Mr. Farinacci's  
13 first wife?

14 A. No.

15 Q. Okay. 213.

16 THE COURT: Name was Musgrave?

17 MR. AVERY: Yolanda Musgrave, M-u-s-g-r-  
18 a-v-e, Font, F-o-n-t. Your Honor may recall there was  
19 some evidence of that during the bail hearings. She  
20 lives in <sup>LEXINGTON</sup> Kentucky now.

21 THE COURT: I don't recall that offhand.

22 MR. AVERY: I shouldn't even say that,  
23 there's been so much information.

24 Q. Now, this No. 212 is another checkbook, isn't that  
25 right? Or rather, 212 is a photocopy of some material from

1 a checkbook which you have, 213, I mean?

2 A. Yes, that's correct.

3 Q. And have we photocopied an Exhibit 213, all por-  
4 tions of the checkbook which have any writing or information  
5 on them, other than standard bank pages?

6 A. Yes, I believe so.

7 Q. Why did you take this checkbook?

8 A. As financial records.

9 Q. Any other reason?

10 A. I don't recall any other reason.

11 Q. And when you decided to seize this particular  
12 item, did you go through entry-by-entry and seize it because  
13 of what you found the individual entries represented, or be-  
14 cause as a whole it constituted a financial record?

15 A. Because as a whole

16 Q. And you were not aware of any particular relation-  
17 ship between any particular entry in there and any of the  
18 crimes described in the affidavit, were you?

19 A. Well, my answer would be pretty much the same as I  
20 answered before, that I was aware that crimes had been com-  
21 mitted by the Macheteros in which sums of money had been  
22 taken.

23 Q. All right.

24 A. And that that's what we were looking for.

25 Q. All right.



1 MR. AVERY: I'm trying to find that, Your  
2 Honor. The photocopy's impossible to read. But --

3 Q. This would appear to be on August 2nd; is that  
4 correct?

5 A. Yes.

6 Q. And the year is not indicated, is it?

7 A. This may be '84, but I can't make it out on this  
8 photocopy.

9 Q. Carbon copy, you mean to say, don't you?

10 A. Carbon copy, yeah.

11 Q. All right.

12 But in any event, this would indicate that someone  
13 rented a car in St. Thomas, possibly Maria Fernos, and spent  
14 \$108 on the rental?

15 A. Yes, that's correct.

16 Q. And you seized it because it's a travel record?

17 A. That would be one of the reasons that I can recall  
18 now, yes.

19 Q. Were there other reasons?

20 A. I can't recall any other reasons at this time.

21 Q. All right. Let's move on to 215.

22 MR. AVERY: Your Honor, the record might  
23 reflect that Mr. Farinacci is going to go. He's feel-  
24 ing dizzy. - Thank-you for your consideration.

25 THE COURT: If he isn't well enough to be



1 back tomorrow morning, are you prepared to have some-  
2 body else continue with some other case or some other  
3 matter? I don't know how he's going to feel tomorrow.

4 MR. AVERY: I haven't talked to anybody about  
5 that, but --

6 THE COURT: You can be thinking about it.

7 MR. AVERY: Yeah. And I'll talk to the  
8 others during the next recess.

9 THE COURT: All right.

10 MR. ANGLADA-LOPEZ: May I be excused, Your  
11 Honor? I will bring him.

12 [Mr. Anglada-Lopez and Mr. Farinacci left the  
13 courtroom.]

14 BY MR. AVERY:

15 Q. Have you got 215?

16 A. Yes.

17 Q. Now, 215 is a small card; is that correct?

18 A. That's correct.

19 Q. And it has a description of the works of the art-  
20 ist Francis Marrero, M-a-r-r-e-r-o, in English and Spanish;  
21 is that right?

22 A. That's correct.

23 Q. Where was that card located?

24 A. This card was located in Item A-20, which is a  
25 checkbook. This was located in the red bag that was located

1 on the dining room table.

2 Q. Item A-20 is one that we have already discussed  
3 here; is it not?

4 A. Yes.

5 Q. And this card was stuck in that checkbook?

6 A. Yes.

7 Q. Why did you seize the card?

8 A. I don't recall the item specifically. However, it  
9 does -- there is a telephone number handwritten on the card,  
10 and if I had reviewed it, I would have taken it for that  
11 reason.

12 Q. Because there was a telephone number on it?

13 A. Yes.

14 Q. Do you recognize that telephone number?

15 A. No, I don't.

16 Q. All right. Would you go to Item 216, please?

17 Let me rephrase that last question.

18 Did you recognize that telephone number on August  
19 30th?

20 A. I don't recall.

21 Q. All right.

22 A. Was that 216?

23 Q. Please.

24 May I just see the original?

25 Now, Item 216 is a small piece of paper with some

1 printing on it; is that correct?

2 A. Yes. That's correct.

3 Q. And it's in Spanish, and it's -- appears to be a  
4 quotation from Petro Albizu, A-l-b-i-z-u, Campos,  
5 C-a-m-p-o-s; is that correct?

6 A. Yes. That's correct.

7 Q. Where was that located?

8 A. That was located with these -- with this other  
9 group of papers that we have previously discussed within  
10 this telephone book.

11 Q. You mean it was stuck in the telephone book that  
12 was on the counter by the kitchen?

13 A. Yes.

14 Q. And why did you seize this?

15 A. I don't recall specifically, other than that we  
16 had seized a similar document from the residence of Elias  
17 Castro-Ramos earlier that day.

18 Q. When you say "a similar document," do you mean you  
19 seized the identical quotation from Mr. Castro's house?

20 A. As I recall, but I would have to compare it.

21 Q. Do you recall whether the quotation you seized  
22 from Mr. Castro's house was from Albizu Campos?

23 A. There was a quotation that we had taken by Albizu  
24 Campos, yes.

25 Q. But you don't recall for sure whether it was this

1 one?

2 A. I believe it was, but without actually comparing  
3 the two documents, I don't know.

4 Q. Did you seize it because of the contents of the  
5 quotation or because regardless of contents it was similar  
6 to something you had seized from Mr. Castro's house?

