

FILED FOR RECORD
'63 JUN 10 AM 11:05
CLERK CIRCUIT COURT
DADE CO. FLA.

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND
FOR DADE COUNTY. IN CHANCERY

NO. 63C 6312

EMELINA RUISANCHEZ VARONA,
Plaintiff,

RAY PEARSON,

-vs-

BILL OF COMPLAINT FOR DIVORCE

MANUEL ANTONIO de VARONA,
Defendant.

Wfo-1750

The Plaintiff, EMELINA RUISANCHEZ VARONA, by
her undersigned attorney, NESTOR MORALES, exhibits this, her
Bill of Complaint for Divorce, against the Defendant, MANUEL
ANTONIO de VARONA, and complaining, says:

I

That the Plaintiff is a bona fide resident of the
County of Dade and State of Florida, and has been such a resident
of said County and State for a period of more than six months
next preceding the filing of this Bill of Complaint; that the
Defendant is also a resident of Dade County, Florida; that both
the Plaintiff and the Defendant are over the age of twenty-one
years.

II

That the Plaintiff and the Defendant were lawfully
married in Havana, Cuba, on December 21, 1947, and thenceforth
lived and cohabited together as husband and wife, until February
1963; there were two children born of the marriage, to wit, a
girl, Ivette, 14-1/2 years of age, and Yvonne Marie, a girl,
six months of age.

III

From the inception of the marriage, the Defendant
displayed a bad disposition and bad temper to the Plaintiff; he
continually found fault with her; he wounded and mistreated her
with his words; the Defendant neglected the Plaintiff; he would

and has the means to pay a reasonable sum for attorney's fees and a reasonable sum for her maintenance during these proceedings, and also as permanent alimony after the final decree. He also has the financial means to provide for the minor children.

IX

Throughout the married life of the parties, the Plaintiff has been a devoted wife, and has done everything within her power to make the marriage a success.

W H E R E F O R E, the premises considered, the Plaintiff charges the Defendant with:

Extreme Cruelty by Defendant to Complainant.

FORASMUCH, THEREFORE, as Plaintiff is without remedy in the premises, save and except in a court of equity, the Plaintiff prays:

A. That the Defendant, MANUEL ANTONIO de VARONA, be required to make full, true and direct answer to this, the Plaintiff's Bill of Complaint.

B. That the bonds of matrimony now and heretofore existing between the Plaintiff and the Defendant may be dissolved a vinculo matrimonii.

C. That the care, custody and control of the minor children of the parties be awarded to the Plaintiff, subject to the right of the Defendant to visit with said minor children at all reasonable times and places.

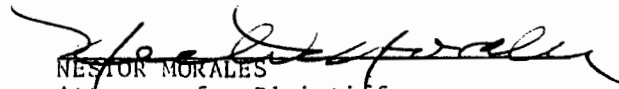
D. That the Defendant be required to contribute to the Plaintiff such sums of money as this Honorable Court may deem meet and reasonable for the care, custody and support of the minor children of the parties, during the pendency of these proceedings and thereafter.

E. That the Defendant be required to pay such sums of money as this Honorable Court may deem meet and reasonable for the support of the Plaintiff during the pendency of these

proceedings and after the entry of the Final Decree of Divorce herein, as permanent alimony.

F. That the Defendant be required to pay unto the Plaintiff whatever this Honorable Court may deem meet and reasonable as attorney's fees for her attorney, during the pendency of these proceedings, and also as permanent attorney's fees.


Emelina Ruisanchez Varona
Plaintiff


NESTOR MORALES
Attorney for Plaintiff
458 Pan American Bank Bldg.
Miami 32, Florida.

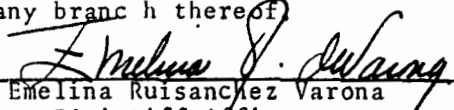
STATE OF FLORIDA)
) ss.:
COUNTY OF DADE)


BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared EMELINA RUISANCHEZ VARONA, who, being by me first duly sworn, deposes and says, as follows:

1. That she is the Plaintiff in the above and foregoing Bill of Complaint for Divorce; that the allegations therein contained are true.

2. That the Defendant is not in the Military Service of the United States, or any branch thereof.

SWORN TO AND
SUBSCRIBED BEFORE
ME THIS 10 day
of June, 1963.


Emelina Ruisanchez Varona
Plaintiff-Affiant


Notary Public, State of Florida at Large

My Commission Expires:

My Public Notary Commission Expires Oct. 24, 1965.
Issued by American Surety Co. of N. Y.

63C 6312

'63 JUN 14 PM 2:16

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR DADE COUNTY.

E. B. LEATHERMAN
THE STATE OF FLORIDA COURT
DADE CO. FLA.

TO THE DEFENDANT(S):

MANUEL ANTONIO de VARONA

1700 Biscayne Blvd.

Miami, Florida.

You are hereby notified that a suit has been brought against you in the Circuit Court for
Dade County, Florida, in Chancery, by

EMELINA RUISANCHEZ VARONA

You are hereby summoned and required to serve upon:

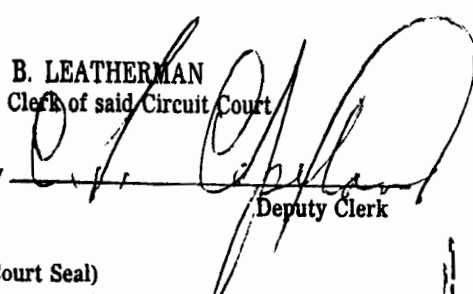
NESTOR MORALES
458 Pan American Bank Bldg.
Plaintiff's Attorney, whose address is: Miami 32, Florida
(Franklin 1- 8616)

and file with the Clerk of said Court, either before service or immediately thereafter, an answer to
the Bill of Complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, Decree Pro Confesso will
be entered against you for the relief demanded in the Bill of Complaint.

WITNESS my hand and seal of said Court at Miami, Dade County, Florida this
day of May, 1963

JUN 10 1963

E. B. LEATHERMAN
as Clerk of said Circuit Court

By 
Deputy Clerk

(Court Seal)


NESTOR MORALES

Plaintiff's Attorney

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Case No. 63C 6312

WITNESS SUBPOENA — CIVIL

STATE OF FLORIDA, }
COUNTY OF DADE. } SS.

E. B. LEATHERMAN In the Name of the State of Florida
COURT
DADE CO. FLA.

To All and Singular the Sheriffs of the State of Florida:

You are hereby requested to summon DIRIA ROSA SHELTON de SOLIS

632 Mendoza

Coral Gables, Florida

Personally to be and appear before the Honorable RAY PEARSON one of the
Judges of our Circuit Court of the Eleventh Judicial Circuit of the State of Florida, at the Courthouse in Miami
on the 21st day of August A. D. 1963, at Two o'clock P. M.
to testify in behalf of the Plaintiff in a certain suit pending in said Court,
wherein EMELINA RUISANCHEZ VARONA is Plaintiff
and MANUEL ANTONIO de VARONA is Defendant

and herein fail not under penalty of law.

WITNESS, the Honorable Judges of the Circuit Court of the Eleventh
Judicial Circuit of Florida in and for Dade County, Florida, as
also E. B. Leatherman, Clerk of said Court, and the Seal thereof,
at the Courthouse in Miami, Florida.

this day of August, 1963. AUG 19 1963

E. B. LEATHERMAN, Clerk of the Circuit Court

by [Signature], Deputy Clerk

(Court Seal)

[Signature]
Nestor Morales

Attorney
TELEPHONE NUMBER FR 1-8616

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IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR DADE
COUNTY, FLORIDA IN CHANCERY

EMELINA RUIZ SANCHEZ
VARONA,
Plaintiff,
-vs-
MANUEL ANTONIO de
VARONA,
Defendant.

NO. 63C 6312 (Pearson)

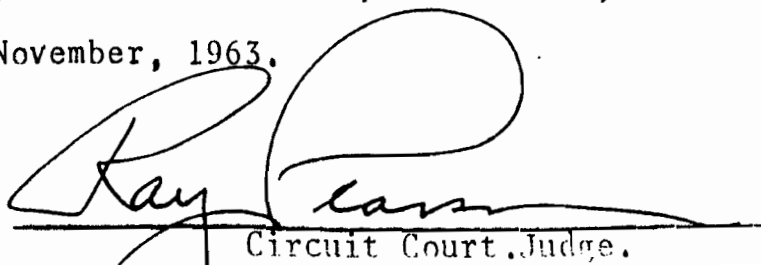
RULE TO SHOW CAUSE

TO: THE DEFENDANT,
MANUEL ANTONIO DE VARONA,
c/o Consejo Revolucionario Cubano
276 Northeast 25th Street
Miami, Florida

SWORN PETITION having been filed herein by the Plaintiff
alleging that you have failed to pay the alimony, support money and
attorney's fees required by the Final Decree of this Court entered on
August 28, 1963, and that you are in contempt of this Court; it is
hereby

ORDERED, ADJUDGED AND DECREED that you appear before
this Court on the 13th day of January, 1964, at the hour of 9:45 o'clock,
A.M., for the purpose of determining whether or not you are in contempt
of this Court in failing to comply with its aforesaid Order.

DONE AND ORDERED in Chambers, at the Dade County Courthouse,
Miami, Florida, this 8th day of November, 1963.


Circuit Court Judge.

Filed this 28 day of Aug. A.D. 1963
 recorded this 29 day of Aug. 1963
 in Chancery Order Book 17048 on Page 161
 E. B. LEATHERMAN,
 Clerk Circuit Court
 By [Signature] d.c.

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'63 AUG 28 PM 2:21
 IN THE CIRCUIT COURT OF THE ELEVENTH
 JUDICIAL CIRCUIT OF FLORIDA, IN AND
 FOR DADE COUNTY, IN CHANCERY
 CLERK CIRCUIT COURT
 NO. 63-120 (Pearson) 63-6312

✓
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 6/09
 EMELINA RUISANCHEZ VARONA,

Plaintiff,

-VS-

MANUEL ANTONIO de
 VARONA,

Defendant.

✓
FINAL DECREE OF DIVORCE

THIS CAUSE came on to be heard before me, for Final Hearing, upon the Bill of Complaint of the Plaintiff, and the Answer of the Defendant; the parties and their witnesses appeared before the Court with their respective attorneys; the testimony was taken before the Court;

B From the evidence presented before me, and from an examination of the file in this cause, the Court finds:

A. That the Plaintiff is a bona fide resident of Dade County, Florida, and has been such a resident for the prescribed statutory period.

B. That the parties have two children of the marriage, to wit, Ivette, a girl, 14-1/2 years of age, and Yvonne Marie, a girl, six months of age, who are in the custody of the Plaintiff.

C. That the Plaintiff charged the Defendant with Extreme Cruelty, which grounds for divorce have been substantially proven.

D. That the Plaintiff prayed for (a) divorce a vinculo matrimonii; (b) that the care, custody and control of the minor children of the parties be awarded to her; (c) that the plaintiff be awarded alimony and support money for the minor children; (d) That the plaintiff be awarded attorney's fees, and that the costs of these proceedings be assessed against the Defendant.

The Court further finds that the Defendant was an outstanding political figure in Cuba prior to the year 1959;

that he occupied positions of the highest importance in Cuba and he accustomed his family to live on a very elaborate scale. The family had servants, furs, jewelry and other related luxuries.

During the year 1960 the Defendant brought his family to the United States seeking refuge from the tyrannical political situation in Cuba. After coming to the United States the Defendant maintained his wife and family on a very high standard of living; he placed his older child in a very expensive school; he travelled with his wife on an elaborate scale; he contributed hundreds of dollars monthly to his wife for the household expenses; it was only after marital difficulties arose between the parties that the Defendant informed the Plaintiff that he could not maintain her according to their accustomed standard; he now seeks to reduce the amount which he wishes to contribute to his wife for her support and for the support of their children to \$200.00 per month; he alleges that he is not earning a livelihood and that he cannot devote his time and attention to earn a livelihood for himself and family because his time and attention is dedicated to freeing Cuba.

