

1 AFTERNOON SESSION

2 2:05 O'CLOCK P.M.

3
4 THE COURT: Have counsel ironed out
5 their problems? Has it been resolved?

6 MR. WEINGLASS: Not exactly, your
7 Honor. Mr. Macdonald and I met briefly before the
8 break and he wanted to confer with Ms. Gassin.

9 MR. DABROWSKI: Mr. MacDonald will
10 be here shortly. He has advised me that he has
11 some notes that he feels should be disclosed. I
12 did not see them or examine them. I made
13 available to him some personnel to copy them.

14 I believe he also has one or two pieces
15 of paper that he wants to submit to the Court for
16 an in camera inspection. I haven't seen the
17 substance of those.

18 THE COURT: Will you see if he's
19 available, counselor?

20 MR. DABROWSKI: As of five minutes
21 to 2:00, your Honor, counsel and the witness were
22 en route to the Marshal's office from another part
23 of this building. I know they were leaving.

24 THE COURT: Counsel is here.

25 MR. MACDONALD: I'm sorry, your

1 Honor, I was waiting outside and not aware the
2 Court was waiting for me.

3 THE COURT: That's perfectly all
4 right.

5 MR. MACDONALD: What we have, your
6 Honor, is some notes made by Ms. Gassin. These
7 are notes that I earlier referred to that were
8 made after her testimony at the Grand Jury in
9 September of 1985.

10 THE COURT: That was after any
11 agreement was made?

12 MR. MACDONALD: After any agreement
13 was made. They were made by her at some point.
14 She doesn't know exactly when, but as a means of
15 summarizing some of the high points that she
16 recalled were the events at issue here so as to be
17 able to refresh her memory at such time in the
18 future that she would come back and be interviewed
19 by the Government or eventually to testify before
20 this Court.

21 THE COURT: You have no objection to
22 turning them over?

23 MR. MACDONALD: Well, if the Court --

24 THE COURT: If they were used to
25 refresh her memory or to assist her memory, they

1 could be relevant, as you know.

2 MR. MACDONALD: Yes. Certainly the
3 subject matter does relate to the issues before
4 the Court. I would not withhold them. There are
5 certain entries on the originals of these notes
6 that have nothing to do with the evidence before
7 this Court, which are a list of particular
8 subjects that she wanted to discuss with me about
9 and also certain highly confidential matters that
10 relate to her present location.

11 In proffering these notes, I would
12 give the Court the originals of the notes and then
13 a redacted copy for disclosure to the Defense if
14 the Court believes that they are, in fact,
15 relevant for those purposes.

16 THE COURT: I would think that
17 should be a proper solution. You heard that,
18 counselor. What do you say?

19 MR. WEINGLASS: In my discussions
20 with Mr. Macdonald I made clear to him and I think
21 I asked him to make clear to Ms. Gassin I have no
22 interest in her present whereabouts. I will not
23 ask her. I have no interest in her present
24 activity and I will not ask.

25 If counsel represents that's part of

1 these documents, I have no objection to there
2 being redacted if the Court examines them and so
3 concludes.

4 Her notes about what she would like
5 to discuss with counsel, however, I feel fall into
6 another category.

7 What we're dealing with, I believe,
8 and I think the Court has a sense of this, are
9 classic notes by a witness in preparation for her
10 testimony.

11 These notes, if that's what they are and
12 I think that's the way they're being described,
13 are notes that have to be turned over to counsel,
14 if the witness used them to assist her in
15 preparation for her testimony.

16 THE COURT: Do you have the notes
17 segregated one from the other, counselor?

18 MR. MACDONALD: Yes, I do.

19 THE COURT: The part that you are
20 agreeable to giving over without any restriction,
21 can you get together with the prosecutor and turn
22 them over and have xeroxed copies made by our
23 court Clerk?

24 MR. MACDONALD: Anticipating that,
25 your Honor, those copies have been made.

1 THE COURT: Very good.

2 MR. MACDONALD: I haven't shown them
3 to the Government, your Honor.

4 THE COURT: Are they lengthy or
5 something that counsel could review in a couple of
6 minutes?

7 MR. MACDONALD: I think they could
8 be reviewed in a couple of minutes, but how long
9 it would take is, I think, a matter of somewhat a
10 subjective judgment. Here they are in redacted
11 form, your Honor.

12 THE COURT: Which ones are these now,
13 counselor?

14 MR. MACDONALD: These are the notes
15 in redacted form --

16 THE COURT: These are the ones
17 you're not fully turning over; is that right?

18 MR. MACDONALD: What you have in
19 your hand at this moment are the notes in redacted
20 form that we would not object being disclosed to
21 the Government, nor the Defense.

22 THE COURT: Suppose we have them
23 marked as an exhibit so there won't be any
24 question for identification purposes? Is that
25 agreeable?

1 MR. DABROWSKI: Yes, your Honor.

2 MR. WEINGLASS: Yes.

3 (Defendants' Exhibit 201: Marked
4 for identification.)

5 THE COURT: I presume they'll be
6 Defendants' Exhibit for Identification only. 201

7 MR. MACDONALD: At this point I
8 would offer the Court the originals from which the
9 redacted versions were made so the Court could see
10 on the redacted copy the portions where the
11 withheld notes would fit.

12 THE COURT: All right. I hope I can
13 find out where they fit.

14 MR. MACDONALD: These are marked by
15 yellow stick-em pads.

16 (Pause.)

17 THE COURT: Do you want to make a
18 statement, counselor, that what amounts to the
19 documents given to them already, the items which
20 are reserved but which will be put under seal by
21 the Clerk and sealed for any purposes of appeal
22 and the part that you will add which the Clerk is
23 now making a copy of, that little paragraph at the
24 top?

25 MR. MACDONALD: Yes, your Honor.

1 THE COURT: Do you want to make any
2 statement to that on the record so that it will be
3 clear to everyone?

4 MR. MACDONALD: Yes, your Honor.
5 What I have submitted to the Court for the Court's
6 in camera examination are the original notes of
7 Ms. Gassin that were prepared by her sometime
8 after September 25th of 1985 in anticipation of
9 being further interviewed or testifying in this
10 case.

11 Defense counsel and the Government have
12 been provided at this time with xeroxed copies of
13 all of the notes, with the exception of two
14 sections which relate to Ms. Gassin's current
15 whereabouts, which the Court has indicated are
16 being withheld from counsel for the Defense as
17 well as for the Government.

18 I would further note on the record
19 that these notes -- all of these notes -- have
20 never been disclosed to any party in this matter,
21 including the Government. So, in making the
22 disclosure today pursuant to the Court's
23 instruction, the Government is receiving it for
24 the first time.

25 In addition, at this time there is

1 an additional portion of a page which the Court
2 has ordered to be disclosed, which carries
3 notations of Ms. Gassin's as to questions that
4 were thereafter directed to me. The notes carry
5 my name, Lloyd, at the top and with the Court's
6 permission, I'd like to distribute these to
7 counsel for the Defense at this time.

8 THE COURT: Very well.

9 MR. WEINGLASS: Could that page also
10 be marked, your Honor, 201-A?

11 (Defendants' Exhibit 201-A: Marked
12 for identification.)

13 MR. WEINGLASS: What's been marked
14 as 201 is a five-page document, handwritten notes
15 and 201-A is a one-page document.

16 THE COURT: The other phase that
17 will be given to the Clerk under seal and not to
18 be opened or be a part of this case except for
19 appellate review purposes. Shall we call that
20 201-B or do you have a better number for it or
21 should it have a separate number?

22 MR. MACDONALD: Perhaps a separate
23 number, your Honor.

24 THE COURT: Make it 202 so there
25 will be no confusion.

1 (Defendants' Exhibit 202: Marked
2 for identification.)

3 THE COURT: That will be sealed by
4 the Clerk not for review except for appellate
5 purposes for the Court of Appeals. Will you see
6 that that's done, Mr. Clerk?

7 THE CLERK: Yes, your Honor.

8 THE COURT: Has your client been
9 advised what has happened here in court yet?

10 MR. MACDONALD: She has, in general,
11 your Honor.

12 THE COURT: Just so she won't be
13 taken by surprise.

14 MR. MACDONALD: With the exception
15 of that last portion, which were her notes of
16 subjects she specifically talked with me about, if
17 I could tell her --

18 THE COURT: You should tell her the
19 Court ordered that paragraph disclosed.

20 MR. WEINGLASS: I would ask the
21 witness be brought in and be told that on the
22 record by the Court and also that the witness be
23 brought in before the jury if that could possibly
24 be arranged so that the jury doesn't get the
25 impression she's in custody. I don't think

1 there's any --

2 THE COURT: I don't think they got
3 that impression, counselor.

4 MR. WEINGLASS: They're seated and a
5 side door opens, unlike all the other 70 witnesses,
6 except Ken Cox, she comes in through a side door,
7 obviously with Marshals.

8 I think it's a conveyance to the
9 jury of something which I think is unnecessary.
10 Certainly, it doesn't involve any problems if
11 she's brought in and sits in the witness chair
12 before the jury is brought in.

13 MR. DABROWSKI: Your Honor, number
14 one, I note that the Marshal who normally stands
15 beside Ms. Gassin when she comes in is here right
16 now. He's not there to accompany Ms. Gassin.
17 He's there right now.

18 He simply opens the door for Ms. Gassin
19 and her entrance is not attended by any show of
20 force as would be suggested by Mr. Weinglass.

21 I'm also surprised Mr. Weinglass who
22 ordinarily speaks eloquently about the rights of
23 all individuals is apparently here attempting to
24 deny Ms. Gassin the opportunity that she has to
25 speak with her counsel. Surely you're not

1 suggesting that, are you, Mr. Weinglass?