7 A. Not because of content.

8 Q. Why did you seize it from Mr. Castro's house then?

9 A. As I recall, this was one of the documents that  
10 was in a -- there were certain items of evidence, that based  
11 upon their location, I seized the entire group of items, be-  
12 cause I thought that the entire group had significance.

13 Q. I remember you saying that. And didn't you say  
14 that with regard to those items, you didn't necessarily make  
15 any particular examination of the items within the larger  
16 group?

17 A. I said that I did not recall reviewing every  
18 single document.

19 Q. Are you saying that this document was for some  
20 reason one that you did review?

21 A. Well, I recall this one as one of the documents  
22 from Mr. Castro-Ramos'. We had seized a piece of paper with  
23 a quotation by this same individual.

24 Q. All right.

25 Would you look at No. 217, please?

1           May I just see the original of that?

2           And is it accurate to say that what you actually  
3 seized was a page from a -- some published material, Pages 7  
4 and 8 from some published material, 7 being on the opposite  
5 of 8? And what we have photocopied as Exhibit 217 is the  
6 Page 8 side.

7           A. Yes. That's correct.

8           Q. And that consists of a poem, does it not?

9           A. Yes. That's correct.

10          Q. And why did you -- well, first let me ask you:  
11 Did you seize this because of the Page 7 side or because of  
12 the Page 8 side?

13          A. I believe this would have been both sides  
14 together.

15                   MR. AVERY: Can we mark the original on that,  
16 Your Honor, and then have it substituted?

17                   MS. VAN KIRK: No objection.

18                   [The original copy of Defendant's Exhibit 217  
19 was marked as 217-A.]

20                   THE COURT: Do you know who Juan Antonio Cor-  
21 tejer was?

22                   THE WITNESS: I know some things about him,  
23 Your Honor.

24                   THE COURT: What do you know about him?

25                   THE WITNESS: I know that the Macheteros had

1 given him a code name, that he had been observed at  
2 clandestine meetings with the Macheteros. I have heard  
3 agents from the terrorism squad refer to him as the  
4 father of Puerto Rican terrorism, and --

5 THE COURT: Is he living now, so you know?

6 THE WITNESS: I believe he died about two  
7 years ago.

8 Q. Did anybody ever tell you that the Puerto Rican  
9 Atheneum named him the national poet of Puerto Rico?

10 A. No.

11 MR. AVERY: We've marked this as Exhibit 217-  
12 A, Your Honor, the original, so that we can substitute  
13 a photocopy with both sides copied.

14 Q. Why did you seize this particular document?

15 A. For the significance of the article concerning --  
16 the information concerning Cortejer in the document. And I  
17 know one of -- the name Commandant Juan, that's J-u-a-n,  
18 Pitirre, P-i-t-i-r-r-e, appears also after one of these ar-  
19 ticles. And I was aware that Pitirre was a Machetero code  
20 name that they had used for several of their operations.

21 Q. What information concerning Cortejer is in that  
22 document that made it seizable, in your opinion?

23 A. I don't recall reading the actual contents. I  
24 would have done what I've just done now, picked out key  
25 words out of the document.

1 Q. In other words, Cortejer's name was mentioned, and  
2 you had seen that before, and the name Pitirre is there, and  
3 you had seen that before, so you seized it?

4 A. And let me see if there is -- there is also some  
5 language about revolutionaries against the imperialists,  
6 Yankees.

7 Q. On Page?

8 A. Seven.

9 Q. Seven.

10 Where did you seize that document from?

11 A. This document was also located in the telephone  
12 book. It was folded up in this Item L18-A-2, which we lo-  
13 cated on the counter in the living room/dining room.

14 Q. Now, the article that is on Page 7 is only a por-  
15 tion of an article; isn't that right?

16 A. Yes. That's correct.

17 Q. Whoever ripped this out did not rip out the entire  
18 article that concludes on Page 7; correct?

19 A. Well, there is the termination of one article and  
20 then there is a message at the bottom. It appears to be  
21 talking about the loss of life of Cortejer.

22 Q. But the page of the -- which contains something in  
23 its entirety, is the poem on the other side, which has the  
24 whole poem; correct?

25 A. That has the entire poem. The other side, the

1 only contents in its totality would be that message about  
2 the death.

3 Q. All right.

4 Would you look at 218, please? Please don't put  
5 217 back in your package, because that's been marked as an  
6 exhibit now.

7 A. Oh.

8 THE COURT: If we had these in the steel  
9 file, counsellor, wouldn't this be more approachable,  
10 so you could just have them numbered and pick them  
11 right out without having to go through all of this  
12 procedure?

13 MS. VAN KIRK: Well, I believe they are in  
14 the order -- I think what makes it a little cumbersome  
15 are the plastic bags, but that's necessary.

16 THE COURT: If we had a steel file here like  
17 you would have in your office, wouldn't that make it  
18 more practical?

19 I didn't want to delay you. I just asked the  
20 question.

21 MR. AVERY: If we can take a page from Mar-  
22 shall McLewen, Your Honor, thinking about the fact that  
23 the medium is the message, I think the defendants hope  
24 that the Court is getting the idea that, you know, the  
25 difficulty of managing this material itself suggests



1 that perhaps the search was overbroad, if you under-  
2 stand my meaning.

3 THE COURT: You may argue that.

4 Q. Do you have 218 there?

5 A. Yes. This is our Inventory No. L18-H-2-A.

6 Q. And this is a two-page press release, is it?

7 A. It's a two-page typewritten document.

8 Q. Entitled "Comunicado De Prensa"?

9 A. Yes.

10 Q. Press release?

11 A. That would be a translation, yeah.

12 Q. And it involves a peace march; isn't that right?

13 A. This is a document which appears to be a press  
14 release from an integrated group from the Puerto Rican coor-  
15 dinator of the -- of solidarity with Central America and the  
16 Caribbean. And it's speaking about the people of El Sal-  
17 vador and Nicaragua and Honduras and --

18 THE COURT: We don't have to get into that.  
19 What does Jornada mean? does that mean journal or  
20 journey, which? J-o-r-n-a-d-a.

