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1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

2 CASE NO. 94-2681-CIV-DAVIS

3

4 JORGE MAS CANOSA, )  
5 Plaintiff, )  
6 v. )  
7 THE NEW REPUBLIC, INC., and )  
ANN LOUISE BARDACH, )  
8 Defendants. )  
9 -----x

10

11 2601 South Fyshore Drive  
Miami, Florida  
12 Thursday, June 6, 1996  
9:12 a.m. - 6:00 p.m.

13

14 CONTINUATION OF THE VIDEOTAPE DEPOSITION OF  
15 JORGE MAS CANOSA  
A.M. SESSION

16

17

18 Taken before RICHARD BURSKY, Registered  
19 Professional Reporter and Notary Public in and  
20 for the State of Florida at Large, pursuant to  
21 Notice of Taking Deposition filed in the above  
22 cause.

23

24

25

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3 JORGE MAS CANOSA CARDENAS

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1 APPEARANCES

2 ON BEHALF OF THE PLAINTIFF

3 ADORNO & ZEDER, P.A.

4 2601 South Bayshore Drive

5 Suite 1600

6 Miami, Florida 33133

7 BY: RAOUL G. CANTERO, III, ESQ.

8

9 ON BEHALF OF THE DEFENDANT THE NEW REPUBLIC, INC.

10 BAKER & MCKENZIE

11 701 Brickell Avenue

12 Suite 1699

13 Miami, Florida 33131

14 BY: RICHARD J. OVELMEN, ESQ. ARAGON

15

16 ON BEHALF OF THE DEFENDANT ANN LOUISE BARDACH

17 BURLINGTON WEIL & CROCKETT, P.A.

18 2699 South Bayshore Drive

19 Penthouse

20 Miami, Florida 33133

21 BY: PAUL J. SCHWIEP, ESQ.

22

23 PRESENT

24 ANN LOUISE BARDACH

25

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1 Thereupon --

2 JORGE MAS CANOSA

3 was recalled as a witness and having been

4 previously duly sworn, was examined and testified

5 as further follows:

6 CROSS-EXAMINATION

7 BY MR. OVELMEN:

8 Q. Mr. Mas, you recognize you are still

9 under oath? And good morning, sir.

10 A. Good morning.

11 Q. Do you recall testifying in this

12 matter that at one time you had worked as a

13 milkman and a dishwasher?

14 A. Yes.

15 Q. And do you recall when you worked as a

16 dishwasher, was that at the Fountainebleau Hotel?

17 A. No, I think it was Lucerne, I think

18 was the name.

19 Q. Lucerne?

20 A. Yes.

21 Q. Do you recall, was that for like a

22 minimum wage type --

23 A. Yes, it was.

24 Q. I am wondering if you recall also

25 testifying in this case, and could we mark this

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1 as Defendants' Exhibit 131, that you didn't work  
 2 as a dishwasher and that the article is false in  
 3 that respect?  
 4 A. Which one it is?  
 5 Q. If you take a look at starting at --  
 6 A. Mr. Crockett, who is Mr. Crockett?  
 7 Q. Line 20, page 13?  
 8 A. Page 13, what?  
 9 Q. Line 20, page 13.  
 10 (Pause.)  
 11 A. Probably what I was referring here is  
 12 that I did not just only limit myself to washing  
 13 dishes. I worked at the kitchen and I helped  
 14 washing dishes, but I did a lot of menial jobs in  
 15 the kitchen.  
 16 Q. So just so the record is clear, you  
 17 did --  
 18 A. I washed dishes. What I tried to say  
 19 here, that I was not a wash disher by definition.  
 20 Q. I see. And so the article is not false  
 21 in the sense that it said that you washed dishes  
 22 at some point in your life, that is a true  
 23 statement?  
 24 A. Part time, yes.  
 25 MR. CANTERO: That is not one of the