2 MR. WEINGLASS: Well, I answer the
3 Court's questions.

4 THE COURT: You may speak to your
5 client and tell her what you turned over to
6 adversary counsel. You can do it privately. When
7 the jury is called in, we will then call her in.
8 I'll be glad to advise the jury she is not in
9 custody.

10 MR. BERGENN: I would join in the
11 modest request of Mr. Weinglass. I'm not sure
12 what purpose is served to have her come in second.
13 The only purpose I can understand and I would be
14 informed if anybody has another idea, the only
15 purpose I can imagine is to have this impression
16 that she's being brought in from a place that none
17 of the other witnesses are brought in from and
18 because we are claiming the prejudice and because
19 the Court is not as sensitive to it, but there is
20 no downside, I would just ask the Court to
21 reconsider and allow her to be brought in and then
22 have the jury brought in just as we have with all
23 the other witnesses.

24 THE COURT: I don't think it makes
25 any difference. If you feel strongly about it,

1 I'm not going to make an issue of it whether she
2 comes in first or second. She's not in custody.

3 MR. BERGENN: Thank you.

4 THE COURT: Could you find out if
5 counsel has communicated with his client before we
6 call the jury?

7 (Pause.)

8 MR. DABROWSKI: They're right here,
9 your Honor. Apparently, Ms. Gassin had one
10 question of her counsel and he's attempting to
11 answer that now.

12 THE COURT: I think they should be
13 ready by now. Do you want to call her in and then
14 we'll call in the jury?

15 (Pause.)

16

17 A N N E G A S S I N ,

18 resumed the witness stand and testified
19 further on her oath as follows:

20 THE COURT: Call the jury, Mr.
21 Marshal.

22 (Whereupon, the jury entered the
23 courtroom.)

24 THE COURT: Ready to proceed,
25 counselor?

1 MR. WEINGLASS: Yes.

2 CROSS EXAMINATION

3 BY MR. WEINGLASS:

4 Q. Good afternoon, Ms. Gassin?

5 A. Good afternoon.

6 Q. Have you been informed that I've been
7 turned over five and a half pages of your
8 handwritten notes?

9 A. Yes, I have.

10 Q. I'm advised these are handwritten notes
11 that you wrote sometime after your appearance
12 before the Grand Jury. That's after September 25,
13 1985 and before today?

14 A. That's right.

15 Q. Do you recall when you wrote these notes?

16 A. I don't recall. I don't recall precisely,
17 no.

18 Q. Would it be fair to say that these notes
19 were not written in 1989; that is this year, but
20 in 1988 sometime?

21 A. My best estimate in terms of the timing
22 would be before -- let me think this through --
23 before the fall of 1986.

24 Q. Did you review these notes after that
25 time; that is after the time you initially wrote

1 them and add additional material to the notes?

2 Would it help if you looked at the notes?

3 A. I know there's two colors of ink. I
4 don't know what the timing was with that.

5 Q. But, it would appear because there are
6 two colors of ink that you put down your
7 recollection on one occasion and then presumably
8 sometime thereafter you wrote in another pen?

9 A. Yes.

10 Q. As a matter of fact, there are
11 interlineations; you indicate you're adding to
12 what's already been written?

13 A. I've added in other comments, yes.

14 Q. Do you know when you did the second
15 writing or you were adding comments?

16 A. That I really don't know.

17 Q. Now, going back to where we were just
18 before lunch, you said that you never saw the
19 inside of the trailer that was pulled by the
20 pickup truck?

21 A. I never saw that trailer.

22 Q. Never saw it, period?

23 A. Yes.

24 Q. You never saw boxes in it?

25 A. I never saw the trailer.

1 Q. You never saw boxes in the motor home
2 either?

3 A. I never saw boxes in the motor home.

4 Q. You saw boxes under your bed, that's
5 undisputed.

6 A. Yes.

7 Q. You didn't remember how they got up there
8 and you didn't remember how they left.

9 A. Papo told me that he had brought them up.

10 Q. But you weren't there when they came up,
11 so you don't know who brought them up except he
12 told you?

13 A. I really don't remember.

14 Q. You weren't there when they were taken
15 out either?

16 A. I don't remember whether I was there or
17 not.

18 Q. Now, it's true that he kept a lot from
19 you; isn't it?

20 A. He kept a lot from me? Can you be a bit
21 more specific?

22 Q. Let's be more specific. Did you ever
23 describe Papo as "tight-lipped"?

24 A. It may be a word that I've used, yes.

25 Q. As a matter of fact, it's a word you used

1 to the FBI, isn't it?

2 A. It's possible, yes.

3 Q. To help your recollection, on page 4 of
4 your interview, the fourth line down, did the FBI
5 report indicate that you referred to him as
6 tight-lipped?

7 MR. BOYLE: May I have the date of
8 that 302, please?

9 MR. WEINGLASS: The first interview,
10 September 11th.

11 MR. BOYLE: Thank you.

12 THE WITNESS: Yes. Again, I don't
13 know if those were my words or the words of the
14 agent.

15 BY MR. WEINGLASS:

16 Q. Did you tell the Grand Jury that it
17 seemed that what he was doing was tainted with
18 secrecy; do you remember telling him that when you
19 were under oath on September 25th?

20 A. Yes, I think so.

21 Q. I'll refer you to page 30.

22 MR. BOYLE: Objection, your Honor.
23 The witness' recollection doesn't need to be
24 refreshed. She answered she did recall that.

25 MR. WEINGLASS: Fine.

1 BY MR. WEINGLASS:

2 Q. Do you remember telling the Grand Jury
3 that when you asked him specific questions, he
4 wouldn't answer?

5 A. Sometimes he did. Sometimes he didn't.

6 Q. Do you remember telling the Grand Jury
7 that you would ask him questions about what he was
8 doing and he would say to you, "It's better not to
9 ask"?

10 A. On some occasions he did, yes.

11 Q. Did you ever describe him as an enigmatic?

12 A. I think those were my words, yes.

13 Q. What is enigmatic?

14 A. I suppose enigmatic means enclosed in
15 mystery.

16 Q. As a matter of fact, he never even
17 mentioned the name, "Macheteros," to you?

18 A. No, he didn't.

19 Q. First time you heard it was when the FBI
20 told you about it when you were arrested?

21 A. Yes.

22 Q. And we've gone over this, he never told
23 you about the source of the \$35,000 that was in
24 your footlocker.

25 MR. BOYLE: Objection. The question

1 has been asked and answered at least three times,
2 your Honor.

3 MR. WEINGLASS: I'll withdraw that.

4 BY MR. WEINGLASS:

5 Q. He never told you about the source of the
6 money that was in the boxes, if there was money in
7 the boxes, in words?

8 A. I can't answer your question. If you ask
9 me did he say that or did he tell me that, did he
10 communicate that information to me, I would answer
11 yes.

12 Q. Communicate it in words, I'm asking, as
13 opposed to something you have pieced together in
14 your own imagination or reason, judgment based
15 upon a number of things that you've seen
16 specifically read in a screenplay?

17 A. By communicated, I mean a series of
18 conversations that I had with him and events that
19 I observed.

20 Q. Let me ask you this: You never even
21 asked him what was in the boxes; isn't that true?

22 A. He told me there was money in the boxes.

23 Q. Didn't you say you knew better than to
24 ask and you never asked?

25 MR. BOYLE: Objection. That's a

1 mischaracterization.

2 THE COURT: Well, he's entitled to
3 ask that and she's entitled to answer him. She
4 can answer him.

5 MR. BOYLE: My objection goes to,
6 your Honor, Mr. Weinglass saying the witness said
7 that she knew better than to ask, when her
8 testimony as to that was not related to the boxes
9 which he is now questioning her about.

10 MR. WEINGLASS: We'll move on --
11 I'll withdraw that -- to another area.

12 BY MR. WEINGLASS:

13 Q. He never told you the source of the funds
14 for the giveaway, the Three Kings giveaway, did he?

15 A. For the giveaway, he told me his
16 organization was responsible for it.

17 Q. Did he ever tell you about the source of
18 the funds for the giveaway?

19 A. No.

20 Q. He didn't. So, this enigmatic man
21 tainted with secrecy let you read a screenplay on
22 July 30, 1984 in Bryant Pond, Maine.

23 A. The screenplay I think is a wrong word,
24 if I may say so.

25 Q. What's your word?

1 A. Pardon?

2 Q. What's your word?

3 A. I would say that it's his account of
4 events that he had participated in.

5 Q. You told us the purpose, as you
6 understood it for that writing, was to be made
7 into a movie.

8 A. It was going to be turned into a
9 screenplay by somebody else. So, his objective
10 was to write down what exactly had happened so
11 that someone else who was a writer could then turn
12 it into a screenplay. What I saw was his version,
13 not the screenplay.

14 Q. Ms. Gassin, did he ever, ever, tell you,
15 in words, that his objective was to write down
16 exactly what happened?

17 A. He told me that his objective was to
18 write down what had happened, a series of events
19 so they could be turned into a screenplay. Yes,
20 that he told me.

21 Q. He told you he was writing down a series
22 of events to be turned into a screenplay, but he
23 never told you that the events that he wrote down
24 for the screenplay were the events that actually
25 happened in reality; isn't that true?

1 A. No, that's not true.

2 Q. Well, is it your current belief that he
3 wrote down about the actual robbery, that Victor
4 Gerena was to inject two drivers while driving and
5 pull the truck over at a construction site while
6 10 people came up dressed in baseball uniforms,
7 came upon the truck and emptied the truck of its
8 money. Is that your understanding of the actual
9 event of the robbery?

10 MR. BOYLE: Object. It's a compound
11 question.

12 THE COURT: Well, you haven't asked
13 her whether or not she knows the particular events
14 of the robbery. First establish is that what he
15 told her and does she know what the events of the
16 robbery were. Were they similar or related.