The Court is highly in sympathy with the Defendant's dedication; the dedication of the Defendant to liberty and freedom of Cuba is consistent and compatible with the principles of democracy of the United States; the Court finds it most commendable that the Defendant be so dedicated. However, it is the considered opinion of the Court that the Defendant's primary obligation is to the support and maintenance of his wife and children, and that he must and should dedicate himself to such business activities as will permit him to earn a livelihood for himself and his family in keeping with his unusual business abilities. The Defendant has testified that he developed a most successful insurance business in Cuba and undoubtedly if he devoted his talents to business, he could succeed now, as well as in the past.

The Defendant is directed to devote himself and dedicate his efforts to the support and maintenance of his family, and the Court reserves jurisdiction for the purpose of determining

within the next six (6) months on proper hearing after notice to the parties, whether the Defendant has complied with this direction and is dedicating himself to maintaining his wife and family rather than to political activities.

IT IS, THEREFORE, HEREBY:

ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the bonds of matrimony heretofore existing between the Plaintiff, EMELINA RUISANCHEZ VARONA, and the Defendant, MANUEL ANTONIO de VARONA, be, and they are hereby dissolved and set aside and each is hereby freed from the obligations thereof, and the Plaintiff and the Defendant be, and they are hereby divorced, each from the other, a vinculo matrimonii.

2. That the Plaintiff is a fit and proper person to have the care, custody and control of the said minor children, and they are awarded to her care, subject to the right of the Defendant to visit with said minor children at all reasonable times and places.

3. The Defendant is hereby directed to contribute to the Plaintiff, as permanent alimony, and as support money for the minor children of the parties, the sum of Three Hundred (\$300.00) Dollars per month, beginning as of this date, and continuing until further order of the Court. This is subject to change and adjustment in keeping with the additional earning power expected of the Defendant when he dedicates his efforts to the support of the wife and children, as hereinabove directed.

4. The Defendant is hereby further directed to pay the sum of Seven Hundred Fifty (\$750.00) Dollars to NESTOR MORALES, Plaintiff's attorney, as permanent attorney's fees for his services rendered in this cause. The said sum of Seven Hundred Fifty (\$750.00) Dollars will include any sums heretofore paid by the Defendant to said Plaintiff's attorney.

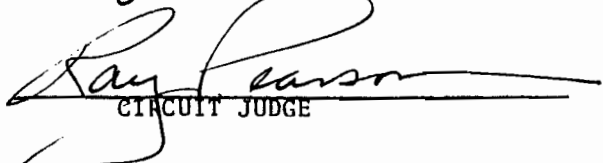
5. The costs of these proceedings are hereby taxed against the Defendant, in the following amounts:

E. B. Leatherman, Filing Fee -----	\$ 17.50
Sheriff, Dade County, Service Fee -----	3.50
For Colman & Colman, Inc., court reporter -----	15.00
To Adriana Jackson, Interpreter -----	<u>25.00</u>
TOTAL-----	\$ 61.00

for which judgment is hereby entered against the Defendant,
and for which let execution issue.

6. The Court expressly reserves jurisdiction of the parties and of the subject matter for the purpose of entering such further orders and decrees as it may deem meet and proper in regard to alimony for the plaintiff and support money for the children.

DONE AND ORDERED in Chambers, at the Dade County Courthouse, Miami, Florida, this 28th day of August, 1963.


CIRCUIT JUDGE

1
2 IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
3 IN AND FOR DADE COUNTY, FLORIDA. IN CHANCERY.
4 NO. 63C 6312
5

6 EMELINA RUISANCHEZ VARONA,)
7 Plaintiff,)
8 -vs-)
9 MANUEL ANTONIO de VARONA,)
10 Defendant.)
11 -----)
12

13 Transcript of proceedings had and testimony taken
14 in the above-entitled matter before the Hon. Ray Pearson, Circuit
15 Judge, in chambers, Dade County Courthouse, Miami, Florida, on
16 Wednesday, August 21, 1963, commencing at 2:00 p. m.

17
18 APPEARANCES:

19 MR. NESTOR MORALES, 458
20 Pan American Bank Building,
21 Miami, Florida, on behalf
22 of the Plaintiff.

23 MR. RALPH H. AGUILERA, 701
24 Ainsley Building, Miami,
25 Florida, on behalf of the
26 Defendant.

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CLERK OF COURT
DADE CO. FLA.

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I N D E X

Witnesses	Direct	Cross	Redirect	Recross
JACKSON, ADRIANNA	3	16	18	-
MERINO, OGDURIA	6	16	-	-
VARONA, EMELINA KUISANCHEZ	19	45	-	-
SOLIS, DYIRA SHELTON	56	57	-	-
VARONA, MANUEL ANTONIO de	58	70	82	82

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2 THE COURT: Note in the record that both of the
3 parties are before the Court, that they are here represented by
4 their attorneys of record, Mr. Nestor Morales, representing the
5 plaintiff, and Ralph Aguilera, representing the defendant.

6 That we are here on proper notice for final hear-
7 ing.

8 Is there any matter to come to my attention before
9 we swear the witnesses in and proceed?

10 MR. MORALES: No, I have nothing.

11 MR. AGUILERA: No, except that I would like to in-
12 voke the rule as the witnesses are sworn.

13 THE COURT: Do we have any witnesses that cannot
14 speak English?

15 MR. AGUILERA: All of them.

16 MR. MORALES: The young lady in black does not
17 speak English.

18 THE COURT: Do we have anyone who is going to in-
19 terpret?

20 MR. MORALES: Yes, sir.

21 THE COURT: Give me your name for the record.

22 THE INTERPRETER: Adrianna Jackson.

23 THE COURT: Do you know Miss Jackson or do you
24 have any questions?

25 MR. AGUILERA: We will accept her.
26

THEREUPON:

ADRIANNA JACKSON

interpreter herein, was sworn to translate the questions from English into Spanish and the answers from Spanish into English to the best of her ability.

THE COURT: I will tell you what the rule is, and I will ask the interpreter to repeat it to all the witnesses who do not understand.

The Court is invoking the rule at the request of one of the counsel, which means that under the rule the witnesses who are not direct parties to the suit are asked to remain outside of the presence of the immediate hearing before the Court until they are called in to testify. Under the rule witnesses are not to discuss the case or talk about their testimony in the matter either before they come in and testify or after they have testified and go back outside or at any time while the trial is proceeding.

I recall that you were here before me on July 18 of 1963, a little over a month ago, and I believe at that time we heard enough so that we can adopt certain matters that were determined for the record at this stage in the interest of saving time. I gather there is no issue, and we heard testimony that these people were married to each other in Havana, Cuba, on or about December 21 of 1947, is that correct?

MR. MORALES: That is correct.

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2 MR. AGUILERA: That is correct.

3 THE COURT: And there was born as issue of this
4 marriage two children, one Ivette who is 14½ and one Yvonne
5 Marie who was then six months, is that correct?

6 MR. AGUILERA: That is correct.

7 THE COURT: These people, I gather the testimony
8 was, have lived in Florida for quite some time. They are both
9 Cuban citizens, and they have lived here together now for several
10 years, is that right, in Miami, Florida?

11 MR. AGUILERA: Yes, sir.

12 MR. MORALES: Yes, sir.

13 THE COURT: Is there any question of their resi-
14 dence here?

15 MR. AGUILERA: No question of residence, your
16 Honor.

17 MR. MORALES: No, sir.

18 THE COURT: I remember I heard testimony on that,
19 and I do not believe there will be any problem. I believe I can
20 adopt those matters for the purpose of the record and for saving
21 time. The plaintiff-wife is seeking a divorce from the defend-
22 ant-husband.

23 Are you seeking any affirmative relief?

24 MR. AGUILERA: Your Honor, the only issue here, we
25 are not contesting the grounds of the divorce. I believe these
26 parties should be divorced in view of the past conduct and past

1
2 upheavals they have had. The only question here is how much in
3 dollars and cents and the only question is as to the custody. My
4 client wants more than just reasonable rights of visitation.

5 THE COURT: Your client is not, I gather by the
6 answer, seeking the absolute custody of the children?

7 MR. AGUILERA: No, sir, we admit she is a proper
8 person to have custody and they should be with her.

9 THE COURT: The main questions we have are the
10 degree and the amount of visitation and the financial matters?

11 MR. AGUILERA: Yes, sir, Saturdays and Sundays and
12 holidays and summer vacation times divided between --

13 THE COURT: I think this should help us in sim-
14 plifying the issues. If I gather correctly, Mr. Aguilera, speak-
15 ing for his client, is not particularly contesting the grounds
16 on which you can proceed. Of course, you have to prove up the
17 basic case but we have the problem of the finances and any prob-
18 lems that may result as to his request as to more than reasonable
19 visitation rights. I do not know what "more than" is because I
20 do not know what reasonable is, but we can get into that when we
21 proceed. I gather he is not contesting the custody of the chil-
22 dren with the mother.

23 MR. MORALES: That is what I understand.

24 THE COURT: Do these parties own any real property
25 that is within my jurisdiction?

26 MR. MORALES: Not to my knowledge. They do not

1
2 have any real estate.

3 THE COURT: Mrs. Varona is seeking a divorce, the
4 custody of the two children and support and alimony?

5 MR. MORALES: That is correct.

6 THE COURT: And the counsel fees for her attorney.
7 Any other matters that are not covered?

8 MR. MORALES: No, that is all.

9 THE COURT: All right, I would like to note if
10 either of you have no objection, that we will adopt these matters
11 that I have more or less clarified in the record and then pro-
12 ceed on basically with the problem in the interest of hearing
13 these witnesses. We have quite a few to be heard, and we will be
14 a little slower because of the problem of interpretation probably,
15 so we can get right on with the problems before us, and I will
16 permit you to proceed first.

17 THEREUPON:

18 OGDURIA MERINO

19 called as a witness on behalf of the plaintiff, having been first
20 duly sworn, was examined and testified through the interpreter as
21 follows:

22 DIRECT EXAMINATION

23 Q (By Mr. Morales) Will you state your name and
24 your address?

25 A Ogduria Merino, 27 Northeast 27th Street, Miami.

26 Q Are you employed with the Varonas?

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A Yes.

Q How long have you been employed by them?

A Eight years.

Q Did you witness an incident about one year or two years after you began working with them in which Mr. Varona tore off the clothes of Mrs. Varona?

A Yes.

Q Will you tell the Court that incident?

A It was a Saturday in the afternoon. She wanted to go out, and it seems what she wanted to do he wasn't agreeing to. It was a Saturday afternoon, and it seems that she wanted to go out, and she suggested that to him. He wasn't in agreement with it, and then there was a big argument between the two, and it terminated with him grabbing her clothing like this and ripping it (indicating).

Q What words did he use?

A They were very course and vulgar.

Q Like what? Please specify.

A You are a viper. He used very strong words including -- apart from the other words which were used, many times I heard him call her a streetwalker.

Q How do you say that in Spanish? What is the word you use?

MR. AGUILERA: Your Honor, I am going to object. I think it has been conveyed already, the impression or in English

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2 the word has been very well translated, and it carries the sig-
3 nificance. I do not see any need in going into the exact word
4 in Spanish.

5 MR. MORALES: I believe we are well justified in
6 bringing it out. It goes to the character of the individual and
7 the ignominy to which she has been subjected. We have all heard
8 the word before and we can hear it again.

9 MR. AGUILERA: I am not contesting the grounds.

10 MR. MORALES: I am very much interested in de-
11 scribing this gentleman's character to the Court. I believe it
12 is going to be vital to the credibility of the witness. I think
13 the gentleman's character is going to have a great deal of weight
14 as to whether the Judge is going to believe him later on when
15 he gets on to describe his financial circumstances.

16 I have a right to establish the gentleman's con-
17 duct to the Court.

18 MR. AGUILERA: I do not believe it has any bearing
19 as to the credibility of the witness. Whether or not he calls
20 a person a name --

21 THE COURT: I will reserve ruling on the objection
22 and permit you to go ahead. I do not think in any instance
23 credibility may be a matter to my concern in determining the
24 problems of the people financially. Certainly I do not think
25 any of us interpret any of the financial matters to be punishment
26 or matters of that regard as to conduct, so, reserving on it,

solely on the question of credibility, I will permit you to go ahead with it briefly.

Q (By Mr. Morales) What was the word that he called her?

A Well, whore.