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1 statements that we are alleging is false and  
 2 defamatory.  
 3 MR. OVELMEN: It is just a statement he  
 4 said was false.  
 5 (Defendants' Exhibit 131 was marked for  
 6 identification.)  
 7 BY MR. OVELMEN:  
 8 Q. Do you recall testifying in this case  
 9 to having read the Gaeton Fonzi article, page 35,  
 10 line 11?  
 11 (Pause.)  
 12 A. Yes.  
 13 Q. Do you also recall testifying --  
 14 MR. CANTERO: Is this going to be an  
 15 exhibit?  
 16 MR. OVELMEN: Yes.  
 17 Could you mark that?  
 18 MR. CANTERO: 132?  
 19 MR. OVELMEN: 132, yes.  
 20 (Defendants' Exhibit 132 was marked for  
 21 identification.)  
 22 BY MR. OVELMEN:  
 23 Q. Do you also recall testifying in this  
 24 matter that you didn't actually read it, what you  
 25 read were The New Republic quotations, the

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1 extensive quotations of the article that were in  
 2 New Republic?  
 3 A. I did not read the article completely  
 4 but I read part of the article and I read most of  
 5 the contents of the article in The New Republic  
 6 article. So what we are talking here is  
 7 semantics, I think.  
 8 Q. I am just trying to find out what the  
 9 record is.  
 10 A. What the record is the following, the  
 11 record is that I read the Gaeton Fonzi article in  
 12 part, not the whole story but I read the whole  
 13 story of Gaeton Fonzi that was published in The  
 14 New Republic.  
 15 Q. So at page 610, line 14, where you  
 16 testify, "I didn't read the article, I read The  
 17 New Republic article in which he is quoted  
 18 extensively."  
 19 A. That's correct, that's correct. I  
 20 didn't read the whole article.  
 21 Q. Okay.  
 22 A. I read part of it so I did not read  
 23 the article, yes, that's correct, I read part of  
 24 it.  
 25 Q. Right. What I am trying to get at is,

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1 when you say you read the article, are you  
 2 testifying that you read the article in, what you  
 3 say here is, "I didn't read the article, I read  
 4 The New Republic article in which he is quoted  
 5 extensively," in other words, as I understand  
 6 that, what you were saying was that you, there  
 7 are extensive quotes and borrowings from the  
 8 Fonzi article in New Republic and that's the  
 9 sense in which you read the Fonzi article?  
 10 A. No, that is not. What said here is  
 11 absolutely correct. I did not read the article,  
 12 okay.  
 13 I read the whole article of Gaeton  
 14 Fonzi that was published in The New Republic and  
 15 I read part of the article that was published in  
 16 Esquire Magazine by Gaeton Fonzi. I did not read  
 17 the whole article.  
 18 So probably what is missing there is  
 19 the word whole or all the article. So this  
 20 statement is accurate, is correct. I did not  
 21 read the whole article in the Esquire Magazine.  
 22 Q. All right, sir. And when did you --  
 23 did you read the article at the time it was  
 24 published or did you read it at the time The New  
 25 Republic article was published?

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1 A. No, sometime after it was published in  
 2 Esquire Magazine I read part of the article. I  
 3 did not read the whole article.  
 4 Q. So then the testimony at page 35 where  
 5 you were asked, have you read the Fonzi article,  
 6 that was not correct but --  
 7 A. No, that's correct. That's correct,  
 8 sir.  
 9 Q. All right.  
 10 A. I did not read the whole article.  
 11 Q. So your testimony is that you read  
 12 part of the article --  
 13 MR. CANTERO: Objection, he has  
 14 answered that several times now.  
 15 MR. OVELMEN: I would settle for one  
 16 clear --  
 17 MR. CANTERO: What?  
 18 MR. OVELMEN: Can you mark that as  
 19 Exhibit 133.  
 20 (Defendants' Exhibit 133 was marked for  
 21 identification.)  
 22 MR. CANTERO: Is that 133?  
 23 MR. SCHWIEP: Yes.  
 24 MR. OVELMEN: This will be No. 134.  
 25