17 BY MR. WEINGLASS:

18 Q. Your recall of that manuscript or what do
19 you call it?

20 A. An account.

21 Q. An account or screenplay --

22 A. Those are your words.

23 Q. Right. Is that Victor Gerena was driving
24 along and injected two guards near a construction
25 site on the highway; is that right? That's your

1 recall of what's in the manuscript?

2 A. I'm not sure if it was a construction
3 site, but I said it was something like that, yes.

4 Q. That 10 people came up dressed in
5 athletic gear and emptied the truck?

6 A. That's my recollection, yes.

7 Q. And you believe, do you not, today that
8 when Papo wrote that screenplay, he was writing
9 the actual event, not fiction?

10 A. That's what I understood, yes.

11 Q. You still believe that?

12 A. Yes.

13 Q. Has it occurred to you that that account
14 might be fictionalized?

15 A. Well, no, it hadn't occurred to me,
16 because that's not the way it was presented to me.

17 Q. So, do you mean by your testimony to tell
18 the Court and the jury that that is the reality of
19 what happened?

20 MR. BOYLE: Objection. She can only
21 testify to what she read or was told.

22 THE COURT: You have to preface it
23 differently, counsel. The Court will sustain the
24 objection. Does she have actual knowledge today
25 as to what did occur?

1 MR. WEINGLASS: Thank you, your
2 Honor.

3 BY MR. WEINGLASS:

4 Q. You don't know what happened, do you, of
5 your own knowledge?

6 A. I don't know what happened, no.

7 Q. You only can recall, as best you can, a
8 writing that you read four and a half years ago
9 and tell us what you recall you read as best you
10 can?

11 A. What I recall I read and what I recall
12 from my conversations with Papo.

13 Q. Now, let's deal with what you read. July
14 29th or 30, 1984 you say you were given a writing
15 by Papo.

16 A. Yes.

17 Q. You were up in Bryant Pond, Maine. This
18 writing comprised how many pages, if you can
19 remember?

20 A. Well, I don't remember the number of
21 pages. I remember the time it took me to read it.

22 Q. Did you ever tell anyone the number of
23 pages?

24 A. I might have tried to estimate, yes. I
25 don't remember.

1 Q. What did you estimate?

2 A. I really don't remember right now what
3 I've estimated.

4 Q. When was the last time you read your
5 Grand Jury notes?

6 A. Read them? I looked through them a week
7 ago.

8 Q. Why don't you look at page 54?

9 A. Okay.

10 Q. Do you remember reading one week ago and
11 you were reading to prepare yourself for testimony
12 under oath in a federal court before a jury, right?

13 A. Yes.

14 Q. High stakes and you read this a week ago?

15 A. I said I had looked through it a week ago,
16 yes.

17 Q. You don't remember reading, "I think it
18 was around the length of 60 pages." You don't
19 remember reading that last week in preparation for
20 your testimony?

21 A. No, I don't remember that. At the bottom
22 of the page I say that, "It probably took me under
23 an hour. Between a half hour and 45 minutes to
24 read," which is what I testified to yesterday.

25 Q. No one quarrels how long it took you to

1 read 60 pages. I asked you how long that document
2 was, you couldn't remember reading a week ago that
3 it's 60 pages, but it's there in black and white?

4 A. Well, yes, but it's not something that
5 stuck in my mind.

6 Q. Sixty handwritten pages, four and a half
7 years ago and you read it once; is that right?

8 A. I read it once.

9 Q. You never saw it again?

10 A. No, I never saw it again.

11 Q. Ms. Gassin, one of your talents is as a
12 choreographer?

13 A. I used to choreograph, yes.

14 Q. What is a choreographer?

15 A. Someone who makes dances.

16 Q. Makes dances. What do you mean by makes
17 dances. You don't mean perform dances?

18 A. Well, a choreographer can also be a
19 performer.

20 Q. Pardon?

21 A. A choreographer can also perform.

22 Q. You worked as a performer?

23 A. Yes.

24 Q. You worked as a choreographer?

25 A. Yes.

1 Q. What do you do when you're a
2 choreographer?

3 A. You invent dances. You construct a piece.

4 Q. You invent a dance for the purpose of
5 projecting a message, right?

6 A. A message, a feeling, to portray a
7 situation. For any number of reasons.

8 Q. You choreographed a dance piece for a
9 group called Huelas. H-u-e-l-a-s.

10 Q. And it was to project the plight of the
11 political refugee?

12 A. No, it wasn't.

13 Q. Tell us what it was.

14 A. Looking back, I suspect the best
15 explanation or description would be an portrayal
16 of people who are, who are seeking freedom.

17 Q. Refugees?

18 A. No, it wasn't specifically about refugees.

19 Q. People who had left their homeland?

20 A. Left their homeland, that was one of the
21 themes that was addressed.

22 Q. People who leave their homeland seeking
23 freedom are ordinarily called refugees?

24 A. It wasn't necessarily people who left
25 their homelands and now are seeking freedom, no,

1 there wasn't that causality.

2 Q. Did you draw on the movie "El Norte" in
3 choreographing that piece?

4 MR. BOYLE: Objection, irrelevant.

5 MR. WEINGLASS: This is all
6 foundation.

7 MR. BOYLE: It's not a foundation of
8 any relevance.

9 THE COURT: We're not in the ballet
10 business.

11 MR. WEINGLASS: I hope the Court
12 doesn't imply we're dancing around.

13 THE COURT: If it's something
14 material, that's one thing. We don't want to get
15 into a tangential issue about ballet. I'm no
16 expert in ballet, I assure you. Let's proceed.
17 BY MR. WEINGLASS:

18 Q. Ms. Gassin, this is all modern dance; is
19 that correct?

20 A. Yes, it is.

21 Q. Now, you're familiar, though, by virtue
22 of your having written dance pieces to project a
23 story like people seeking freedom that the author
24 uses a vehicle to project the message; isn't that
25 correct?

1 A. I don't know what you mean by a vehicle.

2 Q. Well, let me ask you. When someone is a
3 political person and wants to project a political
4 message through a movie, they would write a script,
5 would they not, that would project that message
6 through the vehicle of the script?

7 MR. BOYLE: Objection. It's
8 irrelevant and the witness is not qualified to
9 testify as to motivations of a movie script writer.

10 MR. WEINGLASS: Your Honor, what's
11 happened here is the Government has offered a
12 screenplay --

13 MR. BOYLE: Your Honor, if we're
14 going to have a statement --

15 THE COURT: Be careful. You can say
16 it at sidebar, that's one thing.

17 (At sidebar:)

18 MR. WEINGLASS: Your Honor, we are
19 in a very difficult situation in this case. The
20 Government has offered, pursuant to federal Rule
21 801, very damaging statements attributed to my
22 client. The core of these statements revolve
23 around a 60-page writing. The witness said that
24 he prepared for a story outline for a movie.

25 I have to go into the fact that

1 these weren't statements as Rule 801 contemplates.

2 This is a dramatic, fictional
3 account of an episode and I must be allowed the
4 leeway to put that before the jury. The witness
5 herself engages in creative writing of dance.

6 THE COURT: I wouldn't have any
7 objection to that if you did it within a limited
8 area, but I don't want to get off tangentially
9 that the jury is going to get impatient with and
10 will not be productive.

11 If it's limited, I can see what
12 you're trying to do, but I don't intend to have it
13 go off into a ballet production. That's my point.

14 MR. BOYLE: Your Honor, if I may,
15 it's obvious what Mr. Weinglass is trying to do
16 and, of course, he has a right to put that before
17 the jury. He puts that before the jury at his
18 closing argument. Through this witness what he is
19 allowed to develop are the circumstances
20 surrounding her reading of the manuscript and her
21 conversations with the Defendant and what she can
22 recall specifically about the manuscript and about
23 those conversations.

24 Her interpretations as to what an
25 author's intentions are in creating any sort of

1 piece are not relevant to the issues that are
2 currently before the Court and she's not qualified
3 as an expert to relate those opinions.

4 THE COURT: You're both half right.
5 That's the thing that's disturbing to the Court,
6 you see.

7 In other words, I can see where Mr.
8 Weinglass would want to bring out that this girl
9 has done some choreography in a particular area,
10 whether it's trying to demonstrate liberty or
11 freedom or whatever subject she has. This is a
12 reference to a movie picture that is referred to
13 in the evidence proper.

14 I presume he may try to show, look, this
15 young lady has let her imagination wander to the
16 point, because of her experience and background,
17 to explore this transcript that was given to her
18 and has developed conclusions beyond that which
19 are warranted.

20 From the Defense point of view, I
21 can see he ought to be given some leeway.

22 My point is, if I was confident he
23 would do it within a limited area, I would have no
24 problem; but I don't want to sit here all day
25 listening to the ballet and philosophy and theory.

1 That's what I want to make you aware of.

2 MR. WEINGLASS: I'm attempting to
3 establish one other point and that is that the
4 witness, as an accomplished artist, knew or should
5 have known when she read it that she was reading a
6 piece of creative fiction.

7 THE COURT: Well, you can ask her
8 that, certainly. That's permissible to ask her
9 that.

10 MR. BOYLE: Mr. Weinglass is going
11 into a direction completely different from the one
12 the Court suggests.

13 He's not trying to establish this witness
14 read more into the manuscript than was really
15 there because of her creative background. He's
16 trying to argue that that is what was intended by
17 the author, that, in fact, this witness was taking
18 the manuscript too literally. He's going in
19 exactly the opposite direction from the direction
20 the Court suggested might be an appropriate avenue
21 for him to follow.

22 THE COURT: Until I hear more, I
23 can't make a legitimate judgment. The Court will
24 let you continue to the point where you abuse the
25 opportunity.

1 (End of sidebar.)

2 BY MR. WEINGLASS:

3 Q. When you read the screenplay, you read it
4 straight through, start to finish, one reading,
5 and you didn't ask him any questions while you
6 were reading.