Q Did you overhear an incident in which Mrs. Varona was screaming?

A Yes, that was quite recent. It was recently after I began to work for them. It was exactly five days after I had commenced to work for them.

They had fallen out with one another previous to that, but I was not a witness to that. I noticed that he did not come to lunch. He didn't come to dinner. It was on a Sunday, and he came after lunch time, and she was asleep in her room. He knocked on the door a great deal, and she said -- answered, "Let me alone, let me alone, don't bother me," and then it would appear that because he kept on knocking so hard, she decided to open the door.

She opened the door, and he took her towards the back and then he had thrown her on the floor with her hair this way. He was knocking her head against the floor.

Q How long did that last?

A I think it would be more or less an average of some 15 minutes or so that she was screaming, "Ay, ay." Her companion came to help her.

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Q Did you witness another occasion in which Mr. Varona beat his wife?

A When she was seven months pregnant.

Q That is with her second child, the youngest child?

A The second child.

Q What happened?

A She was talking on the phone. I don't know whether he was bothered or annoyed by what she was saying on the phone. He came up from the terrace and he hit her here (indicating) and knocked her down to the floor.

Q At that time she was pregnant seven months, is that correct?

A Yes, seven months.

Q Do you know whether or not she was injured or the child was injured by her being knocked to the floor?

A According to what the doctor said, the foetus had turned around.

MR. AGUILERA: I object. It is hearsay.

THE COURT: I will strike what the doctor said.

Q (By Mr. Morales) Was Mrs. Varona in pain?

A Yes, and the doctor was trying to make her well.

MR. AGUILERA: I am sure that the Court will agree that the testimony of this witness is sufficient corroboration for any divorce action. So, for the sake of brevity and the sake of time, I would say she should be excused at this time. I am

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not going to interpose any defense.

MR. MORALES: I have a right to present my case. This is the first time in my life that I heard counsel objecting to a lawyer presenting a case because there is too much evidence in already.

THE COURT: I will overrule the objection. Go ahead.

Q (By Mr. Morales) What did she say? I did not get the answer. Counsel was objecting, and you were speaking at the same time. The question was, was Mrs. Varona in pain?

A Yes, she was, and the doctor was trying to get her well, was treating her.

Q How frequently have you seen Mr. Varona or Dr. Varona and his wife quarrel?

A Very frequently.

Q Will you state the manner in which Dr. Varona expressed himself?

A He was always in an angry mood. Lately it's been that his own child has heard those words.

Q What are these words that he says in the presence of his child?

MR. AGUILERA: I am going to object to this in this sense. I understand there are two children. One is nine months old and certainly a nine-month-old child cannot understand that. Will you please explain that?

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2 Q (By Mr. Morales) You testified that he said cer-
3 tain words in the presence of the child. To which child do you
4 refer or do you refer to both of them?

5 A To the oldest.

6 Q And how old is she?

7 A She is 14 $\frac{1}{2}$ years old.

8 Q What are these words that the doctor uses in her
9 presence?

10 A The thing that he says to his own wife, she is
11 a viper, she is selfish, she is bad, and the word that I men-
12 tioned here just a short time ago, I heard him say that a lot of
13 times.

14 Q Does he call his wife that in the presence of his
15 daughter?

16 A Yes.

17 Q How frequently does he do this?

18 A I have heard him several times.

19 Q What are the doctor's habits as far as living in
20 the house is concerned? Does he spend much time in the house?

21 A He traveled a lot.

22 Q How often is he out of the city?

23 A Sometimes 15 days or more.

24 Q Does he do that once a month more or less?

25 A Very frequently.

26 Q On the occasions when Dr. Varona is at home, what

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2 is his custom? What hours does he spend at home?

3 A Very little in the house because he used to go out
4 at 7:30 in the morning. Then he wouldn't come back until some
5 time around 10:00 or 10:30. Sometimes he didn't even come back
6 until the next day at 5:00 o'clock in the morning.

7 Q Was this habitual?

8 A Yes.

9 Q Did he have any social life at all with his wife?

10 A Very little.

11 Q Did he ever take her out?

12 A Sometimes, very few.

13 Q In your opinion is he a fit and proper person
14 during these fits of temper to be in the company of his daughter?

15 A No.

16 MR. AGUILERA: I object. It calls for a conclusion
17 on the part of the witness.

18 THE COURT: I will overrule that. Any adult per-
19 son can have an opinion. I will determine its weight.

20 Q (By Mr. Morales) Did you observe the effect of
21 Dr. Varona's conduct upon his children?

22 A Yes, of course.

23 Q During these quarrels did it make them nervous?

24 A Yes, they cried a lot.

25 MR. AGUILERA: I am going to object. I do not
26 think this is material.

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2 MR. MORALES: He is asking for more than reasonable
3 rights to have the child in his custody. I have the right to show
4 he is not a fit and proper person.

5 MR. AGUILERA: That does not necessarily follow
6 that he is going to behave toward his children in the same manner
7 as when his wife was present. His wife is a bone of contention.
8 The question is whether he was personally angry with the children,
9 with the children themselves, and not with the wife. That is
10 immaterial.

11 THE COURT: I will overrule the objection. Go
12 ahead. Try to move it along.

13 Q (By Mr. Morales) Did you ever observe the children
14 become nervous in the doctor's presence?

15 A Yes.

16 Q Will you state the incident and how it happened?

17 A You mean about the children becoming nervous and
18 crying? Well, that was the same day that he struck her on the
19 side of the face.

20 Q Have you observed any altercations or any arguments
21 between him and the children directly?

22 A Yes, lately.

23 Q Will you state an incident?

24 A I can say this: I do not know if it would be
25 exactly an argument. He went to see the girl at the house, and
26 he was talking to the girl, and it would appear that she wasn't

1
2 in accord with the things he was saying, and I saw that she went
3 into her room in tears, and I was trying to calm her down and
4 make her tranquil.

5 Q This was something between the doctor and his
6 daughter alone? Mrs. Varona had nothing to do with it, is that
7 correct?

8 A Yes.

9 Q And how often have you seen altercations of that
10 kind between the doctor and his daughter?

11 MR. AGUILERA: I am going to object. That is not
12 -- there is nothing in evidence that there was an altercation.
13 She stated that she did not even know that it was an argument or
14 what. That was her testimony. Now you mention any other alter-
15 cation, but there has been no altercation mentioned before.

16 THE COURT: Rephrase the last question to the
17 witness.

18 MR. MORALES: I will withdraw the question.

19 Q (By Mr. Morales) Have you had the opportunity to
20 observe the effect of the conduct of Dr. Varona on his wife and
21 on his family?

22 A Yes, of course.

23 Q And what have you observed? Were they made nervous?

24 A Everybody was nervous.

25 Q On what do you base that statement? Tell the
26 Court, please. You said nervous. You said they were all nervous.

1 The question is, on what do you base that? What did you see that
2 indicated it?

3 A Because of the same misunderstandings and argu-
4 ments.

5 THE COURT: There is a medical doctor here to see
6 me a moment about a personal matter. I am going to recess. We
7 are going to recess about five or seven minutes.

8 (Thereupon, a brief recess was had.)

9 MR. MORALES: I am through with this witness,
10 your Honor.

11 THE COURT: Any questions?

12 MR. AGUILERA: Yes, I am going to ask her a ques-
13 tion.

14 CROSS EXAMINATION

15 Q (By Mr. Aguilera) Mrs. Merino, I believe you
16 stated that on a certain occasion that he either hit or did some-
17 thing with the telephone to Mrs. Varona, that Mr. Varona either
18 hit her or did something with the telephone to her, is that
19 correct?

20 A That is what I told about just a little while ago.

21 Q Were you present when she was talking on the
22 phone? Did you hear what she was talking about?

23 A Yes.

24 Q Is it not a fact that the reason that that took
25 place was because she was talking to a friend of hers and saying
26 some awful things about Mr. Varona?

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2 A I don't remember what she was talking about. I
3 just remember that she was talking on the phone.

4 Q But you do remember exactly what the words were
5 that Mr. Varona said to her, don't you?

6 A I just know that she was talking on the telephone.

7 Q Is it not a fact that at that time when he was
8 telling her to stop talking like that she took the stool on
9 which she was sitting and was going to hit him with it?

10 A She fell, and then she got a hold of the chair,
11 and she put it in front of her as a kind of a protection.

12 Q Is it not a fact that you said, "Madam, Madam,
13 what are you doing?" when she took the stool to him?

14 A The only thing I said to Mrs. Varona when I saw
15 she fell to the floor and got up again was, "Madam, do you want
16 some water?"

17 Q Mrs. Merino, were you drawing refugee checks?

18 A Yes.

19 Q But you were working with Mr. Varona?

20 A Yes.

21 Q Were you receiving a salary with Dr. Varona?

22 A No.

23 Q You mean to tell me that you worked for Dr.
24 Varona for nothing? He paid you nothing?

25 A No, because I lived in his house, so he furnished
26 me with my necessities.

Q Do you know that it is a fraud to ask for a
refugee check and still be working?

A Yes.

MR. AGUILERA: We asked that to test the capability of the witness. If she is capable of doing that, she is capable of lying.

No further questions.

THE COURT: Any further questions of the witness?

REDIRECT EXAMINATION

Q (By Mr. Morales) Did Dr. Varona know you were
drawing refugee checks at the time?

MR. AGUILERA: I object to that. It is immaterial.
There is no duty on Dr. Varona to bring her in --

MR. MORALES: I think it is very material.

THE COURT: I will overrule it and permit her to
answer the question briefly. Go ahead.

THE WITNESS: Yes.

Q (By Mr. Morales) Did he ever tell you that you
should not receive these checks?

A No.

Q Did he ever tell you that you were violating any
law or receiving those checks illegally?

A No.

Q Did Dr. Varona take you down to get the refugee
checks?

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A No, no, he didn't have anything to do with that.

Q How did you know about the refugee provisions?

It was not the doctor that told you?

A The same refugee center.

MR. MORALES: That is all. I will put Mrs. Varona
on now.

THE COURT: All right, sir.

THEREUPON:

EMELINA RUISANCHEZ VARONA

called as a witness in her own behalf, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Morales) Mrs. Varona, will you state your
name and address?

A My name is Emelina Ruisanchez Varona.

Q What is your address?

A 925 Mariana, Coral Gables.

Q How long have you resided in Dade County, Florida?

A Four years.

Q You are a resident here?

A Yes, I am a resident.

Q Is it your intention to continue residing in
Florida?

A Yes, sir.

Q Mrs. Varona, are you living with your husband at

1
2 this time?

3 A No, sir.

4 Q When and where did you separate? In Miami?

5 A Yes, sir.

6 Q When?

7 A The last day of February.

8 Q After your husband left did he leave you his
9 address?

10 A No, sir.

11 Q Did he conceal his address from you at this time?

12 A No, sir.

13 Q Does he conceal it? Do you know what conceal
14 means?

15 A Oh, yes, I don't know where he is living.

16 Q Have you discussed his address as to his where-
17 abouts with him?

18 A Yes, I have asked him several times that in case
19 something happened to the girls, not only the big one but the
20 little one, the small child, I wanted his telephone number to
21 call him if it was during the night -- and he told me he didn't
22 have to tell me his phone number or address. Neither I nor the
23 big girl knows his address, and I tried to find out and his
24 friends tell me I don't have to know where he lives.

25 Q Did you tell him there was an emergency?

26 A I told him several times, my baby used to sleep

1 very badly, and I used to put her with me in my own bed, and I
2 told him that the baby fall from the bed. She didn't get hurt
3 at that moment, but maybe another time it is going to occur some-
4 thing else, and I told him, "I don't know where to find you that
5 time of night," and he tell me, "Don't worry, I will know, I will
6 know."

7 Q He did not express concern as to what might happen
8 if his children were hurt in some emergency?

9 A I suppose so because he wouldn't give me the tele-
10 phone number.

11 Q Has your husband beaten you during the time that
12 you have been married?

13 A Yes, sir.

14 Q When was the first time that he struck you?

15 A The first time, it was about one year we had been
16 married, and he was Prime Minister, and we went to a party in a
17 club, a country club, and we went to a big party of 25 or 30
18 people, and we went there to wait for the New Year's Eve. He
19 was absent from the table for a long while, and then I begin
20 asking, "Where is Tony?" and somebody told me he is at the bar, and
21 I went to the bar looking for him, and he was talking with a lady
22 and a gentleman. He introduced me to the lady and the gentleman.
23 I know that that lady was not a real lady.