21 THE WITNESS: I'm not sure, Your Honor. I  
22 would translate it as like a walk or a --

23 THE COURT: It's a journey for peace?

24 MR. AVERY: I think journey for peace is --

25 THE WITNESS: Yeah.

1 Q. There is nothing here suggesting any illegal ac-  
2 tivity in this press release, is there, Agent Williamson?

3 THE COURT: The other suggestion I would make  
4 to counsel, not only in this case, but in the ones that  
5 are about to come on, if the witness to be offered  
6 could go through each of the exhibits that's going to  
7 come up and read them the night before or the day  
8 before, so when he's asked a question, he doesn't have  
9 to stop and translate it, it would expedite matters  
10 considerably.

11 MS. VAN KIRK: Well, Your Honor, I can assure  
12 you --

13 THE COURT: Not criticism, it's just an ob-  
14 servation.

15 MS. VAN KIRK: I can assure you that's ex-  
16 actly what this witness did. However, there are a lot  
17 of exhibits there, and there's no way that he could  
18 memorize what's in there. So he has to be careful and  
19 assure himself that what he's saying is correct, from  
20 the documents.

21 THE COURT: We want him to do that.

22 MR. AVERY: Let me rephrase my previous ques-  
23 tion, if I might, Your Honor.

24 Q. Agent Williamson, other than the reference in this  
25 document to the mining of the harbors in Nicaragua by the

1 United States Government, there is no discussion in here of  
2 illegal activity, is there, sir?

3 A. Well, they are alleging that the United States are  
4 the terrorists in Central America.

5 Q. Yes. So why did you seize this document?

6 A. Well, again, I was aware that from my reading of  
7 the affidavit, that the Macheteros had connections with  
8 groups in El Salvador, Nicaragua, Cuba, among other  
9 countries, and that this particular matter was specifically  
10 concerned with activities in El Salvador and Nicaragua.

11 In addition, there is -- there are handwritten  
12 notations at the bottom of the second page, one of which is  
13 Antonio Maceo, M-a-c-e-o, Brigade, which I understood was a  
14 group that frequently traveled to Cuba.

15 Q. You understood also that the Antonio Maceo Brigade  
16 is a legal organization, and in no sense a clandestine  
17 organization; did you not?

18 A. I don't know very much about the brigade, other  
19 than it was a group of individuals that traveled to Cuba  
20 frequently.

21 Q. And there is a reference here to the PSP, which  
22 you understood was the Puerto Rican Socialist Party; did you  
23 not?

24 A. Yes.

25 Q. And you know that that's a legal political party

1 in Puerto Rico; do you not?

2 A. Yes.

3 And then there are other handwritten notes about  
4 other organizations, including a Committee for the Defense  
5 of Nicaragua, Committee For Aid to El Salvador.

6 Q. Let me --

7 A. And Pensamiento Critico and some others that I  
8 can't read.

9 Q. Now, was it your opinion that the addendum  
10 authorized you to seize documents describing political ac-  
11 tivities that involved El Salvador and Nicaragua, whether or  
12 not the document on its face was evidence of any illegal  
13 activity?

14 A. I believe the -- the specific ties with the  
15 Macheteros and those countries, that's what I saw as sig-  
16 nificant. The actual crimes, I don't recall specific crimes  
17 tied to those connections.

18 Q. So because you believed there was some suggestion  
19 that the Macheteros had connections with Nicaragua and El  
20 Salvador, you could seize any document found in the home of  
21 a suspected Machetero relating to Nicaragua and El Salvador,  
22 regardless of the contents of the document?

23 A. I don't want to make the general statement.

24 Q. Well, in any event, you felt you could seize this  
25 document, even though it didn't describe illegal activity of

1 the Macheteros or anybody else; is that correct?

2 A. Well, the activities -- this would be evidence  
3 that the Machetero member as alleged in the affidavit had  
4 ties with these countries, where we knew that the members  
5 had traveled, received training, and were in Cuba where we  
6 thought some money was located.

7 Q. In other words, you felt that a document which  
8 demonstrated any interest in activities involving those  
9 countries was relevant to your investigation, whether or not  
10 the document itself explicitly described illegal activities.  
11 Am I correct in that?

12 A. You keep saying any -- I'm just -- I can give you  
13 my answer on this document.

14 Q. Well, there is no explicit reference to illegal  
15 activity in this document, is there?

16 A. Not that I can see at this time.

17 However, I was aware that the Pensamiento Critico  
18 was one of the Machetero-controlled organizations, and the  
19 Macheteros were a criminal organization.

20 Q. Did anyone ever give you any instructions that  
21 there would be documents that you might find describing  
22 political activities protected by the First Amendment that  
23 you should not seize unless they explicitly also described  
24 illegal activities?

25 A. I don't recall the specific briefings.

1 Q. And did you ever give any instructions like that  
2 to anybody on your search team?

3 A. I know we discussed what we could seize pursuant  
4 to the warrant. But I don't recall specific instructions.

5 Q. Regarding the First Amendment; right?

6 A. I don't recall specific instructions like that.

7 Q. Thank you.

8 Would you look at Item 219?

9 May I see the original on that?

10 [Handing document to Mr. Avery.]

11 Now, 219, which you have labeled L18-H-15-A, is a  
12 photocopy of a book by Abraham Guillen, G-u-i-l-l-e-n; isn't  
13 that correct?

14 A. Most of it's a book that appears to be a photocopy  
15 of a book, and then there is photocopy --

16 Q. Of a bibliography?

17 A. Typewritten pages of what's titled "The Second  
18 Book."

19 Q. And then at the end there is a bibliography?

20 A. Yes.

21 Q. And why did you seize this?

22 A. To me, this is a type of training manual.

23 Q. Training manual for what?

24 A. The title of it, I would translate -- it's in  
25 Spanish, but I would translate it to be "The War Without

1 Fronts, or Battles, Strategic Principles of Revolutionary  
2 War."

3 Q. And did you read the book?

4 A. I don't recall reading it, no.

5 Q. Did you examine the contents beyond the title?

6 A. I don't recall examining it beyond the title.

7 Q. Would the title itself have been enough for you to  
8 seize it as a training manual?

9 A. I believe it would, yes.

10 Q. Would you look at No. 220, please?

11 MR. AVERY: Could I have a moment, Your  
12 Honor?

13 [Pause.]