7 A. I didn't just do one reading. I went
8 back in various sections, came back and finished.

9 Q. What was that answer?

10 A. What I mean, I didn't just do one reading
11 from start to finish, that I would stop and go
12 back and start again and continue.

13 Q. Would you say you read this manuscript or
14 this screenplay with more attention to detail than
15 you read your Grand Jury transcript before you
16 testified under oath?

17 A. With more attention to detail?

18 Q.. Yes. You told us when you read the Grand
19 Jury transcript, you read it kind of fast and kind
20 of flipped through it. Is that the way you read
21 the manuscript or the screenplay?

22 A. I'm not implying that with my Grand Jury
23 testimony that I only read it once very quickly
24 looking through it, no. I've had more detailed
25 readings of it than that.

1 Q. Pardon?

2 A. I've had more detailed readings of it
3 than that. You were asking me last week. At that
4 point in time I told you I was looking through it.

5 Q. How many times have you read it?

6 A. My Grand Jury testimony?

7 Q. Yes.

8 A. I would say twice and then I flipped
9 through various sections on the third occasion.

10 Q. But this screenplay of 60 handwritten
11 pages you read once, right, four and a half years
12 ago?

13 A. Yes. I only read it once.

14 Q. You read it straight through without
15 asking questions?

16 MR. BOYLE: Object to straight
17 through. That's a mischaracterization of her
18 testimony two minutes ago, your Honor.

19 THE COURT: I think she said she
20 read it through and went back over parts of it and
21 recapitulated certain sections of it. I think
22 that was her testimony.

23 BY MR. WEINGLASS:

24 Q. Ms. Gassin, under oath did you ever say,
25 "I read it straight through and then asked

1 questions"?

2 A. Well, I read it straight through, yes.
3 That doesn't eliminate the possibility of going
4 back over several sections.

5 Q. Do you have a recall today that you went
6 back over sections after reading it straight
7 through?

8 A. Yes. There were parts that weren't
9 necessarily clear to me so I wanted to go back and
10 reread them and continue on.

11 Q. What parts weren't clear?

12 A. I don't remember specifically.

13 Q. When you finished reading the screenplay,
14 you discussed it with Papo?

15 A. We talked about it, yes.

16 Q.. How would you describe his responses?

17 A. His response?

18 Q.. His response to your questions.

19 A. As I said, I asked him if he was the
20 person, if he was Ramon and he told me that he was.

21 Q.. What else?

22 A. Beyond that, I don't remember specific
23 questions that I asked, but I remember him telling
24 me what this eventually was, because he then told
25 me that it was the Wells Fargo robbery and the

1 fact that I never heard of it before.

2 Q. He kind of talked openly with you about
3 it?

4 A. He talked to me about it.

5 Q. Openly?

6 A. What do you mean by openly?

7 Q. He just talked to you about it. He
8 showed no reluctance to talk about it?

9 A. I don't remember specifically.

10 Q.. You don't remember that?

11 A. No.

12 Q. If you describe your response to his
13 questions before the Grand Jury under oath on
14 September 25, 1985, would those responses be more
15 accurate in terms of your recollection than the
16 responses you've been giving today in 1989?

17 A. It depends. As I said, some things were
18 probably clearer then and other things come back
19 at later times. I'm not sure what you mean.

20 Q.. Ms. Gassin, did you tell the Grand Jury
21 under oath that when you questioned him, his
22 responses were cryptic and vague?

23 A. Well, again, I'd have to see my Grand
24 Jury testimony; but if I said that, I said that.

25 Q. This is the document you read last week.

1 I'd like to show you page 67 and direct your
2 attention to lines 19 and 20. Do you need that to
3 refresh your recollection?

4 MR. BOYLE: Objection. Proper
5 question is to ask her if it refreshes her
6 recollection, not whether she needs it.

7 MR. WEINGLASS: It could be either
8 in this circumstance.

9 MR. BOYLE: In this circumstance the
10 proper question is, does that help her refresh her
11 recollection.

12 BY MR. WEINGLASS:

13 Q. Does it help to refresh your recollection?

14 A. Well, I'd have to read further, sir.
15 What is clear is that and what I remember is his
16 telling me that it was -- that this incident was
17 the Wells Fargo robbery because, as I said, I
18 didn't know that that event had taken place and we
19 discussed that.

20 Q.. Ms. Gassin, there's no question but that
21 he probably told you this screenplay was taken
22 from an episode which was the Wells Fargo robbery.
23 There's no question.

24 MR. BOYLE: Objection to the term,
25 "screenplay." The witness specifically rejected

1 that as a characterization of what she read.

2 BY MR. WEINGLASS:

3 Q. What did you call it today?

4 A. An account.

5 Q. Yesterday did you call it a manuscript?

6 All the time that Mr. Boyle was questioning you,
7 was it a manuscript all day yesterday and an
8 account today?

9 A. Well, I don't remember what questions
10 were asked of me precisely yesterday. I think
11 manuscript might have been in Mr. Boyle's question
12 that was put to me.

13 Q. You don't remember the questions
14 yesterday and you're going to tell us about a
15 conversation you had with Papo four and a half
16 years ago?

17 MR. BOYLE: Objection, argumentative.

18 THE COURT: Sustained.

19 Argumentative.

20 BY MR. WEINGLASS:

21 Q. Ms. Gassin, you did tell the Grand Jury
22 on page 67 when you were questioned about this,
23 his responses were somewhat cryptic and vague.

24 A. Yes.

25 Q. What does the word, "cryptic" mean?

1 A. Hard to decipher.

2 MR. WEINGLASS: May we take a break,
3 your Honor, at this point?

4 THE COURT: We'll take our usual
5 five-minute recess.

6 (Whereupon, the jury was excused.)

7 (Whereupon, a recess was taken from
8 3:00 o'clock p.m. to 3:12 o'clock p.m.)

9 THE COURT: Have the witness come in
10 first.

11 (Whereupon, the witness resumed the
12 stand.)

13 THE COURT: Call the jury, please.

14 (Whereupon, the jury entered the
15 courtroom.)

16 THE COURT: You may proceed,
17 counselor.

18 BY MR. WEINGLASS:

19 Q. Ms. Gassin, I want to show you, once
20 again, your agreement with the United States
21 Government, which has been marked in evidence as
22 Exhibit 448 with reference to paragraph 2 of that
23 agreement; do you see that before you?

24 A. Yes, I do.

25 Q. Was a part of the agreement with the

1 United States that you would subject yourself, if
2 asked, to a polygraph examination?

3 A. Yes.

4 Q. Has the Government of the United States
5 ever asked you to take a polygraph?

6 A. No.

7 Q. You told us that your recollection today
8 is that the manuscript or the screenplay, there
9 was some dialogue in this; was there not?

10 A. Again, it was not a screenplay.

11 Q. Was there dialogue in it?

12 A. In the account that I read I don't
13 remember specifically if there was dialogue or if
14 it was -- I don't remember specifically.

15 Q. Did you remember before the Grand Jury?

16 THE COURT: What page, counselor?

17 MR. WEINGLASS: Page 55.

18 BY MR. WEINGLASS:

19 Q. My first question is, did you remember it
20 before the Grand Jury?

21 A. I'll go back. I know in the manuscript
22 there were conversations. If you're asking me do
23 I remember specifically a dialogue with quotations,
24 et cetera, I don't. I don't remember that. I
25 don't have a specific recollection.

1 Q. My question to you was, do you remember
2 dialogue? You know what dialogue is, don't you?

3 A. Well, I remember conversations. I know
4 in the opening scene of this manuscript there was
5 a conversation between Ramon and a friend of his.
6 That's a conversation. I don't know what you call
7 a dialogue. I still remember a conversation.

8 Q. When you testified before the Grand Jury,
9 did you call it dialogue or conversation?

10 A. I don't know, sir. I would have to look
11 at what I said.

12 Q. Refer to the page I referred you to.

13 A. Well, the question that was put to me was,
14 "Was there dialogue in it?" I didn't use dialogue
15 in my answer. I said, "Maybe a few lines, but it
16 was many a description of incidents and events."

17 Q. When the United States Attorney was
18 questioning you you knew what dialogue was and
19 when the United States Attorney was questioning,
20 you said maybe a few lines?

21 A. I can't make a distinction between
22 dialogue and conversation. I never denied there
23 were conversations in this manuscript.

24 Q. Did you ever in 152 pages before the
25 Grand Jury in 40 typewritten single spaced pages

1 with the FBI ever refer to this particular
2 screenplay as an account?

3 A. I never referred to it as a screenplay as
4 far as I remember.

5 Q. Did you ever refer to it as an account
6 prior to this afternoon?

7 A. I know that I called it a manuscript in
8 the past.

9 Q. Did you ever call it an account?

10 A. It's possible that I did. I don't know.

11 Q. In your two or three readings of the
12 Grand Jury transcript including last week and your
13 two or three readings of 40 pages of 302, did you
14 ever come across that word attributed to you?

15 A. As I recall, there's mention in the 302's
16 of a -- which again I don't know whose words they
17 were because it was not a transcription of what I
18 said -- it was referred to as a fictionalized
19 account.

20 Q. The FBI referred to it as a fictionalized
21 account? Is that what the FBI wrote down?

22 A. That's what's in the report. If that's
23 what you're referring to, yes.

24 Q. That's what Special Agent Rodriguez
25 called it and Special Agent Cronin because they

1 thought they knew the truth.

2 MR. BOYLE: Objection. It's an
3 argumentative question.

4 THE COURT: Why don't you reword it,
5 counselor?

6 BY MR. WEINGLASS:

7 Q. When you read the 302's, you saw the FBI
8 referred to it as a fictionalized account?

9 A. Yes. That phrase has bothered me.

10 Q. You had an opportunity to correct the
11 302's, didn't you? You went back over them and
12 wrote notes on what you disagreed with, on the
13 302's; do you remember doing that?