24 So, the only thing I said is, "How do you do," in
25 very good manners, and nothing, and then he was a little drunk,
26 and he pushed me here in my shoulder and threw me to the floor

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2 before everybody's eyes, and when he pushed me, he said, "You
3 must shake hands with this lady."

4 People stood up and began to say, "Oh, Tony, don't
5 do this," and others said, "He is drunk," and so forth.

6 That was the first time I remember.

7 Q After that did he strike you again? When was the
8 next time?

9 A On another occasion it was my daughter's baptism,
10 and we have a party at home to celebrate that occasion. He was
11 still Prime Minister, and it was not only our guests, but well-
12 known people in Cuba, the President and the First Lady. Suddenly
13 a lady came to the house that wasn't invited, and that I knew it
14 was a mistress of a friend of him who was at home, too. She
15 began to behave not very well, and I asked him to please tell
16 that lady to go out of the house, but he says, "To my house come
17 everyone who please me, and this is my friend's friend, and
18 she is here and that is all."

19 I don't want to get into an argument because I
20 know he gets into a temper very easily, and he doesn't know how
21 to control himself, and I wait until the party was over, and I
22 know people was gossiping about the behavior of the lady because
23 she wasn't a lady at all. When the party was over, then I call
24 him and I said, "Tony, we have to discuss this. I want you to
25 know that my friends are going to be your friends' wives, not
26 your friends' mistresses," and then he was a little drunk, too,

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2 on that occasion, and he beating me in such a condition that at
3 that time the nurse, my daughter's nurse say, "Dr. Varona, if you
4 continue this, I am going to call the police."

5 The next day we went to a farm, and I have to stay
6 there 15 days under the care of my husband alone because he
7 doesn't dare to call any doctor the way I look. All my face,
8 every part -- he kick me, every part in my body, I was purple.
9 He must remember that very well. The only person that take care
10 of me on the farm was him himself. He doesn't dare to call a
11 doctor because he was so ashamed at the time.

12 Q When was the next time that he beat you?

13 A I remember now. It was another occasion because
14 he loses his temper very easily, but on another occasion, that
15 time was in the Batista regime, and he told me he was always out
16 of home, that he was in the underground movement.

17 One afternoon I came back from my daughter's
18 dressmaker. We went there to pick up a dress, and suddenly my
19 chauffeur told me, "Look, Madam, Dr. Varona is over there in that
20 car."

21 When I looked, I saw Dr. Varona with a lady. She
22 was close to him, and he embraced her with one hand, and I was
23 astonished, and when I went out of the car, the lady told him,
24 "Look, your wife is there."

25 He was so surprised, and then threw the window he
26 push me again. I fall on the floor, but I suppose by that time

the light was green, and he ran away.

When I went home I took my child and went to my mother's house supposing that we were going to divorce, but mother begin to say, "Don't do that at this time and wait," and so forth, and after a week or so he asked me to have the child with her to spend the afternoon with the child. I gave her the child and asked him, "Tony, tell me what time you are going to bring the child home," because always I have been very, very careful with my children.

He knows very well.

Then he told me, "I am going to bring you in the afternoon, maybe 5:00 or 4:00 or less."

Comes 5:00, 6:00, 7:00, 8:00, 10:00 at night, and he doesn't bring the girl.

So, I call him on the telephone and said, "Tony, when are you going to bring the baby home?" and he said, "I don't intend to bring the girl back again. You have to come for her if you want to have her."

I take the car and come to my house, and when I get there he was -- one of his sisters was there taking care of the girl, and she has her embraced, and I took the girl out of my sister-in-law and embraced very, very close and he began beating me with the girl in my arms again, but in a moment the door was open, and I ran away.

When I get in the street he doesn't dare follow me

1
2 any more.

3 Q How did he beat you? With his closed fist or
4 opened hand, or how?

5 A He has beat me in any form possible.

6 Q When was the next time that he beat you?

7 MR. AGUILERA: Your Honor, I do not think that
8 there is any real purpose in this.

9 MR. MORALES: This gives you the character of the
10 individual. He wants to see the child, Judge.

11 THE WITNESS: The last time I remember was this
12 one --

13 Q (By Mr. Morales) I said the next time.

14 A It was so many times, we are not going through all
15 of them.

16 Q Very well. How often did he beat you then on an
17 average?

18 A On an average I can't -- he loses his temper very
19 easily, and he used to do that.

20 MR. AGUILERA: So, he is a wife beater. I will
21 concede that.

22 Is he a child beater?

23 MR. MORALES: I do not think a wife beater should
24 have the custody of the child.

25 THE COURT: I will request that the lawyers try
26 not to comment to each other but direct your comments to the

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2 Court.

3 Q (By Mr. Morales) Very well. When was the next
4 time that he beat you?

5 A When I was pregnant. I was talking to my very
6 close friend, and I feel so sad at that time because I knew he
7 doesn't want the new baby, and I was telling this to a very close
8 friend of mine, that I was very sad because I knew it was not the
9 right time for that baby.

10 I said, "It would be better if I died the moment
11 I am going to give birth to the child," and that is what he heard
12 and come to me and beat me again, and he said I must not say
13 that to anyone, that I didn't want to have the baby, and my
14 bigger girl heard that and come in to me and said, "I know my
15 father doesn't want the little baby to come."

16 MR. AGUILERA: I object to that, your Honor.

17 THE COURT: I will sustain it unless it was in the
18 presence of Dr. Varona.

19 Q (By Mr. Morales) Did Dr. Varona quarrel with you
20 in addition to these incidents in which he beat you? Did he
21 quarrel with you?

22 A Yes.

23 Q How frequently did he quarrel with you on the
24 average?

25 A I think the few moments he has spent at home he
26 feels uncomfortable, and he quarrels.

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Q What type of language does he use?

A Well, you have heard before.

Q Does he call you the words that the witness said?

A Yes, sir.

Q Has he called you that word in the presence of other people?

A Yes, sir.

Q Well, explain to the Court when and how it happened and how often.

A Whenever we would quarrel he says all those things, that I am this and I am that and so forth.

Q Has he used those words in the presence of your children?

A Yes, the big one. The little one doesn't understand.

Q What effect does this have on the child?

A I think the worst.

Q What did you observe that makes you say that?

A Well, I have seen my child crying and explaining to me that her father will be like all her friends' fathers, and when he heard about the divorce --

MR. AGUILERA: I am going to object to what she said.

MR. MORALES: You are not permitted to testify as to what somebody else said.

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THE WITNESS: I beg your pardon.

MR. MORALES: Do you understand me?

THE WITNESS: No.

Q (By Mr. Morales) You are not permitted to testify as to what somebody else said unless the doctor was present. You cannot testify as to what your daughter said unless the doctor was present.

A I am sorry.

Q Did you observe the effect that these quarrels had on your daughter?

A Yes, sir.

Q What effect did they have upon her? You cannot say what the daughter said. All you can say is what you observed.

A Repeat the question again.

Q What effect did these quarrels have on your daughter? What did you see?

A Well, that she is not completely just like the other girls. I know she is anxious to have a home like the other ones.

Q She is nervous, is that what you mean?

A Yes.

Q Did you ever see her crying after some incident of this kind?

A Yes indeed. In fact, may I say something else about that?

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2 Q You cannot say what the girl said. You can say
3 what you saw.

4 A Well, on Father's Day I told her to call her
5 father. She bought the postcard, and I bought a gift for him
6 in the children's name, and so she wanted to call him, but we
7 don't know the telephone number, and about lunch time he came
8 home, and then the girl was very anxious to give the postcard
9 and the little present, and I told her, "Now we have two children,
10 so let the small one hold the present because he is going to like
11 that," and they both -- the little one went to the father to
12 give the present, and then he said, "Why don't you call me home?"
13 The girl said, "Because, Father, I don't know your telephone
14 number."

15 He said, "You must call me through my mother's.
16 You know perfectly well my mother could give me the message."

17 "But, Father, your mother wasn't there. Anyway
18 mother said maybe you was coming home and we give you the pre-
19 sent."

20 Then she get very sad, very, very sad. He spent
21 all day at home with us, Dr. Varona. We had been separated, but
22 he spent all day, Father's Day, at home. We had many visitors
23 that day, and the girl was very sad. In the afternoon about 5:00,
24 I said, "Let's take a picture to have in the album, and you are
25 coming to take the picture with your father," and she said, "I am
26 not going to take a picture with my father."

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2 have to know what happened to their children."

3 At last she opened the door and said, --

4 THE COURT: You cannot say what she said.

5 THE WITNESS: I am sorry. I know she doesn't
6 want to get out with her father, and he began making some ques-
7 tions to her. I don't know what that it make her so bad and
8 feeling so bad that she returned home in that condition. I told
9 her, "Don't pay attention too much. You know he loses his temper
10 very easily, and relax, relax."

11 That is what happened on Father's Day. I remember
12 that.

13 Q (By Mr. Morales) In your opinion is he a fit and
14 proper person to have the children out with him?

15 A No, sir.

16 Q On what do you base that statement?

17 A Well, in what we have been talking here, I don't
18 think it is a good example for her.

19 Q Does he use that language that we have discussed
20 here habitually in the presence of the children, too?

21 A Yes, sir, one of the reasons I discuss with him,
22 I was going to take a divorce is at the beginning when I have
23 this little child, if he doesn't change his mind for anything in
24 the world, I was going to let this little child that is born now
25 to pass the same thing that the biggest one -- because I know
26 that the biggest one is spoiled inside on account of that

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2 situation.

3 Q For the last two or three years that you have
4 lived together, has he ever made any social life with you at all?

5 A Very few.

6 Q What are his habits as to going out of the house
7 and coming back?

8 A He is always out of the house.

9 Q What do you mean by that?

10 A He gets out about 7:30 or 8:30, and he comes back
11 some nights to take a little snack at 8:00 or 8:30 and goes out
12 again and he is out, and the earliest time he comes back is
13 12:00, 1:00, 2:00, 3:00.

14 Q Did he ever show any interest in the children and
15 take them out for amusement such as to the park or anything like
16 that?

17 A No.

18 Q He never took the children out any place for amuse-
19 ment at all?

20 A Once in a while.

21 Q About how often once in a while?

22 A Let us say once or twice a year.

23 Q Did he ever spend any time with the children?

24 A No, I have been begging him for 15 years that we
25 have been married, "Make a stop, take a vacation with us. It
26 doesn't matter if it is a week or a month or 15 days, but you

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have to share not only I but the children, too, you have to know how they think, how they act." She is -- well, I can't talk about her.

Q That is right, but you can talk about your conversation with Dr. Varona about the children.

What did he say when you said he should spend time with the children?

A He doesn't have time for that.

Q Mrs. Varona, on what standard of living would your husband provide you or provide for you before you came to Miami in 1959?

MR. AGUILERA: Your Honor, I am going to object to what standard of living they had in Cuba. What is material here is what standard of living they are used to here under these conditions?

MR. MORALES: I will tie them in together.

THE COURT: I will reserve on it recognizing what the law is and without determining a problem on it now.

Q (By Mr. Morales) What standard?

A A high standard of living.

Q What did you have and how did you live?

A Well, I have a very big house, servants, money, jewelry, everything that a high standard of living is.

Q What position did your husband occupy?

A He was Cuban Prime Minister. He was President of

1
2 the Cuban Senate. He was Senator eight years.

3 Q Was he always a money-maker?

4 A Yes, sir.

5 Q Did he have an insurance business, too?

6 A Yes, sir.

7 Q Did he always have the ability to make money?

8 A Yes, sir.

9 Q In a business sense would you say he is a very
10 competent, intelligent man?

11 A I think so.

12 Q He has always been successful in a business way?

13 A Yes.

14 Q First, when did you come to Miami from Cuba, what
15 date?

16 A I don't remember the exact date, but it was four
17 years ago.

18 Q 1959?

19 A Yes, I think it was in August.

20 Q What standard of living did he provide for you
21 here in this country?

22 A At that time?

23 Q Yes.

24 A A very good standard, too.

25 Q What do you mean by that?

26 A That I have a very good house, I have a servant,

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2 I have a car of my own, he has his own car. Well, the things
3 that money can buy.