14 Q. Have you got 220 there, sir?

15 A. Yes. This is L18-H-15-F.

16 Q. Now, let me see the original on that, if I might  
17 (looking at document). A-ha.

18 Would it be fair to say that what we have in the  
19 record, marked as Exhibit 220, are photocopies of the front  
20 pages of several issues of a journal entitled "Adrede," A-d-  
21 r-e-d-e, which you seized? And, in fact, what you seized,  
22 however, are the whole journals?

23 A. Yes. That's correct.

24 Q. For example, this -- well, the pages aren't num-  
25 bered. But each journal consists of several pages?

1 A. Yes.

2 Q. Now, why did you seize these journals?

3 A. I described them as terrorist manuals and docu-  
4 ments. And as I recall, some of the -- after looking  
5 through the documents, there is some specific training  
6 manual information in the documents on how to operate guns,  
7 make explosives, and there are also articles on Macheteros  
8 in the documents.

9 MR. AVERY: Your Honor, I hadn't seen those  
10 except for the front pages. If you are going to take a  
11 mid-afternoon recess, this might be a good time to do  
12 it, from my point of view, so I could look at those and  
13 see if I have any questions about them in particular.

14 THE COURT: You haven't had these previously?

15 MR. AVERY: No. The only thing that was fur-  
16 nished to me was photocopies of the front pages. I  
17 really wasn't sure they had seized the whole thing. So  
18 exactly what they had seized -- I don't pretend that  
19 I'm going to read them during the five-minute recess,  
20 either, but I might be able to consult with some others  
21 in the courtroom.

22 THE COURT: This is in Spanish.

23 MR. AVERY: Those are in Spanish.

24 THE COURT: How about yours?

25 MR. AVERY: I don't have anything except the



1 front pages.

2 THE COURT: I thought you were holding the  
3 translation.

4 MR. AVERY: No, I'm holding the warrant at  
5 this time.

6 THE COURT: We'll take a five-minute recess.

7 MR. AVERY: Thank you.

8 [Recess taken until 3:12 p.m.]

9 MR. AVERY: Your Honor, We're attempting to  
10 come to some agreement about our logistical problems.  
11 And what we have been discussing is the possibility  
12 that Mr. Farinacci may not be well enough to return to  
13 court tomorrow.

14 In that event, there is a possibility that we  
15 could start the hearing of Mr. Ayes' motion. Mr. Ber-  
16 gen is ready. And Mr. Dabrowski may be ready. The  
17 other prosecutors are checking with him. Those agents  
18 are here.

19 Whoever goes ahead, the Government will  
20 review or have the agent review the particular exhibits  
21 that are going to be offered so that as soon as they  
22 are presented, "I read that. I know what that says.  
23 That says so-and-so." The next one, so on, right down  
24 the line. Otherwise we'll be here until June, you  
25 know, just discussing these little pieces of paper.

1           Here's the aspect that I wanted to make sure  
2 that Your Honor had no problem with. And that is, that  
3 if we do that, then there's been some discussion be-  
4 tween Mr. Bergen and Miss Van Kirk and myself that it  
5 might make sense to just go ahead with the Ayes hearing  
6 then and bring Mr. Farinacci and Mr. Williamson back at  
7 some other point, maybe after Mr. Ayes or whatever.

8           In other words, if we break it because of  
9 that -- I know Mr. Williamson has expressed a desire to  
10 go home. I have to talk to Mr. Farinacci.

11           But if the Court will go along with whatever  
12 we agree among ourselves, I think we can work it out in  
13 some sensible way.

14           THE COURT: If I think counsel will agree,  
15 the Court will try and accommodate them.

16           MR. AVERY: Thank you.

17           MR. BERGEN: Your Honor, James Bergen for  
18 Carl Ayes.

19           We have been trying to set up an exhibit list  
20 and premark the exhibits in the fashion that has been  
21 discussed here. And the Government, I know, has today  
22 been trying to put the things in the same order that  
23 we're going to be enumerating these items. And I just  
24 wanted to ask if the Court could modify the identifica-  
25 tion system. which I think will then accelerate the

1 ability of all of us to premark exhibits, where we  
2 could perhaps identify certain items starting at the  
3 next hundred number. Like 301 would be Carlos', or  
4 401. I think that would perhaps allow us some freedom  
5 to get all of these things done in sufficient --

6 THE COURT: Can you and the prosecutor agree  
7 on that?

8 MS. VAN KIRK: That would be fine with me,  
9 Your Honor. I would have no objection that we do as we  
10 did for the bond hearings, and start each individual  
11 hearing with 1. Carlos Ayes-Suarez' hearing, first  
12 document, et cetera.

13 MR. BERGEN: I have no problem with that.

14 The only exception I would make, Your Honor,  
15 is that there are some documents that will be used, for  
16 example, Addendum No. 2, used for every search, and I'm  
17 going to end up referring to Farinacci No. 27. And --

18 THE COURT: The better procedure is to use  
19 the hundredth unit and stop there.

20 MS. VAN KIRK: That's fine. Of course, it  
21 could be more than 100.

22 MR. BERGEN: It might be in the case of Car-  
23 los Ayes-Suarez, Your Honor.

24 THE COURT: All right, counsellor.

25 MR. AVERY: Your Honor, I would like to have

1 this entire package of documents marked as an exhibit.

2 THE COURT: Mark it.

3 MR. AVERY: If I could suggest 220-A. It  
4 will go along with the other exhibit.

5 [Defendant's Exhibit 220-A was marked for  
6 identification.]

7 BY MR. AVERY:

8 Q. Now, Agent Williamson, you indicated before we  
9 took this recess that you seized these because there was  
10 some information in them that you consider training manual-  
11 type information; is that correct?