14 A. I don't remember having an opportunity to
15 make corrections in the 302's.

16 MR. WEINGLASS: May this be marked
17 next in evidence?

18 (Defendants' Exhibit 203: Marked
19 for identification.)

20 BY MR. WEINGLASS:

21 Q. Is your memory when you write something
22 and when you read it since writing is an activity
23 and involves you directly, is your memory better?

24 A. I don't know, sir.

25 Q. I want to show you a three-page

1 handwritten document, which has been marked 203
2 for Identification; do you recognize the
3 handwriting on that page?

4 A. Yes.

5 Q. Is that your handwriting?

6 A. Yes.

7 Q. Can you look over the three pages and
8 tell us if that refreshes your recollection that
9 you reviewed the FBI 302's and you made
10 corrections where you thought they were in error?

11 A. I wrote down what I had questions about
12 or what I thought where there were discrepancies.

13 Q. Where there were discrepancies?

14 A. In my mind.

15 Q. Did you note in your three pages of
16 handwritten notes that the FBI incorrectly
17 characterized what you had read as a fictional --

18 MR. BOYLE: It's a misstatement of
19 what appears in the 302. If we're going to have
20 any more questions what's written in the 302, I
21 move it be admitted in full and I move the entire
22 sentence from which Mr. Weinglass is questioning
23 this witness be read.

24 MR. WEINGLASS: The 302 is a
25 statement by the FBI. We don't have a statement

1 from the witness, unfortunately, but we have the
2 FBI's.

3 THE COURT: Do you want to agree
4 upon making it a full exhibit? I haven't seen it.

5 MR. WEINGLASS: Of course not. The
6 agents are here. They ought to get on the stand
7 and be cross-examined.

8 MR. BOYLE: Both have been on the
9 stand and subjected to cross-examination.

10 MR. WEINGLASS: Not in this area.
11 I'm allowed to question the witness on a document
12 written by the FBI that she reviewed and failed to
13 correct if she has a disagreement with the FBI.

14 THE COURT: If you get into the
15 subject matter of the document, then it may be
16 required to admit it as a full exhibit. You may
17 question her, however, on the item you referred to,
18 which is her own handwriting wherein she makes
19 reference to corrections that she made.

20 If you want to question her on that,
21 you will be at liberty to do so.

22 What corrections did she make, if
23 she knows.

24 MR. BOYLE: The objection has a
25 second component. Mr. Weinglass is going to

1 question the witness about a phrase that appears
2 in someone else's report, the entire sentence in
3 which that phrase is contained ought to be read to
4 the witness.

5 If she's going to be asked why she didn't
6 correct something, she ought to be able to explain
7 it in context.

8 THE COURT: He can show it to her
9 without offering the whole exhibit as far as the
10 particular item, word or phrase. Other than that,
11 we'll rule upon it if it gets beyond that.

12 Proceed.

13 BY MR. WEINGLASS:

14 Q. Ms. Gassin, what were you told of Papo's
15 experience in media prior to reading this
16 manuscript or, as you prefer it, account?

17 THE COURT: Question isn't clear.
18 Will you state it again?

19 BY MR. WEINGLASS:

20 Q. What were you told of Papo's experience
21 in the media -- with media?

22 A. All that I knew was how he presented
23 himself to me when I first met him in May of 1984
24 which was that he was somehow associated with a
25 media company.

1 Q. Did he tell you that he was a producer
2 and co-producer of media productions?

3 A. Yes, it's possible.

4 Q. Pardon?

5 A. I said yes, it's possible.

6 Q. Did he tell you that he had produced,
7 together with another, a film on the antinuclear
8 movement?

9 A. That triggers something in my memory, but
10 I'm not sure.

11 Q. Did he tell you that with another he had
12 produced a film on the noted Puerto Rican poet and
13 philosopher, Correjer.

14 A. Well, I remember the poet.

15 Q. He gave you the book of the poetry as a
16 gift?

17 A. That's right. Now, with the video again,
18 it's possible. I don't remember specifically.

19 Q. Do you remember he told you that he had
20 co-produced a film on a squatter's community in
21 Puerto Rico known as Villa Sin Miedo? Did he tell
22 you about that?

23 A. Again, it's possible. I don't know.

24 Q.. Now, you recalled, with some detail, the
25 first scene of this particular manuscript or

1 account and that was a birthday party for Wanda.
2 Was Wanda's name in the account?

3 A. I don't remember if it was. I don't
4 think it was.

5 Q. Who, again, is Wanda?

6 A. Papo's daughter.

7 Q. His daughter?

8 A. Adopted daughter.

9 Q. Adopted daughter. She's a young woman
10 who was abandoned by two addict parents who he
11 took under his wing and raised; isn't that correct?

12 A. That's right.

13 Q. Now, it opens with someone approaching
14 Ramon, who you told us is Papo.

15 A. He told me.

16 Q. He told you that?

17 A. Yes.

18 Q. In the manuscript this person said he
19 knew someone who wanted to do something or was in
20 a position to do something for the group in Puerto
21 Rico; is that right?

22 A. For the group in Puerto Rico being Ramon's
23 group, yes.

24 Q. You remember that, right?

25 A. That's what I remember, yes.

1 Q. That's the conversation that's in quotes.

2 A. Pardon?

3 Q. That's the conversation that's in quotes?

4 A. I don't know if it's in quotes or if it's
5 just Ramon said this and then this person said
6 that.

7 Q. Now, in your recollection of that opening
8 scene, this person didn't say that he knew someone
9 who needed help to do a robbery, right?

10 A. I've lost you. Who is he now?

11 Q. He being reference to Victor Gerena
12 needed help to do a robbery, that wasn't in the
13 manuscript. It was he being Victor Gerena wanted
14 to do something and was in a position to do
15 something for the group in Puerto Rico and you've
16 testified to that.

17 A. That's what I remember.

18 Q.. Now, scene 2, Ramon goes to meet Victor
19 Gerena. You told us about that.

20 A. Yes.

21 Q.. In Hartford?

22 A. Again, I don't know if it's scene 2.

23 It's what I remember next.

24 Q. And try to remember, as best you can,
25 Ramon went to meet Victor Gerena because he wanted

1 to assure himself that this wasn't a set-up
2 because he didn't know the man.

3 A. I don't know about the word "set-up."
4 All I know, he was going down there to see who
5 this person was and what he did.

6 Q. Yesterday when you were questioned by Mr.
7 Boyle, you slipped in, he went down there to check
8 out the routes.

9 MR. BOYLE: Objection to the term,
10 "slipped in." I asked her a question and she
11 responded correctly.

12 (Whereupon, the pending question was
13 read by the Court Reporter.)

14 BY MR. WEINGLASS:

15 Q. Do you remember what you said about why
16 he went down or up to Hartford yesterday?

17 A. Yes.

18 Q. What did you say? Tell us what you said.
19 What didn't you tell us yesterday?

20 A. As best I remember, what I said yesterday
21 was that he went down to meet with Victor and to
22 find out who he was and what he did and what he
23 could do to help.

24 Q. That's your recollection of your
25 testimony yesterday?

1 A. Yes, as I recall when we talked about
2 routes, it was not about with reference to the
3 manuscript, but a conversation I had with Papo.

4 Q. We'll get that in a moment. And then,
5 scene 3, these scenes weren't numbered, were they
6 or you don't know. Do you know?

7 A. I don't remember -- I don't think there
8 was any annotation to scene 1, scene 2, scene 3.
9 It was just a straightforward account. What
10 you're calling are scenes are the excerpts that I
11 remember.

12 Q. Victor Gerena, your recollection, comes
13 to Puerto Rico?

14 A. He goes with Ramon to Puerto Rico, yes.

15 Q. Now, try to remember the pages that
16 describe Victor Gerena in Puerto Rico. He goes,
17 does he not, to various parts of the island in the
18 screenplay.

19 A. It's not a screenplay, but in the account
20 that I read, he does -- one of the objectives was
21 he would get to know the island, yes. They did
22 take him around the island.

23 Q. In the account/manuscript there are all
24 the descriptions of Luquillo, the urban centers,
25 the rural centers, the historical centers that is

1 in the account Victor Gerena visits, right?

2 A. I'm not sure what you're saying there.

3 You're saying in the account it describes the

4 places that Victor Gerena is taken to.

5 Q. Yes.

6 A. Well, I don't remember specific places,

7 no.

8 Q. You don't remember that.

9 A. I don't remember specific places, no.

10 Q. You don't remember that this description
11 is the device of the screenwriter to introduce the
12 audience, through the media of the movie, to the
13 history and the geographical facts of Puerto Rico?

14 A. Well, as I read it, sir, it was not a
15 device. Again, it wasn't a screenplay. The
16 purpose of the trip was to take him down to the
17 island to have him meet members of the
18 organization and also to have him know what the
19 island was -- is.

20 Q. In your experience, Ms. Gassin, are
21 audiences of movies interested in straightforward
22 accounts or must the movie tell a tale that's
23 larger?

24 MR. BOYLE: Objection, irrelevant.

25 THE COURT: Sustained.

1 BY MR. WEINGLASS:

2 Q. Sixty handwritten pages. About how many
3 pages do you think you remember and how many have
4 you forgotten?

5 A. I can't tell you that.

6 Q. Of 60 handwritten pages, how much is true
7 and how much is fiction?

8 A. There is never any question in my mind of
9 it being fiction. It was an account of incidents
10 that happened. That's the way it was presented to
11 me.

12 Q. By whom?

13 A. By Papo.

14 Q. This man who never told you what the
15 source of funds were for the giveaway, who never
16 made mention of what was the source of the \$35,000 --

17 MR. BOYLE: Objection.

18 BY MR. WEINGLASS:

19 Q. Never told you in words what was in the
20 boxes, who didn't let you look inside the motor
21 home when the boxes were there, who didn't show
22 you the trailer.