1 Q. More than once?  
 2 A. Yes.  
 3 Q. Can you tell me about each trip you  
 4 know about?  
 5 A. No, I don't know the specific of each  
 6 trip but I know she has traveled more than once  
 7 or twice to Cuba.  
 8 Q. So that then your testimony is that by  
 9 using the word constantly you meant more than  
 10 once or twice, is that correct?  
 11 A. At least more than once or twice.  
 12 Q. And you can't tell me about any of her  
 13 trips?  
 14 A. Specifics?  
 15 Q. Yes.  
 16 A. No, I don't.  
 17 Q. Before you said that she traveled  
 18 there constantly. Did you look at her passport  
 19 or anything?  
 20 A. No. You know that I haven't looked at  
 21 her passport.  
 22 Q. I just wondered what the basis for  
 23 saying she traveled there constantly was.  
 24 A. More than once or twice which is a  
 25 lot --

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1 BY MR. OVELMEN:  
 2 Q. Looking at page 1064, line 23, 24 and  
 3 25, the question was asked, "What information do  
 4 you have to believe Ann Louise Bardach has access  
 5 to records kept by the Cuban government?"  
 6 THE COURT REPORTER: I'm sorry, can you  
 7 say that again?  
 8 MR. OVELMEN: Here's another one.  
 9 Q. "What information do you have to  
 10 believe Ann Louise Bardach has access to records  
 11 kept by the Cuban government? "  
 12 And first you say, "That she travels  
 13 there constantly." That's page 1064.  
 14 How many times has she traveled to  
 15 Cuba?  
 16 A. On several occasions.  
 17 Q. Well, when you say constantly, what  
 18 number did you have in mind?  
 19 A. I don't know. I don't count them.  
 20 That is a definition of the word you could find  
 21 better in the dictionary.  
 22 Q. I understand. I am just wondering  
 23 what your definition was. I am asking for your  
 24 understanding.  
 25 A. That you travel more than once.

1 MR. CANTERO: I think she has written  
 2 several articles on Cuba --  
 3 MR. OVELMEN: Are we, is this --  
 4 MR. CANTERO: I'm testifying too.  
 5 THE WITNESS: The difficulties of  
 6 traveling to Cuba are extreme, are very high  
 7 so when you travel as a newspaperman more  
 8 than twice, or once or twice to Cuba, that  
 9 is a very frequent amount of visits to the  
 10 island.  
 11 BY MR. OVELMEN:  
 12 Q. But you would agree, wouldn't you,  
 13 that the word "constantly" ordinarily means more  
 14 than once or twice?  
 15 A. It means more than twice, yes, that's  
 16 what I am saying.  
 17 (Defendants' Exhibit 134 was marked for  
 18 identification.)  
 19 BY MR. OVELMEN:  
 20 Q. Let me ask you --  
 21 (The witness and his counsel confer off  
 22 the record.)  
 23 Q. Do you recall testifying in this  
 24 action earlier that you were a classmate of  
 25 Mr. Luis Posada at Fort Benning?

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1 A. Yes, sir.  
 2 Q. That would be at page 600.  
 3 MR. OVELMEN: Could you mark this as --  
 4 MR. SCHWIEP: 135.  
 5 MR. OVELMEN: 135.  
 6 (Defendants' Exhibit 135 was marked for  
 7 identification.)  
 8 BY MR. OVELMEN:  
 9 Q. Do you remember testifying in this  
 10 action that he wasn't your classmate at Fort  
 11 Benning in looking at page 1351, line 25, 1352,  
 12 line 1 through 3?  
 13 My question is, which is correct?  
 14 MR. OVELMEN: Could you mark that --  
 15 A. What is your question?  
 16 Q. My question is, is he your classmate,  
 17 was he your classmate at Fort Benning or wasn't  
 18 he?  
 19 A. What do you mean by classmate?  
 20 Q. I guess in your class. At one point  
 21 in the deposition you say he was, and in another  
 22 point you say he wasn't. I am just trying to  
 23 find out which it is.  
 24 A. Well, but he was in the same course  
 25 that I was in Fort Benning and that's where I met