12 A. That's correct.

13 Q. For example, in some of these journals there is a  
14 reference, or in at least one of these journals there is a  
15 reference to how to use different types of weapons; is that  
16 right?

17 A. Among other things.

18 Q. But in others, for example, this little one here  
19 entitled "Adrede," and underneath it it says "The Pocket  
20 Edition" in English -- this is actually the one with your  
21 L18-15-H stamp on it, No. 6 from 1981 -- this just contains  
22 quotations and poems; isn't that right?

23 A. Yes. And small articles.

24 Q. Some proceeds?

25 A. Yes.

1 Q. It's a fact, isn't it, that once you found what  
2 you considered to be training manual-type information, in  
3 your view, in one copy of those journals, you just seized  
4 all the journals from that publisher that you found in the  
5 house?

6 A. As I recall, to the best of my recollection, once  
7 I located -- there was one in particular that stood out in  
8 my mind. Once I had located that, I took the entire group  
9 of documents.

10 THE COURT: May I see one of those, please?

11 [Handing document to the Judge.]

12 THE COURT: Thank you.

13 MS. VAN KIRK: Your Honor, may we have an  
14 identification of the white document that the Court  
15 just looked at?

16 THE WITNESS: That one is L18-H-15-N.

17 Q. Now, there was a journal, namely, La Voz, V-o-z,  
18 Obrera, O-b-r-e-r-a, which was listed by name in Addendum 2;  
19 is that correct?

20 A. Yes.

21 Q. But this journal was not listed by name in Adden-  
22 dum 2; isn't that right?

23 A. That's correct.

24 Q. Now, would you look at No. 221, please?

25 Keep in mind, those have now been marked, so they

1 should stay with the exhibits rather than be boxed.

2 A. Yes.

3 This is L18-H-18.

4 Q. And this was a pamphlet that was distributed con-  
5 cerning relay stations site planning for a Voice of America  
6 site; is that correct?

7 A. Yes. That's correct. •

8 Q. Why did you seize this?

9 A. As a possible future terrorist act.

10 Q. This relay station site had not been built as of  
11 August 30th of 1985; isn't that correct?

12 A. I believe that's correct.

13 Q. This is just a document talking about some relay  
14 station they may build in the future; isn't that right?

15 A. It talks about specific site needs, and there is a  
16 copy of a map attached to the document, showing the proposed  
17 site.

18 Q. For something which hadn't been built as of that  
19 time?

20 A. As to the best of my knowledge.

21 Q. Would you look at No. 222, please?

22 May I see the original of that?

23 [Mr. Avery looking at the document.]

24 Just so the record is clear, we have previously  
25 marked as Exhibit 224 -- I'm sorry, 222 -- just a photocopy

1 of front page; is that correct?

2 A. That's correct.

3 MR. AVERY: Could we mark this as 222-A, Your  
4 Honor?

5 THE COURT: Yes. Mark it.

6 [Defendant's Exhibit 222-A was marked for  
7 identification.]

8 Q. This is a magazine published by the Socialist  
9 League; isn't that right?

10 A. Could I see the document?

11 Q. Sure.

12 A. Yes.

13 Q. And why did you seize this?

14 A. As I recall, because of the -- well, there was in-  
15 formation about the Macheteros on the cover of the document.  
16 This would be the, actually the back of the document. And  
17 we were, as I recall in the addendum, there was language  
18 about magazine and newspaper articles bearing the  
19 Macheteros.

20 Q. The addendum states newspaper and magazine clip-  
21 pings related to the Macheteros and other terrorist groups;  
22 is that correct?

23 Exhibit 23, you have it in front of you, or you  
24 might. Does he have exhibit -- it's a Government exhibit.

25 A. -- I don't believe I've used that exhibit today.

1 Q. 23, in the fourth paragraph of Exhibit 23, which  
2 is the addendum, there is a reference, is there not, to  
3 newspaper and magazine clippings related to the Macheteros  
4 and other terrorist groups?

5 A. Yes. That's correct.

6 Q. And you understood that to apply to entire  
7 magazines which had not been clipped, but which contained  
8 articles concerning the Macheteros?

9 A. As I review this, this document now, I do not  
10 believe that this would -- the clippings portion of the lan-  
11 guage would apply to this.

12 Q. All right.

13 Why did you seize this then?

14 A. Well, the --

15 Q. Or are you saying that as you look at it now, you  
16 think it wasn't within Addendum 2?

17 A. I would have seized it -- there is a message, if  
18 you will, from the Macheteros on the back of the document,  
19 and a -- in Spanish. It says that this renowned poem was  
20 sent by the clandestine revolutionary organizations known as  
21 the Macheteros to this -- apparently to this publication.

22 Q. But now --

23 A. So that would have been the reason I seized it.

24 Q. And where does that fit into Addendum 2?

25 A. Well, that, to me, that a type of communique from



1 the Macheteros to the -- to this organization.

2 Q. So that you didn't understand communique to be  
3 limited to copies of the actual communique that the  
4 Macheteros might have sent out, but you understood it to in-  
5 clude what might finally appear in the print media; is that  
6 correct?

7 A. Right.

8 Q. Did you say right?

9 A. No. What I -- I said in this particular instance,  
10 I'm trying to give you the reason why I would have seized  
11 this document. And in addition, I see just from flipping  
12 through --

13 Q. I'm asking you a particular question. I'll give  
14 you a chance to go flipping through in a minute.

15 But with regard to the back page, that is some-  
16 thing which appears in the print media, purportedly from the  
17 Macheteros; is that right?

18 A. Well, that appears in this, you know, whatever  
19 this organization publication is.

20 Q. Yes. I'm calling it print media because it's ap-  
21 parently a magazine that's published.

22 A. You're referring to it as a magazine.

23 Q. Or a journal or whatever you want to call it.

24 What would you call it?

25 A. It's not a very professionally done magazine in

1 the sense of that word. So --

2 Q. Well, I wouldn't call it a slick-looking magazine  
3 myself. But it's -- indicates on it, this is No. 434,  
4 Volume 22, and it appears to be something that is published;  
5 isn't that right?

6 k' That's what it would appear to be.