4 Q That was in 1959 right after the Cuban Revolution?

5 A Yes, we arrived here, and I rented a house for
6 \$250 a month, so he has a good standard of living.

7 Q At that time he was an exile here?

8 A Yes, sir.

9 Q Were your children in school?

10 A Yes, she was at the time in the Sacred Heart
11 Academy in Albany, New York, which costs around \$4,000 per year,
12 the teachers and the uniforms and the trips and so forth.

13 Q The expenses of the child at school were about
14 \$4,000 a year?

15 A Yes.

16 Q What year was that?

17 A Well, I think it was -- no, next year we arrive
18 here, she entered the Sacred Heart Academy.

19 Q Did you travel around with him?

20 A Yes.

21 Q That was after you were in exile?

22 A Yes.

23 Q What kind of traveling did you do with him?

24 A We went to several places, New York, Chicago,
25 Puerto Rico.

26 Q At what hotels would he stop?

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A Well, in a good hotel.

Q And was he free with his money? Did he spend
freely and take you to the best restaurants and things of that
kind?

A Yes, sir.

Q How about clothing and jewelry? Did he still have
his jewelry?

A Yes, sir.

Q What kind of jewelry did he have? That is his
jewelry.

A Oh, his watches and his cuff links and rings.

Q He still has that jewelry?

A Yes, sir.

Q In regard to airplanes, would you go first-class?

A Yes, sir.

Q You traveled the best?

A Yes.

Q Over what period of time did that go on? How long
did he do that, over what period of time?

A Now?

Q No, when did this begin?

A I beg your pardon. I don't quite understand. Yes,
the first year that we arrived here and maybe part of the second
year.

Q And after that what did he do? Did he stop taking

1
2 you around?

3 A Yes, sir.

4 Q Did he continue his old, same way of living?

5 A Yes, sir.

6 Q After that he continued traveling around first-
7 class right on?

8 A Yes, sir, yes, sir.

9 Q Stopping at good hotels?

10 A Yes, sir.

11 Q Was there any change at all in his standard of
12 living?

13 A No.

14 Q Does he live on the same high plane today that
15 he did then?

16 A Yes, sir.

17 Q What travel does he do now?

18 A He has continued traveling to South America here
19 in the United States from one place to another.

20 Q During this time that he was traveling around with
21 you and that he was traveling around, did he ever pay any income
22 tax?

23 A No, sir.

24 Q Did you discuss that with him, paying income
25 taxes, why he didn't pay income taxes?

26 A Yes, one time I remember I asked him why do we

1
2 have to pay income tax here, and he said that he worked for a
3 government agency or something like that, and it was secret and
4 private, and he doesn't have to declare anything.

5 Q So, he was not paying income taxes during all this
6 time?

7 A Not that I know of.

8 Q Did he conceal his assets? Do you know what the
9 word "conceal" means? Did he hide his assets?

10 A Well, I have never known what he has.

11 Q Has he been buying property in the name of his
12 family?

13 MR. AGUILERA: Your Honor, before we go into con-
14 cealing income taxes and concealing assets, it is common knowledge
15 that you only pay income tax on income and not on assets, and if
16 you can show that he had income from assets or salary, then you
17 can talk about income taxes.

18 MR. MORALES: I am on another question altogether.
19 I am not talking about concealing income. I am talking about
20 whether he made it a habit of concealing his assets.

21 THE COURT: The answer to the last question was
22 that she did not know anything about his assets.

23 Q (By Mr. Morales) Did he buy property in his
24 family's name?

25 A Yes, sir.

26 Q What property?

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2 A A house for his mother and bought under his
3 mother's name, and he usually makes business under his family's
4 name.

5 Q Do you have a receipt there with you where he made
6 a thousand-dollar deposit on some house?

7 A Yes, there is another one that he bought a house
8 in Hialeah for his mother. It is not under his name either.

9 MR. MORALES: I will offer this in evidence as
10 Plaintiff's Exhibit No. 1.

11 Q (By Mr. Morales) Did you ever discuss with him
12 why he bought these properties in other people's names and not
13 his own name?

14 A Yes, but he said for the same purpose because he
15 was a politician.

16 MR. AGUILERA: I am going to object to this one
17 because it is a receipt for Mr. Abel de Varona, Sr. This is his
18 brother. That does not refer to the defendant.

19 Q (By Mr. Morales) Where did you find this receipt?

20 A In his papers.

21 Q Amongst his papers?

22 A Yes, sir.

23 MR. MORALES: I believe that is sufficient evidence
24 to show he has been concealing assets.

25 THE COURT: Subject to your further consideration
26 without determining the question at this time, I will receive it

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2 to the \$500?

3 A Yes, sir, he give me the \$500 for the expenses
4 of the house, the house rent, the telephone, the water service,
5 food and so forth, and he pay extra the school bills, the
6 doctors, insurance and my car gasoline and insurance of the car
7 and other things.

8 Q In addition to the \$500 that you have said, how
9 much did these other things average that you have explained,
10 these other expenses?

11 A I cannot exactly know the average.

12 Q But a minimum of what approximately, \$100 or \$200
13 a month or what?

14 A Well, no, more.

15 Q Give us an approximation. The Judge wants to
16 know approximately how much this was.

17 A I would say \$300. I am not sure.

18 Q So, he was giving you \$500 for the household
19 expenses and \$300 for other additional expenses?

20 When did he first reduce this money that he was
21 giving you?

22 A When we got separated.

23 Q What happened after you and he separated in this
24 respect? Did he stop right away? We are talking about the
25 money, right?

26 A Yes.

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2 Q He was giving you \$800 approximately, is that
3 right?

4 A Yes.

5 Q What happened after the separation?

6 A After that he began to put \$500 and \$400 until we
7 came to the Court.

8 Q You mean after the separation he was still deposit-
9 ing \$500?

10 A Yes, sir.

11 Q And then it was only after this divorce suit was
12 filed that he reduced the money, is that correct?

13 A That is right, that is right.

14 Q So, he was giving you \$500 then up until the time
15 of the divorce action?

16 A Yes, sir.

17 Q In addition to the other miscellaneous expenses
18 that averaged \$300 a month?

19 A Yes, sir.

20 Q Since the divorce action was filed, what has he
21 given you?

22 A Now?

23 Q Yes, after the divorce action.

24 A \$200.

25 Q He was required to give you \$300 by the Judge's
26 order which was entered on July 19, 1963. Has he complied with

1
2 the Court's order?

3 A No, after the Judge told him to pay the \$300 the
4 first day of February, he deposited \$150, then days passed and
5 I asked him to put the rest of the money in because I have debts
6 and I have made checks out for the \$300 a month, and he told me,
7 "Well, I am going to give you a little bit more, and on the 1st
8 of August, I said, "Tony, I know that someone is going to present
9 the checks in the bank, and I don't have enough for paying," and
10 he said, "Well, I am going to put you this \$50 and nothing else."

11 Q Specifically now since July 19, the date of the
12 Court order, how much has he given you?

13 A \$200, \$150 the 1st of August and \$50 the 12th of
14 August.

15 Q Did you discuss with him why he was not complying
16 with the Court's order?

17 A Yes.

18 Q What did he say?

19 A Well, he said that in Cuba nobody makes him to do
20 what he doesn't want and here in the United States that an
21 American judge wasn't going to tell him what to do with his money,
22 and when to do it, and that he is going to pay me what he wants
23 and when he wants.

24 Q Has he just returned from a trip to Nicaragua?

25 A Yes, sir.

26 Q How long was he gone?

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2 A He was gone twice in the same month, twice to
3 Nicaragua.

4 Q The same month of what? July or August?

5 A Yes.

6 Q He was gone twice the same month of July?

7 A Yes.

8 Q Didn't he just return from Nicaragua?

9 A Yes, sir.

10 Q That is in August?

11 A Yes, sir.

12 Q Mrs. Varona, I have here a schedule of the expenses
13 which we had at the preliminary hearing. Do you require these
14 funds for your support and the support of your child?

15 A Yes, sir.

16 MR. MORALES: Your Honor, I had this list here
17 rather than go through it again. Mr. Aguilera, I gave you a
18 copy of it at the time.

19 MR. AGUILERA: Well, I am not going to object as
20 to what her needs are, however, I am not going to state that
21 these things are necessary.

22 THE COURT: In the interest of time, we would
23 receive it only as to what she would testify to as to her needs,
24 and I will mark it as Plaintiff's Exhibit No. 2 noting that it is
25 a self-serving statement, but merely in the interest of saving
26 time.

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2 MR. MORALES: Just let her look at it to see if
3 there is a mistake on it about the garbage item.

4 Evidently that is correct. I have no further
5 questions, your Honor.

6 CROSS EXAMINATION

7 Q (By Mr. Aguilera) Mrs. Varona, you stated that
8 Mr. Varona did not take you out. However, you did state that he
9 was very free with his money and stopped in good restaurants and
10 hotels. You were present with him, is that correct?

11 A I beg your pardon?

12 Q You testified here that he did not take you out,
13 but you did state that Mr. Varona stopped at good restaurants and
14 hotels. How did you know that?

15 A Because he has told me where he has lived, in good
16 hotels.

17 Q He has told you? He never was there with you?

18 A I beg your pardon?

19 Q He never was there with you? He never took you
20 out?

21 A No, in the last years, no.

22 Q You also testified that he is now living in the
23 same style to which he was accustomed, whatever that is. How do
24 you know that?

25 A Because I know that he is traveling continuously.
26 He takes lunch outside with people.

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Q How do you know that?

A Because people comment.

Q People comment?

A Yes.

Q You do not know it of your own knowledge?

A Do you know that I don't need to know of my own knowledge because when Dr. Varona leaves the country, all the radio stations tell it.

Q You do not know who pays for it?

A I suppose he has to pay for it.

Q In other words what you know about his standard of living is what you hear people say, not of your own knowledge?

A If he paid before, why he is not going to pay now, because before I know he paid.

Q That is exactly what we are trying to find out here. Let me ask you some questions as to finances.

First of all, before we go into finances, how about the children, the custody of the children? You say he is not a fit father because he speaks these words in front of the children.

A That is correct.

Q Did he ever strike the children?

A No.

Q He never struck the children?

A No.

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Q Do you know how he acts toward the children when you are not present?

A Well, judging by Father's Day, I have enough.

Q Judging by Father's Day, but you were present that day, is that correct?

A No.

Q You were not present? You testified here --

A When the child came back from the dinner I wasn't present there. I was present when she came home but not during the dinner.

Q Well, how did you know how he treated her.

A Because she told me.

Q But I objected to that. That is not in evidence. In other words, you are relying here on hearsay testimony about how he treats the child and about his finances, is that correct?

MR. MORALES: I object to his arguing with the witness, and furthermore, Counsel, I am afraid you are misquoting the testimony. She said when the girl came home she was extremely agitated and nervous and locked herself --

THE COURT: I will sustain the objection.

Q (By Mr. Aguilera) You also stated on Father's Day your daughter got sentimental and cried because he reprimanded her for not calling him?

A Not so sweet as you are telling now.

Q She is a sensitive child, is that correct?

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A She is a normal person.

Q She is a normal person? Isn't that the attitude of a normal person, of normal children when any child is reprimanded, sometimes they go out and cry?

MR. MORALES: I object to arguing with the witness.

THE COURT: I will sustain the objection as to the last question. I will take judicial knowledge of the conduct of children.

Q (By Mr. Aguilera) Talking about standards of living, of course, he was a prime minister in Cuba and the President of the Cuban Senate, but this is in exile, is it not, and you have not reconciled yourself to that fact, that things are not the same here, is that correct; that he is not making what he used to make?

A Well, in exile he has been President of the Cuban Revolutionary Front all the time and now he is President of the Cuban Council.

Q But you do not know what he is making there, do you?

A I have never known what he is making anywhere.

Q You have never known?

A No.

Q But nevertheless you are making here assertions that he is making so much, but you do not know how much he makes. You state now you do not know how much he makes?