23 THE COURT: Is this an argument,
24 counselor, or a question?

25 BY MR. WEINGLASS:

1 Q. Is it the same person --

2 MR. BOYLE: There's three
3 mischaracterizations in that question, your Honor.

4 MR. WEINGLASS: I'll withdraw the
5 question.

6 BY MR. WEINGLASS:

7 Q. So, in your mind, Ms. Gassin, you're not
8 confusing facts with fiction here. You will not
9 allow for the fact that some of this was fiction.
10 It's all true?

11 A. I know what I remember. That's all that
12 I can testify to and I can also testify to the
13 conversation I had with Papo afterwards.

14 Q. On May 11, 1984 where did Papo tell you
15 he was going?

16 A. You're talking about the evening of May
17 11th?

18 Q. Yes.

19 A. He told me he was going to the airport to
20 pick up Luis.

21 Q. And?

22 A. And bring him to Cambridge.

23 Q. Luis alone?

24 A. As I recall, Luis and his wife.

25 Q. He told you that?

1 A. That's what I remember, yes.

2 Q. You find out that was just a fiction,
3 that Luis was not coming in on any airplane with
4 his wife, but, in fact, as this jury has been told
5 by the surveillance agents, Luis was in a Superior
6 motor home and filmed by the FBI in Dorchester,
7 Massachusetts; did you know that?

8 A. No, I didn't know that.

9 Q. The FBI ever show you this series of
10 photographs marked 90, which we have in evidence
11 showing what the FBI considers Luis, Filiberto
12 Ojeda-Rios, in Dorchester in the company of other
13 people in a Superior motor home and not with his
14 wife at the airport?

15 A. This is the photograph that was shown to
16 me yesterday. No.

17 Q.. You were never shown that?

18 A. No.

19 Q. The FBI just accepted your word that on
20 May 11th Luis was at the airport with his wife?

21 MR. BOYLE: Objection to what the
22 FBI accepted. She doesn't know that.

23 THE COURT: Is that entirely clear?
24 She was told that he was going to pick up Luis at
25 the airport and she was told by Papo she said.

1 MR. WEINGLASS: Yes, your Honor.

2 THE WITNESS: Yes.

3 THE COURT: That's consistent. All
4 right.

5 BY MR. WEINGLASS:

6 Q. Does that make you think perhaps that was
7 fiction, the story he told you about picking up
8 Luis and his wife?

9 A. No, it doesn't. I barely knew Papo at
10 that point on May 11, 1984.

11 Q. He stayed with you that night.

12 THE COURT: What was the question?
13 I didn't get it.

14 BY MR. WEINGLASS:

15 Q. He stayed with you that night.

16 A. Yes, that's right.

17 Q. Now, this manuscript or account then went
18 into descriptions of persons in various walks of
19 life who were involved in this robbery of an
20 armored car on the highway.

21 A. People were described, yes.

22 Q. Do you remember any additional
23 descriptions, any of them? Well, first, how many
24 people were described?

25 A. I don't remember at this point.

1 Q. Well, give us a description of one of
2 them.

3 A. I don't remember specific words, sir.

4 Q. Do you remember a power lineman?

5 A. A what?

6 Q. A power lineman who worked in the utility
7 field as a power lineman?

8 A. No.

9 Q. Do you remember a female university
10 student who was taking karate being described?

11 A. No.

12 Q. You don't remember her?

13 A. No.

14 Q. Do you remember a grocery store owner,
15 his own small business?

16 A. No.

17 Q. Do you remember a male hairdresser being
18 described?

19 A. No.

20 Q. A female photographer being described?

21 A. No.

22 Q. These are all Puerto Rican persons?

23 A. Yes.

24 Q. You don't remember any of them being
25 described?

1 THE COURT: It isn't clear to me.
2 Are these people purportedly in the manuscript?

3 MR. WEINGLASS: Yes.

4 BY MR. WEINGLASS:

5 Q. You don't remember one of these
6 descriptions?

7 MR. BOYLE: Objection. That's Mr.
8 Weinglass' representation that these people are in
9 the manuscript. The witness doesn't remember that.

10 BY MR. WEINGLASS:

11 Q. You do recall a number of people being
12 described? Let's get that straight.

13 A. Yes.

14 Q. But you can't remember any of them?

15 A. I can remember some names. I don't
16 remember exact words that we used to describe them.

17 Q. Well, the only names you remember are
18 Gaby?

19 A. Yes.

20 Q. Luis?

21 A. Yes.

22 Q. And Ramon?

23 A. That's right.

24 Q. Those are the only names?

25 A. Yes.

1 Q. But you don't remember any descriptions
2 of people or any other names?

3 A. No, I don't remember.

4 Q. Then do you remember if the manuscript
5 goes on to describe North Americans or Vietnam
6 veteran, someone who was involved in a
7 demonstration; do you remember that?

8 A. A Vietnam vet?

9 Q. Yes.

10 A. No.

11 Q. A 78-year-old woman?

12 A. No.

13 Q. University student, all in the manuscript?

14 A. No, I don't remember those descriptions.

15 Q. Do you remember the projection in the
16 manuscript that this involved a coming together of
17 people from all walks of life in Puerto Rico with
18 people from all walks of life in North America who
19 were working together for the objective of freeing
20 Puerto Rico and beginning self determination; do
21 you remember that?

22 A. I don't remember that there were people
23 from all walks of life. I know there were quite a
24 few people who were presented in the account.

25 Q. Good. Do you remember what any one of

1 them did for their work?

2 A. There's mention of a woman in -- not on
3 the island, a North American woman who's a nurse.

4 Q. That's the only one you remember of all
5 of them; is that right?

6 A. That's correct, yes.

7 Q. Did it catch your attention when you read
8 this screenplay, manuscript or account, that the
9 author was trying to break through stereotypes
10 that are popularly held, such as the construction
11 worker shows up with pink luggage; do you remember
12 that?

13 A. I don't remember that at all, no.

14 Q. And the women are expert in karate; do
15 you remember that?

16 A. No.

17 Q. Would you say that Juan Segarra is a man,
18 as you understood him, who tries to use the device
19 of media to project political messages?

20 THE COURT: Project what?

21 MR. WEINGLASS: Political messages.

22 THE WITNESS: Mr. Weinglass, when I

23 first met, Papo he told me he was somehow

24 associated with media. It was extremely vague and

25 I don't remember hearing about it outside of the

1 fact that this idea of making a video of Victor
2 Gerena.

3 BY MR. WEINGLASS:

4 Q. Did he tell you what the perfect ending
5 would be for his film?

6 A. He told me what the perfect ending would
7 be to the outcome of the incident which was the
8 Wells Fargo robbery.

9 Q. What was the perfect ending?

10 A. Well, he told me that he would be rid of
11 the fact that Victor Gerena's girlfriend was left
12 behind when Victor was taken out of the country.
13 So, he would -- like he told me on several
14 occasions, he would like to have the opportunity
15 to take her to where Victor Gerena was and to
16 reunite them.

17 Q. That would be the perfect ending of the
18 film?

19 A. No, that was told to me as the perfect
20 ending of the Wells Fargo incident. But as you
21 know, there was a plan to turn that into a film.
22 So, we could be talking about the same thing.

23 Q. Did you qualify that because you saw me
24 pick up this FBI 302 report?

25 A. I qualified that to make it clear.

1 Q. When I asked you two minutes ago if he
2 said that would be the perfect ending of the film,
3 you said no and gave an answer. Do you want to
4 have it read back?

5 A. I'm sorry, say that again.

6 MR WEINGLASS: If that could be read
7 back.

8 (Whereupon, the pending question was
9 read by the Court Reporter.)

10 BY MR. WEINGLASS:

11 Q. But as you know, you started to say as
12 you saw me pick up this document which is the FBI's
13 report of your account.

14 MR. BOYLE: Objection, your Honor.
15 May the record reflect that Mr. Weinglass is
16 standing 12 feet away from the witness picking up
17 a document that, obviously, cannot be
18 distinguished by her from that distance?

19 THE COURT: Well, I think it's
20 inconsequential, one way or the other. Proceed
21 with your next question.

22 BY MR. WEINGLASS:

23 Q. Isn't it a fact that you told the FBI
24 that not once, but several times, Segarra had told
25 you that the perfect end to the manuscript was

1 that the two would be reunited?

2 A. Again, I want to repeat that what we're
3 also talking about is the real story. He also, in
4 parallel, told me that Victor Gerena's girlfriend
5 apparently was very depressed and was having a
6 hard time in Hartford and they were concerned
7 about her and there were plans that Papo's wife
8 might go up and see her and I don't know what came
9 of that; but the reality was that Papo was
10 concerned about this person who was in Hartford
11 and he wanted to reunite the two people.

12 Q. Yes. So, it's true, is it not, Ms.
13 Gassin, that in all of your testimony there is a
14 mix here between what you say is the reality and
15 the manuscript?

16 A. There's no mix.

17 Q. You can't separate them in your own mind
18 because you believe the manuscript?

19 A. Again, I know what I read and I know what
20 was told to me by Papo. That's all that I can say.

21 Q. What you read and what was told to you,
22 what you can remember what you read, what you can
23 remember what he told you, is all mixed together?

24 A. No, it's not mixed together.

25 Q. If the manuscript is a fiction, half of

1 what you're saying is untrue?

2 A. No, it's not mixed together. I'm sorry.

3 Q. But you are operating, as always, on the
4 assumption that the account in the manuscript is
5 the truth, not a fiction?