7 Q. Okay. All I'm asking you, if you say it's a  
8 Macheteros communique, what you're telling me is that you  
9 understood communique to also include whatever got published  
10 in some publicly-available media, as well as copies of the  
11 actual communique that somebody in the clandestine group  
12 might have sent to the media?

13 A. Number one, I don't know if this is publicly  
14 available or if this is simply available to people like the  
15 Macheteros.

16 Q. Well, did you ever hear of the Liga Socialista  
17 before?

18 A. No.

19 Q. How long had you been an FBI agent in Puerto Rico  
20 before August 30th of 1985?

21 A. A little over one year.

22 Q. And how long did you continue to work in Puerto  
23 Rico after August 30th of 1985?

24 A. About a year and a half, so far.

25 Q. So you're still there?

1 A. That's correct.

2 Q. And are you familiar as you sit here today with  
3 the socialist league?

4 A. No, I'm not.

5 MR. AVERY: Could I have a moment, Your  
6 Honor?

7 [Pause.]

8 Q. All right.

9 What did you want to tell us about flipping  
10 through this, Agent Williamson?

11 A. Well, there is also, on Page 14 of this publica-  
12 tion, it's entitled at the top, "Fuerzas Armados de Resis-  
13 tencia Popular (FARP), which I knew from the affidavit was an  
14 organization described in the affidavit as a terrorist or-  
15 ganization with whom the Macheteros had conducted joint  
16 operations.

17 And there is underneath that, it's entitled  
18 "Comunicado de Prensa," which would be a communique of the  
19 press.

20 Q. Press release?

21 A. That would be, as I said before, that would be one  
22 interpretation, yes.

23 Q. Well, here's what I want to ask you about this  
24 particular exhibit.

25 Did you get any instructions in your briefings

1 that distinguished for you between literature generated by a  
2 clandestine group, that actually appear to be from that  
3 clandestine group, on the one hand, and materials concerning  
4 those clandestine groups which were published in publica-  
5 tions, on the other hand?

6 Did you get anything in your briefings that dis-  
7 tinguished those two things?

8 A. I don't recall.

9 Q. And did you, in the briefings you gave to the  
10 agents on your team, distinguish between those two things?

11 A. I don't recall that, either.

12 Q. And in seizing items, did you make that distinc-  
13 tion in determining what to seize?

14 A. I don't recall that, other than by my decisions on  
15 each particular item.

16 Q. All right.

17 You don't recall that as a category that you had  
18 in your mind, that you would take things in one category but  
19 not the other category?

20 A. I don't recall that, no.

21 Q. All right. Let me ask you about 225.

22 A. Yes. That's our Inventory No. L18-H-25-A.

23 Q. For the record, we have just marked the first page  
24 of this exhibit as our exhibit; is that correct?

25 A. Yes.

1 MR. AVERY: And could I mark this, then, as  
2 223-A, Your Honor?

3 [Defendant's Exhibit No. 223-A was marked for  
4 identification.]

5 Q. And this is an issue of journal La Voz Obrera;  
6 isn't that right?

7 A. That's correct.

8 Q. And did you seize it because that's specifically  
9 identified in Addendum 2 as something that might be seized?

10 A. Yes.

11 Q. Now, when you seized that, was it enough for you  
12 that it was an issue of La Voz Obrera, or did you examine it  
13 to see if it was a particular issue of La Voz Obrera, which  
14 was evidence of the crimes cited in the affidavit?

15 A. I don't recall reviewing it particularly. The  
16 fact that it was La Voz Obrera --

17 THE COURT: What does that mean?

18 THE WITNESS: The worker's voice. That would  
19 be my --

20 INTERPRETER: That's right.

21 Q. We're getting assent from interpreters.

22 In other words, you read the addendum to indicate  
23 that you could take any copy of La Voz Obrera that you  
24 found; correct?

25 A. That's correct.

1 Q. All right.

2 Would you look at No. 224, please?

3 A. Yes. These are two business cards that were lo-  
4 cated in the checkbook marked A-20.

5 Q. Why were these taken?

6 A. I don't recall these documents specifically, other  
7 than that they do contain telephone numbers and names of in-  
8 dividuals on the cards.

9 Q. So did you seize these as telephone numbrers?

10 A. That would have been one of the reasons, yes.

11 Q. You didn't have any information suggesting that  
12 Artesania, A-r-t-e-s-a-n-i-a, Puertorriquena was part of any  
13 illegal activity, did you?

14 A. Not that I recall.

15 Q. Or that the Alver Exterminating company was any-  
16 thing other than a bug exterminating company, did you?

17 A. Not that I recall.

18 Q. Would you have a look at 225, please?

19 THE COURT: Do you have a copy, counsellor?

20 MR. AVERY: He has a copy, too. He's just  
21 looking for the original.

22 THE WITNESS: I was looking for the original.  
23 I have the copy.

24 THE COURT: Why don't we use the copy, unless  
25 the original is essential.

1 MR. AVERY: Yes, I would agree.

2 THE COURT: Photocopy of an advertisement.

3 May I see it and see what it amounts to?

4 Travel to the Dominican Republic.

5 MR. AVERY: We have a photocopy of the

6 original here. Maybe we can just --

7 Q. This was actually something that was torn out of a  
8 newspaper or something; isn't that right?

9 A. Yes. That's correct.

10 Q. And the back side is -- I'm showing you now; isn't  
11 that right?

12 A. That's correct.

13 Q. But you didn't take it because of the back side,  
14 did you?

15 A. No.

16 Q. All right.

17 So let's just stick with it as it is.

18 MS. VAN KIRK: Is it complete?

19 MR. AVERY: Yeah.

20 Q. This is an ad for travel to the Dominican  
21 Republic; isn't that correct?

22 A. That's correct.

23 Q. Three days, two nights, \$98; correct?

24 A. That's correct.

25 Q. And it has some writing on it?

1 A. Yes. That's correct.

2 Q. And did you take this because it is evidence of  
3 travel by a Machetero ember?

4 A. Yes. That's one of the reasons.

5 Q. What other reasons did you take this for?

6 A. I was also aware that the Macheteros used con-  
7 dominiums for meeting places and safe houses, and that there  
8 was also handwritten -- a handwritten address identifying a  
9 certain condominium.