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A Yes.

Q How much money were you able to get out of Cuba when you came here, do you know?

A A few -- not too much. I don't remember exactly. I know I bring some money, but I don't know how much.

Q Do you think about \$14,000 is correct?

A No, no, it was maybe \$2,000, something like that.

Q Is that all you brought from Cuba?

A Yes, maybe less.

Q Well, for your information, if you do not know what it was, that it was about \$14,000, that is what he brought from Cuba.

MR. MORALES: Are you saying Dr. Varona or this lady?

THE WITNESS: Oh, he?

Q (By Mr. Aguilera) I said both of you.

A I don't know what he brought at the time.

Q When I said you, I meant both of you.

A I brought my own money.

Q You brought \$2,000?

A Around \$2,000.

Q Now, you have stated that he was giving you \$500 a month, is that correct, for household expenses?

A Yes.

Q Up to July, is that not correct?

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A Yes, sir.

Q Or up to June.

MR. MORALES: She did not specify the month. She said until after the divorce. If we can look at when the Bill of Complaint was filed, we can fix the date. I do not think it is fair of Counsel to confuse the witness here.

Q (By Mr. Aguilera) Do you know that after time Mr. Varona was getting \$350 as a salary or drawing or whatever you call it from the Cuban Revolutionary Council and that amount was -- when the Council broke up with Kennedy, then Kennedy withdrew that, and he was not getting that \$350 any more. Do you remember that? Did he tell you that? Did he tell you that they stopped his \$350?

A He never discussed his money with me.

Q He never discussed his money matters with you?

A No, sir.

Q If he was giving you \$500 and they took away \$350, he would have to make a reduction accordingly in order to support you, is that right?

MR. MORALES: Your Honor, the witness testified he was giving her \$500 and paying \$300 on an average in addition thereto which makes \$800 and not \$500.

THE COURT: Rephrase the last question.

MR. AGUILERA: That is what she stated.

MR. MORALES: \$800.

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MR. AGUILERA: All right, \$800.

Q (By Mr. Aguilera) Do you still have those expenses there, \$686? Do you still have those expenses?

A Yes, I only reduced a little bit in some items.

Q He has not paid you but \$200 since July. How have you been able to make out?

A I have something myself.

Q How much do you have yourself?

A I don't know, and also I have been receiving a loan from a friend of mine, a couple.

Q How much money do you have in the bank now?

A Now it must run about \$4,000 more or less. I am not quite sure, but it must be something like that.

Q In the last hearing you stated you had \$5,000.

A No, sir, I couldn't say that, so I don't know exactly.

Q You said you had \$5,000.

A No.

Q You said you have \$4,000.

A Now, yes.

Q You also have jewels and furs worth several thousand?

A Yes, just like Dr. Varona has.

Q So, you have jewels worth about \$10,000?

A No, no. I have some jewelry. I don't know how

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2 much is the amount of that. I told you that some was given to me
3 by my husband and some by my father.

4 Q And you have furs worth about \$5,000?

5 A No, if you find somebody that gives \$300 I will
6 give it to them.

7 Q You said last time \$5,000.

8 A No, I bought 15 years ago.

9 A suit you bought 15 years ago, is it the same
10 now?

11 Q Are the jewels diamonds?

12 A Yes, sir, and Dr. Varona's watch is gold, too.

13 Q Since you made up the list have you moved? Is
14 this what you pay for rent, \$130?

15 A Yes, sir.

16 Q You have here \$50 for a servant, is that correct?

17 A Yes, sir.

18 Q You could not do without a servant?

19 A It is very difficult having the little baby. I
20 told you that I don't sleep at night because the baby doesn't
21 sleep. I don't have the servant always with me.

22 Q Groceries cost \$150?

23 A I beg your pardon?

24 Q Groceries, \$150?

25 A Yes.

26 Q For you and two children?

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A Yes, sir.

Q I have got three in my house and I don't spend over \$100 in groceries.

MR. MORALES: I object to Counsel arguing with the witness.

THE COURT: I will strike that. Save that until the argument.

Q (By Mr. Aguilera) Cleaning of the house and laundry, you mean you have another servant to clean the house?

A No.

Q What do you mean by cleaning of the house?

A Well, to clean the house and wash the clothes and so forth.

Q Gasoline, \$20, what do you use gasoline, \$20, for?

A For my car.

Q Where do you go with your car?

A Every place.

Q Guitar classes?

A For my daughter. Do you want to know why she has been given guitar lessons? Are you interested?

Q No, it is not material. I am not interested. I do not want to argue with you.

You stated that he bought houses in other people's names. How do you know that?

A Because he has told me.

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Q Because he has told you?

A Yes.

Q Exactly what did he tell you?

A Once that he bought a house for his mother in Hialeah, but it was not convenient for him to have his name.

Q Do you know how much he paid for the house?

A No.

Q And when was that?

A About two years ago.

Q Is that where his mother lives, in Hialeah?

A Not now.

Q Do you know what happened to the house?

A Yes, he told me that his mother doesn't feel comfortable there because it was too far away and too alone and she wants to change for another place, that there is coming her sister and her brother-in-law, and they are going to take the house, and he was going to move his mother to another place nearer the town.

Q Do you know of any other property that he owns in anybody else's name?

A Not that I can say, but I know that he has --

Q Because you have stated before that you do not know anything about his finances.

A He never has anything under his name.

Q How do you know that?

case. The next witness will now take a second.

THEREUPON:

DYIRA SHELTON SOLIS

called as a witness on behalf of the plaintiff, having been first
duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

Q (By Mr. Morales) Will you state your name and
your address?

A My name is Dyira Shelton Solis, my address is
632 Mendoza, Coral Gables.

Q Were you served with a subpoena to testify here in
this case?

A Yes, I was.

Q And you have been friendly with Dr. and Mrs.
Varona for many years?

A Yes, with both of them.

Q Did you have a conversation with Dr. Varona in
July, 1963, relating to employment?

A Yes.

Q What was the conversation? First state when and
where was this.

A Well, it was at my house, and we were talking
about jobs, but I was working, and Dr. Varona asked me if I
would care to work with him further because he had in mind es-
tablishing a handbag factory.

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Q Did he discuss who was the owner of the handbag factory and in whose name it was?

A No, he did not.

Q And what did you say?

A Well, I told him I would be glad to help him if I could in any office work that could be available, and we didn't discuss anything about salary or anything.

Q Did he tell you he owned this factory?

A Well, we didn't speak as something made already. It was a project then.

Q He said he was owner of the factory?

A Well, he wanted to go into that business, yes.

MR. MORALES: I have no further questions.

CROSS EXAMINATION

Q (By Mr. Aguilera) Did he tell you where he was going to get the money?

A No.

MR. AGUILERA: Thank you very much. That is all.

MR. MORALES: No further questions.

THE COURT: Thank you.

MR. MORALES: That is our case, your Honor.

THEREUPON:

MANUEL ANTONIO de VARONA

called as a witness in his own behalf, having been first duly sworn, was examined and testified through the interpreter as follows:

DIRECT EXAMINATION

Q (By Mr. Aguilera) Mr. Varona, as to custody of the children, do you desire to have the privilege of not only seeing your children occasionally at the house, but also to be able to take them out on Sundays and maybe also during the vaca-time? Is that correct?

A Yes.

Q Are the children happy with you?

A Yes. In the first place, I am being judged in the United States in regard to a divorce problem, and today I find out that I am one of the vilest men in the world. I can say that whatever nervousness my children show, that my wife is always talking on the telephone with girl friends saying the worst possible things about me in a loud voice, that the children are hearing this.

MR. MORALES: I object. That is not proper examination in this country. Here we ask questions and have answers. The answer is not responsive, and I see no reason why we should deviate from our customary procedure.

THE COURT: What was your last question, Mr. Aguilera?

MR. AGUILERA: My last question was whether the children were happy with him.

Q (By Mr. Aguilera) If I may, Mr. Varona, let me ask you the questions and you answer exactly what I ask instead

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of making a statement.

What I want to know is whether or not the children are happy with you. When they are with you, are they happy? Are they nervous? Are they in a condition as has been told here by your wife, that they are nervous and irritable and do they come home crying?

MR. MORALES: I do not believe the Counsel ought to lead the witness.

THE COURT: I will overrule the objection. Go ahead.

A They are very happy. What they are doing, not the children, she is trying to put them in a state of mind against me.

Q When you take the children out, where do you take them?

A When I took the oldest one out, I always took her to restaurants, where she wanted to go, and I took her later to have lunch at my mother's home. Naturally, being 14 years of age, the days she isn't going to school, she likes to be with her girl friends.

Q If you were to have custody of the children for, say, one or two months in the summer, where would they live?

A I would have them at my family's home.

Q By your family, you mean your mother?

A Yes, my mother.

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Q Does she like your children?

A Yes.

Q But you have no objection to her having permanent custody of the children otherwise?

A No.

Q As to finances, Mr. Varona, when you came from Cuba, in Cuba you had been Prime Minister and President of the Senate?

A Yes.

Q Of course, we all realize that refugees here were not able to bring all of their possessions. How much of your possessions were you able to bring here when you came from Cuba in 1959?

A When I ceased to be President of the Senate and Prime Minister and when I didn't have any money, then I turned to selling insurance. When I came to the United States exiled in 1960, I liquidated my insurance business with my partners. I also liquidated the insurance which I carried on my own life and my family.

I brought to this country approximately \$13,000 to \$15,000 pesos which were deposited in the Pan American Bank in Account No. P-9379648 in the name of Dr. Manuel de Varona and Emelina R. Varona.

Mrs. Varona has always managed this account. She ought to have precise data on what was deposited in the bank on

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2 that occasion. On one occasion when we had to go to Mexico, my
3 wife refused to go to Mexico, and she didn't go to Mexico.

4 Then I took out \$8,000 from that account, and I
5 deposited in my name in the First National Bank of Miami in
6 Account No. -- well, it was \$3,000 in a savings account in the
7 same bank \$5,000, and later I drew out in June, June 12 of 1961,
8 on which account I had acquired interest in the amount of
9 \$113.04. This account has been liquidated with payments which
10 appear here and here are the official statements of the bank.

11 MR. MORALES: Again, I am going to object to the
12 witness just making a statement that is not responsive, your
13 Honor.

14 THE COURT: I will overrule that. I have inter-
15 preted it to be responsive to his financial problem.

16 THE WITNESS: But Mrs. Varona kept from the money
17 which we had brought from Cuba \$5,000 in a strongbox which is in
18 her name alone. She has her jewelry of a value more than
19 \$10,000 which I have given her.

20 On March 20 of 1961 I gave to Mrs. Varona with my
21 own hands a note in the amount of \$6,000. This \$6,000 had been
22 given to me by the American-International Life Insurance Company
23 of Bermuda whose agent I was in Cuba. We had a joint savings
24 account in the Miami Federal Savings & Loan Association which
25 eventually reached an amount of \$2,000.

26 Mrs. Varona withdrew from this account on December

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2 1st, 1961, the amount of \$400. On December 27th of the same year,
3 \$600, and on April 3rd, 1962, \$1,000. It is also necessary that
4 I make known that every month I deposited in the Pan American
5 Bank for the household expenses according to the needs.

6 Q (By Mr. Aguilera) How much did you deposit as a
7 rule in the Pan American Bank for her needs?

8 A All right, during 1963 then, not to go back too
9 far, but we can go back a little bit, but if you wish, for example,
10 in December, the Pan American Bank was \$350, \$250 more, \$50 more,
11 and in cash another \$50.

12 MR. MORALES: Just a minute. The best evidence of
13 that is the bank accounts themselves. We have them here. I
14 thought we had no question on that. If there is a question, let
15 us get them in evidence.

16 MR. AGUILERA: The only question is I am trying to
17 prove to the Court that all that money is gone, that they have
18 been living out of capital.

19 MR. MORALES: That is not the way to prove anything
20 of that kind. He is talking about deposits he made and the best
21 evidence is the statements, and if Counsel wishes, I will put
22 them in evidence.

23 MR. AGUILERA: It is all right. Put them in evi-
24 dence.

25 MR. MORALES: I am objecting to his continuing to
26 say he deposited this and that and so forth and so on.

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2 THE COURT: I understand he is referring to his
3 own records.