6 MR. BOYLE: Objection to the word,
7 "assumption." She testified that was not an
8 assumption.

9 MR. WEINGLASS: Let's straighten it
10 out.

11 BY MR. WEINGLASS:

12 Q. Is it your assumption that what's in the
13 manuscript is the truth in reality?

14 A. I was told by Papo that the incident that
15 is described is the Wells Fargo robbery.

16 Q. The robbery on the highway by the
17 construction site, right, and you believe that,
18 right?

19 A. Again, I know what I read. I know what
20 he told me. That's all I can tell you.

21 Q. Your assumption is because he told you
22 that, that has to be the truth; is that fair to
23 say?

24 A. All I know is that the incident that is
25 described is that robbery.

1 Q. The truth of the robbery, right? Ms.
2 Gassin, in your professional career as a
3 choreographer, have you ever heard of the
4 phenomena of a fictionalized account of a real
5 episode?

6 A. I don't know what you're asking me. I
7 never choreographed a fictionalized account
8 of the --

9 Q. Have you ever been to a movie which was a
10 fictionalized account of a real episode?

11 A. I've been to movies that talk about
12 people's lives, yes.

13 Q. Have you ever been to a movie that was a
14 fictionalized account of a real episode?

15 MR. BOYLE: Objection. She answered
16 the question.

17 THE COURT: I think she answered as
18 best she could, counselor. The record stands.

19 BY MR. WEINGLASS:

20 Q. Ms. Gassin, is there any part of this
21 manuscript that you don't remember well?

22 A. I just know what I remember. That's all.

23 Q. Would it be fair to say that there's a
24 part of the manuscript that you don't remember as
25 well as other parts?

1 MR. BOYLE: Objection. If she
2 doesn't remember, she can't tell us if she
3 remembers it better or worse than she does any
4 other part.

5 THE COURT: If you could reword it
6 in a different way and get the same result.

7 BY MR. WEINGLASS:

8 Q. Like anything that anyone has read four
9 and a half years ago, there are some parts you
10 remember better than others; is that correct?

11 A. Yes.

12 Q. Is there any part of the manuscript that
13 you don't remember very well?

14 A. I don't know what those parts are. I've
15 just described what I remember as best as I can.

16 THE COURT: It could be a section,
17 it could be a line, it could be a word. It could
18 be anything.

19 BY MR. WEINGLASS:

20 Q. In the present state of your thinking, is
21 there any part of the manuscript that you don't
22 remember well; any scene, any part?

23 A. I suppose there are. I'm just telling
24 you what it is that I remember.

25 Q. Did you tell the Grand Jury under oath in

1 1985, "There's a part here that I don't remember
2 very well."

3 A. Maybe I did. I'd have to see my Grand
4 Jury testimony.

5 Q. Pardon?

6 A. I said maybe I did. I would have to see
7 my Grand Jury testimony.

8 Q. You don't remember it from last week?
9 Pardon?

10 A. No, I don't.

11 Q. So, you don't know today if there is any
12 part you don't remember very well and you don't
13 know if you told the Grand Jury in September 1985
14 if there was a part that you didn't remember well.

15 MR. BOYLE: Objection. That's
16 argumentative.

17 THE COURT: It's argumentative. Why
18 don't you show her the page and see if it
19 refreshes her recollection; the part you're
20 referring to, if there's some part she's omitted
21 or left out, and you can particularize?

22 THE WITNESS: What page are we
23 looking at?

24 BY MR. WEINGLASS:

25 Q. Before we get to that page, isn't it a

1 fact, Ms. Gassin, that the part of the 60 pages
2 that you don't remember very well is the part that
3 deals with the robbery?

4 A. As to exactly what happened, I remember
5 highlights of that scene. That's all.

6 Q. Isn't it a fact that the part you don't
7 remember very well is the part that deals with the
8 Wells Fargo robbery?

9 MR. BOYLE: Objection. She answered
10 the question.

11 MR. WEINGLASS: No, your Honor.

12 MR. BOYLE: She doesn't have to
13 characterize her own testimony. There's no
14 requirement for that.

15 THE COURT: The material is so broad,
16 counselor. It could cover the whole 60 pages.

17 If you want to particularize it down
18 into what she testified to about the baseball
19 players or the particular areas, if that's unclear
20 or whatever part it is, fine; but otherwise, it
21 makes it an unfair question. Proceed.

22 BY MR. WEINGLASS:

23 Q. There's scene 1, a birthday party;
24 there's scene 2 supposed to be a meeting in
25 Hartford with Victor Gerena. There's a scene in

1 in Puerto Rico and there's a scene at the robbery,
2 the Wells Fargo robbery, and it's the Wells Fargo
3 robbery that you don't remember very well; isn't
4 that true?

5 A. No, it's not true. What I meant to say
6 is not that in terms of my memory that I was
7 comparing what I could remember better than
8 another in terms of these scenes that I have in my
9 mind from having read this account. It was not
10 meant to be a comparison factor.

11 What I meant to say was that, again, in
12 terms of the robbery, that there are highlights or
13 specific events or descriptions of characters the
14 way they're dressed that have stuck in my mind.

15 Q.. Didn't you tell the Grand Jury under oath
16 in September 1985, "This is the part I don't
17 remember very well," referring to the robbery?

18 A. I'd have to see what I said, but, again,
19 I described to you why I said what I said.

20 Q. Did you say, "This is the part I don't
21 remember very well," on page 63?

22 MR. BOYLE: I object, your Honor.
23 That's a complete mischaracterization of page 63.
24 If Mr. Weinglass is going to continue this, we
25 should put the document in evidence so everyone

1 can see exactly what was said in September 1985

2 THE COURT: Let's see what develops.
3 I don't have it before me. Let's see what the
4 question is.

5 MR. BOYLE: What Mr. Weinglass is
6 suggesting is a mischaracterization.

7 THE COURT: You can bring it out on
8 cross-examination. If he's in any way unfair to
9 the witness, the jury will evaluate it.

10 Proceed.

11 BY MR. WEINGLASS:

12 Q. Do you recall say, "I remember certain
13 things about the actual robbery and certain
14 details. Somehow this is the part I don't
15 remember very well."

16 A. That Victor induced sleep and that's the
17 part I don't remember very well, if you look at
18 the way it's written.

19 THE COURT: It isn't clear to me now.
20 Read it back again so I can follow you.

21 A. I said "Somehow this is the part that I
22 don't remember very well. Victor was driving
23 ~~either alone or with two other guards and that he --~~
24 I don't know whether he did something to induce
25 sleep in them or drug them or what happened, but

1 he was able to stop the truck somehow."

2 Q. What's the next sentence?

3 MR. BOYLE: Objection.

4 MR. WEINGLASS: She's trying to
5 finish her answer.

6 MR. WEINGLASS: She ought to read
7 the next sentence.

8 MR. BOYLE: She should be allowed to
9 continue.

10 THE COURT: If you want to ask her
11 to read the next sentence, she ought to be
12 completed to finish. Did you complete your
13 statement?

14 THE WITNESS: What I didn't remember
15 very well and what I still don't remember is how
16 he induced sleep in these people.

17 BY MR. WEINGLASS:

18 Q. Did you repeat again, "This is the part I
19 don't remember," for a second time in that
20 paragraph that you did not read to the jury?

21 A. Yes.

22 Q. How does that paragraph begin?

23 A. "I remember certain things about the
24 actual robbery in certain details."

25 Q. The next sentence is?

1 A. "That somehow, this is the part that I
2 don't remember very well, but Victor, I guess, was
3 driving either alone or with two other guards and
4 that he, I don't know whether he did something to
5 induce sleep in them or drug them or what happened,
6 but he was able to stop the truck somehow."

7 Q. Ms. Gassin, since you testified before
8 the Grand Jury -- strike that.

9 You watched news accounts of the robbery,
10 did you not?

11 A. No, I didn't watch a news account of the
12 robbery.

13 Q. On the tape that we heard played
14 yesterday --

15 A. Yes. That was a reference to the ID that
16 was found.

17 Q. Didn't that news account, so that the
18 television viewers would know what was being
19 talked about, give a little introductory statement
20 of who Victor Gerena was and why he was wanted and
21 in connection with what and you watched that?

22 A. Well, it must have. I don't remember
23 that.

24 Q. You've heard other recitations of what
25 has happened?

1 A. No, I have not read anything about what
2 happened.

3 Q. Have you discussed it with the FBI?

4 A. No, I have not.

5 Q. But might it be from watching that news
6 broadcast which we had so clearly on the tape
7 yesterday where you are you saw some news, might
8 that have also confused you about what was in the
9 manuscript so that you don't know if you saw this
10 on TV news --

11 A. No.

12 Q. Or --

13 A. All I saw, sir, on TV was the ID. That's
14 all.

15 Q. The news program just came on and said,
16 Folks, some ID was found." It didn't say who it
17 was and what it was connected to?

18 MR. BOYLE: Objection.

19 Mischaracterization of her testimony when Mr.
20 Weinglass asked it.

21 THE COURT: Restate it, counselor.

22 BY MR. WEINGLASS:

23 Q. You don't remember what was on that news
24 program by way of introductory comment to Victor
25 Gerena?

1 A. I'm not saying that. I'm saying what I
2 remember, which is the program talking about the
3 ID that was found.

4 Q. This manuscript was, to your knowledge,
5 given to someone?

6 A. Yes.

7 Q. To whom?

8 A. Well, there was a plan to give the
9 manuscript to someone in Mexico who was supposed
10 to turn this account, Papo's account, into a
11 screenplay.

12 Q. For a movie?

13 A. Yes. And also it was given -- to Papo
14 told me he had given it to someone who was a
15 friend of his, lived in Cambridge.

16 THE COURT: Lived where?

17 THE WITNESS: In Cambridge.

18 BY MR. WEINGLASS:

19 Q. Is his name Richard Martin?

20 A. Yes.

21 Q. Public relations man?

22 A. I don't know.

23 Q. Not a Machetero?

24 A. No.

25 Q. For distribution to someone to be made

1 into a film?