10 Q. In the Dominican Republic?

11 A. No.

12 Q. Where?

13 A. Well, it indicates East Isla Verde, which is in  
14 Puerto Rico.

15 Q. So here's a reference in someone's handwriting to  
16 a condominium, and your suspicion was that might be a  
17 safe house or a meeting place?

18 A. That was a possibility.

19 Q. Did you have any evidence about this particular  
20 condominium that caused you to suspect it?

21 A. I don't recall any specific information on that  
22 condominium.

23 Q. All right.

24 Would you look at No. 226, please?

25 A. This, again, was located within L18-A-2.



1 Q. L18-A-2 being?

2 A. That was the telephone book that we located on the  
3 counter in the living-dining room.

4 Q. All right.

5 A. But you have Defendant's Exhibit 226, is a  
6 photocopy of an envelope that contains some postage stamps  
7 and a photocopy of one of the postage stamps.

8 Q. Now, why did you take this?

9 A. I don't know.

10 Q. Would you agree with me today that it doesn't fall  
11 within the addendum?

12 A. Yes.

13 Q. Now, would you look at No. 227, please?

14 A. Other than that was located somewhere in the phone  
15 book, I assume that I did not see the stamps in the phone  
16 book.

17 Q. Oh, in other words, maybe they were just seized by  
18 accident. Is that what you're saying?

19 A. Well, they were secreted somewhere in the phone  
20 book.

21 Q. 227?

22 A. These are also photocopies of items from L18-A-2,  
23 which was the telephone book that we seized from the coun-  
24 ter.

25 Q. And these are -- I mean our Exhibit 227 is

1 photocopies of some different business cards; isn't that  
2 right?

3 A. That's correct.

4 Q. And a calendar?

5 A. That's correct.

6 Q. Is that calendar actually on the back of the busi-  
7 ness -- one of the business cards?

8 A. Yes. That's on the back of the card from -- I'll  
9 spell the name -- E-u-f-r-a-s-i-o-s, Pizza Restaurants.

10 INTERPRETER: Excuse me, can you repeat that  
11 again?

12 THE WITNESS: Yes. It's Eufrasios Pizza Res-  
13 taurants.

14 Q. Why did you seize these cards?

15 A. These are identification cards that I thought were  
16 within the terms of the addendum, and they contained  
17 telephone numbers.

18 Q. YOU say "identification cards."

19 A. Of these, yes.

20 Q. Identifying these various business entities; is  
21 that right?

22 A. Yes.

23 Q. And you didn't have any reason to suspect any of  
24 these particular businesses of being involved in illegal ac-  
25 tivity, did you?

1           A. I don't recall any specific information that I  
2 had, other than the fact that these were located within the  
3 possession of Macheteros members.

4           Q. Right.

5           But other than the notion that this is where this  
6 suspected Macheteros member goes for pizza, you didn't have  
7 any information about this pizza place, did you?

8           A. I don't recall any specific information about this  
9 restaurant.

10                   THE COURT: The same applies to the other  
11 cards?

12                   THE WITNESS: That's correct, Your Honor.

13           Q. No. 228, please?

14           A. This is another business card, L18-A-14-1.

15           Q. And would the same comments we have just made  
16 about the other business cards apply to this?

17           A. Yes.

18           Q. All right.

19           How about 229? Can you tell from the photocopy  
20 that this is another business card, only this one appears to  
21 have some phone numbers written on the back?

22           A. Yes, that's correct.

23           Q. And why did you seize this?

24           A. This would have been mainly for the telephone num-  
25 bers that appear on the back of the business card.

1 Q. Did you recognize those numbers?

2 A. No, I don't recall recognizing those.

3 Q. Or the name that appears next to one of them, if  
4 it is a name?

5 A. No.

6 Q. All right.

7 230, please.

8 I'm sorry, before you get to 230, do you have L18-  
9 H-31 at this point in your file there?

10 A. Well, we have been taking them out of order.  
11 That's one of the reasons I'm having trouble finding them.  
12 But H-31, yes.

13 Q. You do have it?

14 A. Yes.

15 MR. AVERY: All right. May I have this  
16 marked, Your Honor?

17 THE COURT: It may be marked.

18 MR. AVERY: And while I'm having this marked,  
19 would you look for H-32, please?

20 L18-H-31 would be marked as No. 265, if Your  
21 Honor please.

22 [Defendant's Exhibit No. 265 was marked for  
23 identification.]

24 Q. Did you find H-32 yet?

25 A. Is that one in any kind of order from the list

1 that you gave me?

2 Q. It's not on the list that I gave you, but on Ex-  
3 hibit C it's right after H-31. It's an envelope.

4 A. If it's not -- these would be the exhibits that  
5 you listed for us.

6 Q. Yes. Well, this one wasn't listed either.

7 MR. AVERY: Could I have this next one marked  
8 also, Your Honor?

9 THE COURT: Yes.

10 MS. VAN KIRK: What was 31?

11 MR. AVERY: 265.

12 This would be No. 266, Your Honor, L18-H-32.

13 [Defendant's Exhibit No. 266 was marked for  
14 identification.]

15 Q. Now, with regard to Exhibit No. 265, can you tell  
16 us what that is?

17 A. Yes. It's an envelope, air mail envelope, in ink,  
18 the word Estrella, E-s-t-r-e-l-l-a, and the telephoen number  
19 below it.

20 Q. And is there anything in that envelope?

21 A. No.

22 Q. And did you recognize the telephone number?

23 A. No, I did not.

24 Q. Did you recognize the name?

25 A. Yes.

1 Q. And what did you recognize that to be?

2 A. I recalled from the affidavit that there was a  
3 group identified as a terrorist organization, Grupo  
4 Estrella, that conducted activities with the Macheteros.