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1 him.  
 2 Now, if he was a classmate or not, you  
 3 will have to tell me what do you define as a  
 4 classmate.  
 5 We were 207 people and we were all in  
 6 the same course but there were different  
 7 classes. And so I don't recall if he was in my  
 8 same class or not. I don't think that he was in  
 9 the same class but he was in the same course so  
 10 here again, we are talking about rhetoric,  
 11 semantics.  
 12 What is a course, what is a class, do  
 13 you have the same course, are you in the same  
 14 class under the same course.  
 15 The fact here is that, yes, I met him  
 16 at Fort Benning, he was in the same course with  
 17 me at Fort Benning. I don't think he probably  
 18 was in the same class.  
 19 When I said that my classmate,  
 20 probably what I meant was my course mate, he was  
 21 in the same course that I was at Fort Benning.  
 22 Q. Thank you, sir.  
 23 A. You are welcome.  
 24 MR. CANTERO: Where is it, page 600  
 25 through 604?

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1 THE WITNESS: Here, classmate.  
 2 MR. CANTERO: That says he was his  
 3 classmate?  
 4 MR. CANTERO: I know on 600 it says he  
 5 recalls meeting him at Fort Benning.  
 6 I can't find anything on 600 that says  
 7 he was his classmate, so there is no  
 8 inconsistency in his testimony that I can  
 9 find.  
 10 MR. OVELMEN: I think it's 604.  
 11 MR. CANTERO: 604?  
 12 (Pause.)  
 13 THE WITNESS: "Was Luis Posada your  
 14 classmate?"  
 15 MR. OVELMEN: But I think I  
 16 understand. In other words, he was in the  
 17 same -- all I am trying to do is find out  
 18 what the record is.  
 19 MR. CANTERO: What I object to is you  
 20 are asserting that there is an inconsistency  
 21 in his testimony between page 600 to 604 and  
 22 1351 and 52 and I don't see any  
 23 inconsistency, so I would object to the  
 24 questioning on the basis of the assumption  
 25 that there is an inconsistency.

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1 MR. SCHWIEP: On behalf of New  
 2 Republic, move to strike counsel's  
 3 comments.  
 4 (Defendants' Exhibit 136 was marked for  
 5 identification.)  
 6 MR. CANTERO: What is the basis for the  
 7 motion to strike? It is a perfectly valid  
 8 objection, so what is the basis for the  
 9 motion to strike?  
 10 MR. OVELMEN: Well, I am just saying, I  
 11 am sorry, it was at 601:  
 12 "Q. You trained at Fort Benning,  
 13 Georgia and Felix Rodriguez and Luis Posada  
 14 were classmates with you at Fort Benning?  
 15 "Yes, among other 200 and some  
 16 officers."  
 17 I am just trying to clarify what the  
 18 answer is. No big deal.  
 19 BY MR. OVELMEN:  
 20 Q. Let me see here. Do you recall  
 21 testifying in this action that you don't keep a  
 22 diary, notebook of appointments, calendar, that  
 23 sort of thing?  
 24 A. Let me see it.  
 25 MR. CANTERO: Is this going to be an

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1 exhibit?

2 MR. OVELMEN: 76, yes, this will be

3 what, 13 --

4 MR. CANTERO: 7.

5 MR. OVELMEN: 137.

6 MR. CANTERO: What page, 76?

7 THE WITNESS: What line?

8 BY MR. OVELMEN:

9 Q. Starting at page 76, line 1, and

10 proceeding through the entire page and then going

11 on to 77.

12 A. What is your question?

13 Q. That you don't keep a written calendar

14 of appointments or --

15 A. No, I don't.

16 Q. Of people you see, so on?

17 A. No.

18 Q. As I understand your testimony, it is

19 because you remember, you keep these, you have a

20 very good memory, is that correct?