2 A. I don't know what plans he had
3 specifically with Richard.

4 Q. It wasn't a secret document, was it?

5 A. Well, Papo treated it as if it were a
6 secret document, yes.

7 Q. Did you ever indicate that you slipped
8 this document under the door of Richard Martin's
9 house?

10 A. No. What I said was, there's some
11 confusion in my mind as to what happened there. I
12 know that Papo wanted to give it to Richard. I
13 think at one point he asked me whether I would and,
14 in fact, as I have reflected on this in the past,
15 I don't remember doing that. He had asked me
16 whether I would eventually do that.

17 Q. He asked you to slip this secret document
18 under the door of a publicist, Richard Martin?

19 MR. BOYLE: Objection. That's Mr.
20 Weinglass' characterization of what Mr. Martin is.
21 That's not in evidence.

22 BY MR. WEINGLASS:

23 Q. What does Richard Martin do?

24 A. I don't remember what he does.

25 Q. You don't remember that?

1 A. All I know is in the past he was
2 associated with journalism, but I don't remember
3 what he does at this point, no.

4 Q. Did you remember what he did back in
5 September after you made your deal with the
6 Government and told the FBI what he did?

7 A. Well, I think you can leave out the
8 characterization, after I made the deal with the
9 Government.

10 Q. Does that characterization offend you?

11 A. Well, it doesn't seem to me it has a lot
12 to do with the question asked. I'll answer your
13 question though, which is I think in September of
14 1985 that I had a clear recollection of what
15 Richard did for a living, yes.

16 Q. You've forgotten?

17 A. Yes. Outside that he had been associated
18 with journalism, yes.

19 Q. Didn't you tell the FBI that you had the
20 impression he had valuable contacts in the field
21 of marketing? Showing the witness page 6 of her
22 interview with the FBI of September 16, 1985.

23 A. Yes, I said that.

24 Q. You did?

25 A. Yes.

1 Q. That refreshes your recollection. When
2 was the last time you read this 302?

3 A. Well, I'm sorry, I'm going to go back. A
4 person who has valuable connections in marketing,
5 that's a very vague statement. I can't tell you
6 from that what he does. You asked me do I know
7 what he does. At this point in time, I don't know
8 specifically who he works for and what he does.

9 Q. And you told the FBI that those valuable
10 contacts could be used by Segarra in relation to
11 the manuscript to market it, right?

12 A. Well, the plan was to turn this account
13 into a film, yes, as I said before.

14 Q. Do you know if the plan to give the
15 secret document to a marketing person with good --

16 MR. BOYLE: Mr. Weinglass wants
17 them, question. We'll bring them. This is not
18 the one.

19 MR. WEINGLASS: I think we'll get
20 one and I await that opportunity.

21 MR. BOYLE: Probably will.

22 BY MR. WEINGLASS:

23 Q. The witness has indicated that it was her
24 belief that the document was somehow secret and my
25 question is, does a clandestine organization give

1 a secret document to a marketing person who has
2 good marketing contacts so that the document could
3 be marketed?

4 MR. BOYLE: Objection. Unless Mr.
5 Weinglass can qualify any person who has marketed
6 documents from a clandestine operations, I don't
7 think this witness could answer that.

8 BY MR. WEINGLASS:

9 Q. When you were told this was a secret
10 document, that was your impression, did you take
11 into account that the document was given to
12 Richard Martin because he had contacts in
13 marketing so that the document could be marketed?

14 A. I would leave out, "So the document could
15 be marketed." The purpose was, as I said before,
16 to turn this account into a motion picture and
17 Richard was somehow associated with that.

18 MR. WEINGLASS: Your Honor, may I
19 see the Court at sidebar?

20 (At sidebar:)

21 THE COURT: All right, counselor.

22 MR. WEINGLASS: Your Honor, I would
23 ask the Court if I could dispense with further
24 questioning today. I am somewhat exhausted and I
25 don't have the transcript at my fingertips which

1 I'll need for my next area because of problems
2 with the transcript.

3 We're moving along, but I really do need
4 to look at the transcript before I can do an
5 adequate cross-examination of the next area.

6 THE COURT: How much longer do you
7 think your cross-examination will take? I'm
8 trying to get an estimate.

9 MR. WEINGLASS: Probably about an
10 hour and a half to two hours more.

11 THE COURT: Who else is going to
12 examine this witness besides you?

13 MR. WEINGLASS: Ms. Backiel.
14 Probably Mr. Acevedo and Mr. Bergenn, but all
15 three will be much less time consuming than mine.

16 THE COURT: Are we going to finish
17 Tuesday with this witness?

18 MR. WEINGLASS: I imagine so. I
19 couldn't imagine not.

20 THE COURT: Do you have any
21 suggestions?

22 MR. BOYLE: I saw Mr. Acevedo nod
23 his head that we would finish on Tuesday. If we
24 could get a representation from Ms. Backiel.

25 THE COURT: We'll try to get this

1 transcript for you, according to the Clerk, the
2 second day, by Monday, sometime Monday, so you
3 would have it in preparation for Tuesday.

4 THE REPORTER: It will be ready
5 tomorrow.

6 THE COURT: Well, that's better than
7 I anticipated. Very good.

8 MR. WEINGLASS: We'll have no delay
9 on Tuesday.

10 MR. BOYLE: Can I ask a
11 representation from Ms. Backiel if she feels we'll
12 conclude on Tuesday?

13 THE COURT: How long do you think
14 you'll take, Ms. Backiel? How long will your
15 redirect take?

16 MR. BOYLE: Based on what's happened
17 today, not very much, but I don't know what will
18 happen on Tuesday.

19 MR. WEINGLASS: Quite on attribute.

20 MR. DABROWSKI: To the witness.

21 THE COURT: Next is the people from
22 Pennsylvania?

23 MR. BOYLE: Yes.

24 MR. DABROWSKI: Part of our reason
25 for making the inquiry is to determine whether to

1 bring up witnesses from Pennsylvania. If we're
2 going to be concluding at the end of Tuesday, it
3 would seem that would be necessary.

4 MR. BERGENN: Mine is going to be
5 very brief because he's touching almost everything.

6 MR. DABROWSKI: I think we should go
7 to 4:30 and get as much time behind us as we can
8 and --

9 MR. WEINGLASS: This is unbelievable.

10 THE COURT: Wait a minute. This is
11 foolish. In other words, you finished a session
12 of your interrogation, is that it?

13 MR. WEINGLASS: I finish on the
14 manuscript.

15 THE COURT: You need the copy to
16 complete --

17 MR. WEINGLASS: Because it goes into
18 the money.

19 THE COURT: There's no point in
20 having him, he could stay on and question until
21 4:30. I can think of a hundred questions myself I
22 could ask to keep busy for 10 minutes, but I've
23 always found if an attorney tries in good faith to
24 make a representation and not waste time, take
25 advantage of it even though you may disagree with

1 some aspects.

2 MR. DABROWSKI: I withdraw and, in
3 fact, I apologize to Mr. Weinglass and the Court.
4 My remarks were precipitated by what I considered
5 to be an inappropriate comment by Mr. Acevedo.

6 THE COURT: I trust you to work out
7 your differences.

8 MR. ACEVEDO: What did I say? I
9 want that on the record.

10 MR. DABROWSKI: You know it.

11 MR. ACEVEDO: I don't know what you
12 mean.

13 (End of sidebar.)

14 THE COURT: Without going into the
15 details of our conversation at sidebar, I will
16 simply say the next phase of the questioning
17 involves another documentary material and it will
18 be better to start fresh on Tuesday morning with
19 that. We think that we'll make better progress by
20 adjourning today 10 minutes short of our magic
21 hour of 4:30.

22 I trust the jury won't object too
23 strongly. So, I'll simply remind you, ladies and
24 gentlemen, again not to discuss this case outside
25 of court, not to read about it or permit anyone

1 else to read to you about it or listen to any
2 radio or television broadcast pertaining to this
3 trial, if there is any, so that when you return on
4 Tuesday morning, we'll be able to proceed with new
5 vigor toward conclusion.

6 We look forward to seeing you in all
7 good health at that time. Thank you, ladies and
8 gentlemen.

9 (Whereupon, the jury was excused.)

10 THE COURT: Thank you, Ms. Gassin.
11 The witness is excused.

12 (Witness excused.)

13 (Pause.)

14 THE COURT: I want to call to the
15 attention of counsel before we leave, so there
16 will be no misunderstanding between now and
17 Tuesday. I can see where an issue might arise
18 about Government counsel speaking with the witness
19 who is still on the stand.

20 However, if she's going to be picked up
21 on redirect thereafter, it might be necessary for
22 them to discuss new material or redirect material,
23 but not that which she's already testified to.

24 Can you agree upon that?

25 MR. WEINGLASS: Your Honor, I'm

1 afraid this is a fact witness, of course, and a
2 very critical one.

3 MR. BOYLE: Your Honor, I have no
4 intention of talking to Ms. Gassin about anything
5 relating to the substance of her testimony on
6 direct, cross or any potential redirect. Any
7 redirect will be done from conversations I've
8 already had with her.

9 THE COURT: So, the problem will not
10 arise.

11 MR. WEINGLASS: I assume Mr. Boyle
12 is speaking for the United States Government as an
13 entity, which would include the FBI agents,
14 marshals, et cetera.

15 MR. BOYLE: She will have contact
16 with FBI agents --

17 THE COURT: I understand.

18 MR. BOYLE: There will be no
19 questioning.

20 THE COURT: I didn't want the
21 question to arise later on.

22 MR. WEINGLASS: Thank you. I
23 appreciate the Court's consideration.

24 THE COURT: Anything else at this
25 time?

1 MR. DABROWSKI: No, your Honor.

2 THE COURT: All right. Adjourn
3 court, Mr. Bailiff.

4 (Whereupon, court adjourned at 4:22
5 o'clock p.m.)
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