5 Q. Spelled the same?

6 A. Yes.

7 Q. And where did you find that particular envelope?

8 A. This was located on the night stand in the master  
9 bedroom.

10 Q. Now, calling your attention to the next exhibit,  
11 266, can you tell us what that is?

12 A. This is H18-H-32, which I described as a Banco  
13 Popular statement.

14 Q. A bank statement?

15 A. That's how I described it, yes.

16 Q. And whose statement does it appear to be?

17 A. Individual by the name of Blanca E. Lagares, L-a-  
18 g-a-r-e-s, Caban, C-a-b-a-n,.

19 Q. And did you recognize that name?

20 A. I don't have any specific recollection of that,  
21 no.

22 Q. And you did not know that that person's name was  
23 Blanca Estrella Lagares, E-s-t-r-e-l-l-a?

24 A. No, I did not.

25 Q. Or that the phone number on the other exhibit we

1 just looked at was her phone number?

2 A. No, I did not.

3 Q. Why did you seize 266?

4 A. As a bank statement, I would have deemed this a  
5 financial record, within the meaning of the warrant.

6 Q. Well, this isn't really anything more than an en-  
7 velope, is it?

8 A. Well, from the envelope you can see the numbers on  
9 the back from the carbon.

10 I believe you would be able to determine the ac-  
11 count number.

12 Q. So this would give you the account number of  
13 Blanca E. Lagares Caban; correct, if your thesis is right?

14 A. Yes.

15 Q. And you didn't know who she was, or he?

16 A. I don't recall any specific knowledge of that at  
17 the time.

18 Q. All right.

19 Or is it a she?

20 Thank you.

21 MR. AVERY: It is 4:00 o'clock, Your Honor, I  
22 notice.

23 THE COURT: How are we progressing,  
24 counsellor?

25 MR. AVERY: Well, I think we're progressing

1 nicely. We still have several items to go.

2 THE COURT: How much longer do you think your  
3 examination will take?

4 MR. AVERY: I would say probably most of  
5 another day with this agent. But I'm --

6 THE COURT: In other words, that next page  
7 will take that long?

8 MR. AVERY: Well, I haven't cross-examined  
9 him about any of Miss Van Kirk's direct examination yet  
10 or the Government's exhibits, since I have been going  
11 through these exhibits. So that still remains to be  
12 done.

13 Maybe it will take less. I hope it will take  
14 less.

15 THE COURT: I would think what she's brought  
16 out, whatever it stands for, together with the docu-  
17 ments, that's what it would stand for. But I'll leave  
18 that up to you. It's your case.

19 MR. AVERY: Thank you. We won't waste any  
20 time, Your Honor. But we'll inform the Court in the  
21 morning whether we're going ahead with this witness or  
22 whether we're going to go ahead with Mr. Bergen's hear-  
23 ing. And counsel have agreed to try to work that out  
24 this afternoon.

25 THE COURT: And if Mr. Bergen's going ahead,



1 he will talk with whoever is opposite on the Government  
2 side and line up these documents so that there will be  
3 no delay?

4 MR. DABROWSKI: Your Honor, we need to know  
5 by 5:00 o'clock tonight as to what we're going to be  
6 going forward with tomorrow. If we're going to be  
7 shifting to another matter tomorrow, we need to know  
8 now. And we can't --

9 MR. AVERY: Yes. We're going to attempt to  
10 determine that right now. It's been a little hard for  
11 me to make a phone call while I was examining the  
12 agent, but I'm going to go make one now.

13 MR. DABROWSKI: It's not a question of at-  
14 tempt, Your Honor. Unless I'm notified by 5:00 o'clock  
15 that we'll not be going forward with Carlos Ayes-  
16 Suarez --

17 THE COURT: Is that agreed, counsellor?

18 MR. DABROWSKI: If we're notified by 5:00  
19 o'clock --

20 MR. AVERY: It's fine with me. I'm going to  
21 call Mr. Farinacci, and if he tells me he thinks he can  
22 come tomorrow, we're going to go with this agent. And  
23 if he tells me he's not sure, then I'll let Mr.  
24 Dabrowski know that he should do Mr. Ayes' hearing  
25 tomorrow.

1 THE COURT: Very well.

2 MR. AVERY: If he has to know by 5:00, we'll  
3 just leave it, if we're not sure whether we can do it,  
4 we won't do it.

5 MR. BERGEN: The only point I would add to  
6 that, Your Honor, though, is, we have approximately 400  
7 exhibits to mark. And the Government and counsel for  
8 Carlos Ayes-Suarez have not really had an opportunity  
9 to do any of that. We're marking them. We have a  
10 list, but we haven't had a chance to confer. And I'm  
11 not even sure whether or not the agent has them in or-  
12 der.

13 If it can be done, obviously, it will be done.  
14 But I mentioned that --

15 THE COURT: You can do it tonight or tomorrow  
16 morning. Come in a little early.

17 MR. BERGEN: Very well.

18 MR. DABROWSKI: Well --

19 THE COURT: All right. Adjourn court,  
20 please, bailiff.

21 [Court was in recess at 4:02 p.m.]  
22  
23  
24  
25

C E R T I F I C A T I O N

1  
2 I, Kim U. Sears, do hereby certify that the foregoing  
3 proceedings were reported by me in stenotype and thereafter reduced  
4 to typewritten form under my supervision and represent a true, com-  
5 plete and accurate transcript of the above proceedings, to the best  
6 of my ability.  
7

8 I further certify that I am in no way related to any of  
9 the parties hereto or their counsel and that I am in no way interested  
10 in the outcome of said cause.

11 IN WITNESS THEREOF, I have hereunto set my hand this \_\_\_\_\_  
12 day of \_\_\_\_\_, 1987  
13  
14  
15  
16  
17

18 \_\_\_\_\_  
19 Kim U. Sears  
20  
21  
22  
23  
24  
25

I N D E XWITNESS:

John Williamson

Cross-examination by Mr. Avery 10

- - -

E X H I B I T S

<u>Number</u>	<u>Marked</u>	<u>Received</u>
Pltf's 70	7	
Deft's 264	44	
Deft's 217-A	102	
Deft's 220-A	117	
Deft's 222-A	120	
Deft's 265	133	
Deft's 266	134	

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25