4 MR. AGUILERA: Those records are taken from those,
5 your Honor. In other words, he is trying to reconcile all his
6 expenses.

7 THE COURT: The records he is referring to are
8 records he has made.

9 MR. AGUILERA: Yes, every time he has made a trans-
10 action, he has deposited -- in other words, these are regular
11 business transactions which are admissible in evidence.

12 THE COURT: I will overrule the objection. Let him
13 go ahead.

14 THE WITNESS: In January I deposited to Mrs.
15 Varona's account \$650. It is important to bring out that before
16 the baby was born I had deposited \$550 a month. In December I
17 began depositing \$650.

18 In February I deposited the same amount. In March
19 I deposited \$550 because the note on my car and the insurance on
20 same were paid out of the \$650 because then I left the house.

21 I deposited \$550. Then I ceased to deposit the
22 sum necessary to cover the note and the insurance on my car. In
23 April I deposited the same amount, \$550, and then in May I only
24 deposited \$300.

25 Q (By Mr. Aguilera) Why did you only deposit \$300
26 in May?

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2 A Because I received help from the Council in the
3 amount of \$350, from the Council, and then in May the American
4 Government officially broke relations with the Council and then
5 the \$350 was no longer paid.

6 Then the only thing that I received is from Mr.
7 Manuel Garcia since February 1962 who gives me \$100 a week. Here
8 is the last check from August 16th in the form in which I received
9 it.

10 Q Why did Mr. Garcia send you this money?

11 A Mr. Garcia is a man who has lived much of his time
12 in New York, a millionaire who brought in a lot of money from
13 Cuba for the purpose of building up or investment in businesses,
14 and like all Cubans he lost everything. I took out insurance for
15 this man in Cuba. When I became exiled, this man ran into me in
16 New York but prior to that I had seen him in Mexico. He had a
17 very, very difficult problem in trying to enter this country
18 because during Batista's regime there was a shipment of arms here,
19 and he had sent a shipment of arms here, and he had to leave the
20 country.

21 I helped him come from Mexico to the United States
22 ironing out his problem. Since Mr. Garcia said he couldn't do
23 anything --

24 MR. MORALES: I am going to object to his testimony.
25 It is all hearsay, what Mr. Garcia told him and so forth.

26 THE COURT: He can tell us what he did, but advise

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2 him not to tell us what he said.

3 MR. AGUILERA: All right, sir.

4 THE WITNESS: Mr. Garcia said that since he was
5 not in a position to fight against Castro, that he wanted to do
6 something for somebody who did struggle against Castro, and for
7 that reason he gives me \$100 a week.

8 MR. MORALES: I move that all the testimony re-
9 garding Mr. Garcia be stricken as incompetent evidence.

10 THE COURT: I will strike all that as to --

11 MR. AGUILERA: All I am concerned with is that he
12 gets the \$100 from him.

13 THE COURT: I will admit that, but not what Mr.
14 Garcia said.

15 Q (By Mr. Aguilera) Would you get \$100 -- would he
16 send you that money if you got any other job like washing dishes
17 or anything else?

18 MR. MORALES: I object on the ground it calls for
19 a conclusion on the part of the witness as to what Mr. Garcia
20 would do. Mr. Garcia should be here himself to testify rather
21 than Mr. Varona for himself.

22 THE COURT: I will sustain the objection. It is a
23 conclusion.

24 Q (By Mr. Aguilera) Is that the only source of
25 your income now, Mr. Varona?

26 A It is the only income I have.

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2 Q You said you had been giving your wife \$300 up
3 until a couple of months ago. Have you been able to give her
4 \$300 --

5 MR. MORALES: I object to that. His testimony was
6 he had been giving \$500 up to two or three months ago.

7 MR. AGUILERA: No, we already went into \$300.

8 THE WITNESS: May, June, July.

9 MR. AGUILERA: He stated the reason why he gave
10 her only \$300 until a couple of months ago -- now I want to find
11 out why he hasn't given \$300 --

12 Q (By Mr. Aguilera) Why is it you have only been
13 able to give her \$200 since that time?

14 A I received from New York three weeks, and that is
15 \$300, and with the balance which I have from previous months, I
16 have only \$79.50.

17 Q Is that all the money you have in the bank right
18 now?

19 A I don't have any account in the bank now. I don't
20 gain anything by having an account in the bank, and then turn
21 around and take the money out of it. Then I pay to Dr. Bjorka,
22 the oldest girl's dentist, \$45.

23 Q When was that?

24 A This money I have been paying --

25 Q I meant in August, here in August where you only
26 gave her \$200 in August?

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A Yes.

Q You paid \$25 for the dentist for the child?

A Yes, and I paid \$81 for the apartment where I live. I paid \$20.23 in Food Fair for foodstuffs and the total of my expenses were \$387.52. I have two weeks received money from New York in August. I have pending a payment to Dr. Morales of \$50.

Q You mean the attorney here in accordance with the order of the Court?

A Yes.

Q Have you been able to comply with the order of the Court to pay him \$350?

A I began to pay Dr. Morales last month when I sent him \$50. My gasoline for the automobile, and then a medical association made me a member this month because I have gone along paying on an insurance, Commercial Life, \$104.90, every three months since I can't continue paying this policy on my family's health, I have taken it off and become a member of this association for the benefit of my wife and two children.

Q So that according to your statements then the only money that you have now in cash is \$79.50 plus this check, is that it?

A Yes.

Q Did you ever buy any property in the name of somebody else?

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A No.

Q I show you Plaintiff's Exhibit No. 1. Are you able to explain that, why you came into possession of that receipt?

A This receipt might just as well have been in my possession or my brother's possession because I don't really know because my brother used to go frequently to the house to visit my house. I don't ever remember seeing that receipt before.

Q Do you ever remember giving him that money to purchase that property?

A No, I have never seen that house.

Q Did you ever discuss going into a business? Did you discuss with the witness giving her a job in some factory that you were planning to establish here in Florida?

A I have some people here in Miami who are experts on pocketbooks. Then they talked to me about my relations in various places in order to establish a handbag factory. The factory consisted -- to make up a sample case of handbags and to show this to some of the more important houses, above all, to the Vice-President of Sears in Chicago who is a very close friend of mine to see if he would be interested in it, but that is just projects. Since this lady is in need here in Miami and she is a very close friend of mine and her husband also, and then I asked her if that type of business could be established, and she said she knows English also, and I could recommend her to these people

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2 so that they might possibly use her in the office for correspond-
3 ence in English and things of that nature and also pay her a
4 salary at the same time.

5 Q Are you able at the present time, Mr. Varona, to
6 pay your wife more than \$200 a month?

7 A Of the \$100 a week which I receive, I am supposed
8 to give my wife \$50 of it.

9 Q If you were to go in business and improve your
10 condition in life, would you give her more?

11 A I have always done it. I have always kept a
12 standard of life -- the best standard of life for my wife that I
13 have been able to furnish.

14 MR. AGUILERA: No further questions. Just one
15 second, please.

16 Q (By Mr. Aguilera) When the Council sends you out
17 of town do they provide you with transportation and expenses for
18 the trip?

19 A They send me the ticket, and then they allow me a
20 reasonable amount for expenses. When I return, then I have to give
21 a report of how I have spent the money.

22 Q Is that the only compensation you get from the
23 Council, only when you are traveling?

24 A I had a fixed sum of \$350.

25 Q I am talking about now.

26 A No, now we don't have anything, not even for

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2 traveling.

3 Q Well, you stated that you went to Nicaragua re-
4 cently. Who paid for that?

5 A I was invited to Nicaragua by President Samosa,
6 and he sent me a ticket so that I could go there on the
7 Nicaraguan line. It says here on the ticket "charge". My stay
8 in Nicaragua was paid for by the Government. When I went to
9 leave the hotel, they said there would be no further expenses.

10 MR. AGUILERA: No further questions.

11 CROSS EXAMINATION

12 Q (By Mr. Morales) Dr. Varona, you were speaking
13 about being judged in an American court earlier today, is that
14 correct?

15 A Because I am in the United States.

16 Q Do you have any objection to being tried in an
17 American court?

18 A It was just an expression. I have the greatest
19 respect for this country, for the judges of this country and for
20 the judges of my own country because I have, although I have
21 held some of the highest positions in my country, I have always
22 respected the judges and the law.

23 Q What efforts did you make to comply with the order
24 of Judge Pearson that was entered here on July 19 directing you
25 to pay me \$350 attorney fees in addition to the alimony to your
26 wife?

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2 A Since I cannot pay Dr. Morales all at one time
3 the \$350, I sent \$50 to Dr. Aguilera for him to give to Dr.
4 Morales if such would be acceptable to him.

5 Q Did you know from Mr. Aguilera that it was not
6 acceptable to me?

7 A No, I didn't know.

8 MR. AGUILERA: I was never told that it was not
9 acceptable.

10 Q (By Mr. Morales) Did you know that I had written
11 a letter to your attorney stating that if you did not pay the
12 attorney fees and the support money, I would ask the Judge to
13 issue a rule to show cause for contempt?

14 A They haven't notified me about it.

15 Q I show you here a letter, a copy of a letter
16 addressed to your lawyer on July 24, 1963. Do you have the
17 original, Counsel?

18 MR. AGUILERA: Yes, we admit that, your Honor. I
19 discussed that with Dr. Varona, and he said he could not pay,
20 and I asked how much he could pay, and he said \$50 a month. That
21 is all he can do. If you want to issue a rule to show cause, go
22 ahead. We will show that he cannot pay it.

23 MR. MORALES: Counsel, your position is not that
24 I agreed or accepted it, is that right?

25 MR. AGUILERA: Right.

26 Q (By Mr. Morales) Now, my question was, Dr. Varona,

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2 what efforts did you make to comply with this order?

3 A I can only comply in accordance with my economic
4 status. I made an effort in giving the part of it that I had to
5 give.

6 Q In other words, you made no effort whatsoever
7 then to raise the money to comply with the Judge's order, is that
8 correct?

9 MR. AGUILERA: I object. He said he made some
10 effort.

11 MR. MORALES: Your Honor, I did not understand him
12 to say anything.

13 Q (By Mr. Morales) What effort did you make to
14 raise the money? I have asked you twice. I will ask you again.

15 A I do not know what kind of effort I could make to
16 get the money. I can only get together money in accordance with
17 how much I have.

18 Q Did you attempt to borrow any money to comply with
19 the Judge's order?

20 MR. AGUILERA: I am going to object, your Honor.
21 I do not think any defendant is supposed to borrow money to pay
22 attorneys fees.

23 MR. MORALES: I am not talking only about attorneys
24 fees. I am talking about an order of the Court, complying with
25 an order of the Court about alimony.

26 MR. AGUILERA: I do not think he ought to borrow.

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2 MR. MORALES: I think the question is well pre-
3 sented.

4 THE COURT: Overruled. He can answer it.

5 Q (By Mr. Morales) Did you make an effort to
6 borrow money?

7 A No.

8 Q Is it true that you have expensive jewelry?

9 A I have this watch which was a gift of my wife, and
10 another watch which was given to me the day that I got married.
11 I have two rings which my wife has in that famous strongbox in
12 the bank that were given to me, and I have another ring which was
13 a gift to me when I was Prime Minister with the code of arms of
14 Cuba on it. I have never bought jewelry for myself.

15 Q What is the value of all that jewelry you have
16 just itemized?

17 A I don't know because I am not a jeweler.

18 Q What is the approximate value of all that jewelry?

19 A I don't know because I am not a jeweler and I
20 don't know how to appraise it.

21 Q Did you seek for an appraisal of that jewelry so
22 as to sell some of it or borrow on it to comply with the Judge's
23 order?

24 A No, it did not occur to me. Furthermore, I did
25 not know anything about that letter from Dr. Morales.

26 Q You mean you did not know that your wife wanted

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2 \$300?

3 A I knew that ~~they~~ wanted \$600, but I have to give my
4 wife money in accordance with what I myself receive.

5 Q And that is why you made no effort to raise the
6 money to comply with the Court's order, is that correct?

7 A I don't have it. I don't have income with which
8 to solve the problem. If there is some answer to the problem,
9 then I am disposed to try to comply with it.

10 Q Is it not true that you could have gone to any
11 of the banks down here, to the Metropolitan Bank, and talked to
12 Mr. Eduardo Morales or Mr. Garcia and borrowed \$700 or \$1,000?

13 A No bank here loans any money to an exiled person
14 to pay that kind of a bill.

15 Q You mean, Dr. Varona, with all your connections,
16 you could not borrow \$500 or \$1,000?

17 MR. AGUILERA: Your Honor, I am going to object
18 to that. I do not think any defendant is obliged to borrow money
19 to pay a debt, especially when there is no reason --

20 THE WITNESS: Well, I would like --

21 MR. AGUILERA: Especially when there is no reason-
22 able way of paying it in the near future.

23 MR. MORALES: I am just trying to bring out that
24 this gentleman does not care about the orders of the Court. That
25 is all. He has made no effort to comply at all.

26 MR. AGUILERA: I do not think it is a fair

1
2 conclusion.

3 THE COURT: Strike the statements. Complete the
4 testimony of the witnesses.

5 Q (By Mr. Morales) You have an automobile, do you
6 not?

7 A Yes.

8 Q That was purchased on time, was it not?

9 A It is not mine. I am paying it monthly.

10 Q You were given the credit. The credit was ex-
11 tended to you, was it not?

12 A I don't think that on a used car in this country
13 which has a note on it anybody is going to --

14 Q I am talking about something else. You said that
15 no Cuban could get credit, no exile, and I am asking you, is it
16 not true that you got credit when you purchased an automobile,
17 that automobile?

18 A No, but that is an automobile, that is a chattel
19 because that represents a guarantee or a surety.

20 Q You also have credit at Sears and Jefferson's and
21 other places, do you not?

22 A I don't have credit in any business house. My
23 wife has the credit.

24 Q Dr. Varona, you were always a successful business
25 man in Cuba, were you not?

26 A I was a politician in Cuba. I never had any

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2 business. That was for 12 years. That is the only business I
3 had was when I got out of politics, a ruined man, because I
4 wouldn't rob. That is when I turned to selling insurance.

5 Q You were very successful in selling insurance, were
6 you not?

7 A Yes, I was successful in insurance, but that was
8 in Cuba.

9 Q You have the ability to make money in Cuba, have
10 you not, in business, that is?

11 A Well, logically I have connections there.

12 Q You could be successful in business some place
13 else, too, other than Cuba, could you not?

14 A In the United States I would have to learn English.

15 Q Well, there are other countries that speak Spanish,
16 are there not, Puerto Rico, Nicaragua.

17 MR. AGUILERA: Judge, this is going too far.

18 THE WITNESS: But I would have to then abandon the
19 struggle in which I am involved.

20 Q (By Mr. Morales) Are you more concerned with the
21 struggle than you are with the maintenance and support of your
22 family?

23 A That is not pertinent to the matters at hand, and
24 for that reason I refuse to answer it.

25 MR. MORALES: I am not going to insist on the
26 question, your Honor, but the question is well founded. There is

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2 no justification to say that he is not going into business some
3 place else other than the United States because it is going to
4 interfere with his revolutionary activities. I do not wish to
5 antagonize the witness, and I do not insist that he answer the
6 question, but I wish to make that point to the Court, that there
7 is no answer to my question.

8 Q (By Mr. Morales) Dr. Varona, you obtained the
9 entry of Mr. Manuel Garcia into this country, did you not?

10 A I didn't help him to come into the country, I only
11 just gave him a recommendation to the fact that he was an anti-
12 communist.

13 Q You have important connections in Washington, have
14 you not?

15 A Exactly, but only and exclusively for Cuban matters.

16 Q You also have important connections in Nicaragua,
17 do you not?

18 A In all of the countries of America.

19 Q You also have important connections in business in
20 this country, have you not?

21 A No.

22 Q Did you not previously state that the Vice-President
23 of Sears was your intimate friend?

24 MR. AGUILERA: Your Honor, I am going to object to
25 that.

26 THE WITNESS: The Vice-President of Sears speaks

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2 very good Spanish, and he has been in Cuba, and in Venezuela.

3 MR. AGUILERA: I am going to object to this line
4 of questioning. It is immaterial and irrelevant. It has no
5 connection with this man's ability to pay.

6 THE COURT: I will overrule it. I cannot put my-
7 self in the position of talking at the same time that the witness
8 is talking. I think you ought to advise Dr. Varona that if you
9 are going to object, he ought to wait and not speak.

10 Q (By Mr. Morales) Is it not true, Dr. Varona, that
11 out there in the anteroom on July 19, the day we came into this
12 office, you offered to pay me \$300 as my attorneys fees if this
13 case was settled?

14 A I don't like to deny another person's statement,
15 but I don't remember having said anything about that, only about
16 the \$300 monthly payment for my wife.

17 MR. MORALES: I have no further questions, your
18 Honor.

19 THE COURT: Do you have any others?

20 MR. AGUILERA: I only have two witnesses, your
21 Honor, which are corroboration to the fact that he does not get
22 a salary from the Council and his only compensation -- at least
23 this is some time ago and not even now -- is the fact that he
24 did get compensation when he traveled. If you will admit that,
25 I will not even call them, the two of them.

26 MR. MORALES: I will not admit it. I will

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2 stipulate that that is what they would testify to when they come
3 in here. I will stipulate that they would say that. I am not
4 going to admit it is true.

5 MR. AGUILERA: You will stipulate that is what
6 they would say?

7 MR. MORALES: Thatthat is what their testimony
8 would be.

9 MR. AGUILERA: There is no sense in carrying it
10 over any more, Judge.

11 MR. MORALES: Just a minute. I had some questions
12 on this that I had not asked him. Would you pardon me for a
13 second and reopen it just a moment?

14 THE COURT: If we stipulate those witnesses --

15 MR. AGUILERA: They would testify that he does not
16 get any compensation from the Revolutionary Council now, and the
17 only compensation he gets is when he travels, they compensate him
18 for travel expenses only.

19 THE COURT: Tell us who the witnesses are.

20 MR. AGUILERA: Miguel Diaz, Guillermo Bermello.

21 Q (By Mr. Morales) Dr. Varona, you were speaking
22 about taking the children out. How many times in the last year
23 have you taken the children any place?

24 A Approximately a month ago I took the girl with the
25 little one to the beach. Every time that I have time I take her
26 out. My wife has gone with us.

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2 Q My question, Doctor, is how many times have you
3 taken the children out in the last year. I did not ask you
4 whether you had time. I just said how many times during the last
5 year have you taken the children out any place.

6 A Well, I do not keep track of how many times I take
7 my children out, but I call them every day and every morning at
8 7:30 I leave to take my girl to school.

9 Q I am not speaking about taking the girl to school.
10 I am talking about how many times you had taken the children out
11 some place, to the beach or to a movie or a place of amusement or
12 entertainment.

13 A The 14-year-old girl likes to go to the movies
14 with her girl friends, and she never gets tired of saying she
15 doesn't like to go alone and she doesn't like to go with us
16 together. Lots of times we leave the girls in the movies with a
17 friend or friends. We were going to some other movie or to
18 another place --

19 Q Doctor, I am going to ask you for the third time,
20 if you do not want to answer the question, just say so. I am
21 going to ask you for the third time, how many times have you
22 taken the children out to a place of amusement during the last
23 12 months? That is, in your company? I do not mean to leave
24 them at the show and go away. I mean to be with them, to stay
25 with them.

26 A I have already said to Counsel that on the weekends,

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2 Saturdays and Sundays, she does not want to go with her father or
3 mother. She goes alone to the movies.

4 Q You state that your mother loves the children very
5 dearly.

6 A About five years ago my daughter spent about a
7 month at my family's home. The one that undertakes the task of
8 trying to alienate my daughter from my family is my wife.

9 MR. MORALES: I think the witness ought to be
10 instructed to respond to my question.

11 THE COURT: I will ask him to answer the question.
12 Repeat it to him, please.

13 (Thereupon, the reporter read back the
14 last propounded question.)

15 THE WITNESS: Yes, absolutely.

16 Q (By Mr. Morales) Is it not true that the child
17 has not seen its grandmother, your mother, twice in the last
18 year?

19 A Because Mrs. Varona won't permit her to go to the
20 house, and the littlest one, my mother, who is going blind, has
21 never been able to see her yet because my wife won't permit her
22 to go to the house.

23 Q Is it not true that your mother has never even
24 seen the youngest child?

25 A I cannot take her because my wife can't stand my
26 family.

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2 MR. MORALES: I have no further questions, your
3 Honor.

4 REDIRECT EXAMINATION

5 Q (By Mr. Aguilera) Dr. Varona, is it true that
6 your affairs with the Revolutionary Council take a great deal of
7 your time?

8 MR. MORALES: I do not think Counsel should be
9 allowed to go into that in view of the fact that the witness
10 gave me the answer that he gave me.

11 A All of my time is taken up -- when I am in Miami
12 on weekends I try to see my family.

13 Q Please answer the question. Does the Council take
14 a great deal of your time?

15 A Yes.

16 Q Would you be able to provide better for your
17 family and children and your wife in a free Cuba?

18 A Yes.

19 MR. AGUILERA: That is all I have. No further
20 questions.

21 MR. MORALES: I want to ask Mrs. Varona one ques-
22 tion. Have you ever done anything to interfere or keep your
23 children from visiting their grandmother?

24 THE PLAINTIFF: That is what I want to tell your
25 Honor. I have been acquainted with my husband's family until
26 they came to Miami. When they came to Miami it was about three

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2 ago. We were separated at that time, and I didn't know that my
3 mother-in-law was coming to Miami. When they knew that I was
4 separated, they decided not to talk to me any more.

5 After that passed I went one night to give my
6 condolences to a friend of mine. When I got there I found two of
7 my sister-in-laws there, and in front of everybody that was in
8 the parlor when I came to her to give her a kiss, she stands up
9 and takes her face that way and went out of the house, my sister-
10 in-law. I have never prohibited my husband to take the children
11 out of the house, neither the biggest or smallest one, but he
12 knows that my bigger daughter doesn't find it comfortable at his
13 mother's house because his mother is 80 and some years old and
14 three sisters in between 45 and 70 years that ask her embarrassing
15 questions, and she doesn't want to go there, but anyway, he didn't
16 ask me to take either the small one or the big one. In case he
17 wants to take to his family's house the children when he does it,
18 he doesn't have to consult me for that.

19 MR. AGUILERA: Then you have no objection to his
20 taking the children out? What are we arguing about?

21 THE PLAINTIFF: But not to go and pass the vacation
22 because I know my biggest girl will not go.

23 MR. AGUILERA: I have nothing further.

24 THE PLAINTIFF: In the meantime, your Honor, let
25 me tell you something else. They didn't speak to his first wife.
26 She is here now. The mother, she doesn't speak to me. She makes

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acquaintance after 14 years with his last wife, and they received at her house his other wife. They beg her to lunch and so forth, and imagine what my girl thinks about that. Maybe that is the reason she doesn't want to go to her grandmother's house.

MR. MORALES: Your Honor, do you need any argument on this or do you feel that you have heard enough?

THE COURT: I will give you an opportunity to close if you want to briefly, but it is almost 5:00 o'clock.

MR. MORALES: I am willing to waive argument if Counsel wishes.

MR. AGUILERA: I will waive argument, your Honor.

THE COURT: All right, gentlemen, I will close the record then at this stage and I will enter my decree or disposition as promptly as I can and advise you directly, both of the Counsel of Record, of my disposition when I file the decree for you in turn to inform your clients or parties.

(Thereupon, the hearing was concluded.)

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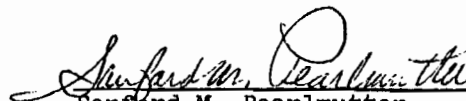
C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF DADE)

I, the undersigned, hereby certify that the foregoing transcript, pages 1 through 84, is a true and correct transcript of the testimony taken in the above cause before the Hon. Ray Pearson, Circuit Judge, in chambers, at Miami, Florida, on Wednesday, August 21, 1963.

Dated at Miami, Florida, this 16th day of September, 1963.


Sanford M. Pearlmutter
Court Reporter