21 A. Yes, I think, I think I have a good

22 memory.

23 Q. And have you always had such a good

24 memory? It is not something that has come on

25 late in years?

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1 A. I really don't know, sir. I would

2 have to go back 50 years to see what my memory

3 was when I was 15 years of age. That is a very

4 difficult question to answer.

5 Q. Did you ever keep a calendar?

6 A. Not that I recall in the last 10 years

7 or 15 years. Probably before that I did.

8 Q. Okay.

9 (Defendants' Exhibit 137 was marked for

10 identification.)

11 BY MR. OVELMEN:

12 Q. Do you recall --

13 MR. OVELMEN: Mark this as a

14 Defendants' exhibit. Where are we?

15 MR. CANTERO: 138.

16 MR. OVELMEN: 138.

17 THE WITNESS: Is this over?

18 MR. OVELMEN: Yes.

19 (Defendants' Exhibit 138 was marked for

20 identification.)

21 BY MR. OVELMEN:

22 Q. Do you recall giving sworn testimony

23 in a case styled Ricardo Mas, et al. v. Jorge Mas

24 Canosa, Church & Tower, et al., case No.

25 87-52896?

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1 A. What is this page here?

2 Q. Looking at your deposition, page 57,

3 line, it is hard to read the line but it is about

4 the fifth line from the bottom, sixth line from

5 the bottom, you are asked, "Who was there at this

6 meeting?"

7 And you testify, "If it is that

8 important to you I may go to my calendar and find

9 out where I signed it. Why?

10 "Do you have a calendar that

11 indicates what appointments were for the day?"

12 A. Where is it?

13 Q. Answer: "Probably so."

14 My question is, do you keep a calendar

15 or don't you?

16 A. Okay, first I think what I just told

17 you, it is consistent. This is a case that goes

18 back to 1985 and I told you --

19 Q. I think this testimony was given in

20 1988.

21 MR. CANTERO: He is saying the case

22 goes back.

23 THE WITNESS: The case goes back to

24 1985.

25 MR. CANTERO: The facts of the case.

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1 THE WITNESS: And it does not say here

2 at any point that I keep a calendar,

3 probably my secretary had this written down

4 in someplace on her own calendar, but I did

5 not keep a calendar, no, sir.

6 BY MR. OVELMEN:

7 Q. Isn't it true that --

8 A. Probably around 10, 15 years ago I

9 kept some notes, probably, which is more or less

10 the time of this deposition.

11 Q. Isn't it true in fact you kept two

12 calendars, one was on the center of your desk and

13 one was in your secretary's possession?

14 A. No, no, sir.

15 Q. Isn't it true that they were stored

16 when they were done, when the year was over, in

17 the right hand lower drawer of your desk?

18 A. No, sir.

19 MR. CANTERO: Objection to form.

20 THE WITNESS: No, it is not.

21 MR. OVELMEN: Mark this one.

22 (Defendants' Exhibit 139 was marked for

23 identification.)

24 BY MR. OVELMEN:

25 Q. Do you recall testifying --

1 MR. CANTERO: Is this in this case?  
 2 MR. OVELMEN: This is from this case,  
 3 yes.  
 4 BY MR. OVELMEN:  
 5 Q. Do you recall testifying that, looking  
 6 at page 861, lines 22 through 25 and then 862,  
 7 the top, lines 1 and 2, that it was not true that  
 8 your son had announced that Church & Tower had  
 9 signed letters of preliminary intent to invest in  
 10 China a \$200 million transaction?  
 11 A. What is your question?  
 12 Q. Do you recall giving that testimony?  
 13 A. Which one?  
 14 Q. 861 and 862, lines I just --  
 15 A. Yes.  
 16 Q. And then 862, line 20?  
 17 A. Yes.  
 18 Q. Do you stand by that testimony?  
 19 A. Yes, sir.  
 20 MR. OVELMEN: I need to play this  
 21 videotape in the hopes that this will  
 22 refresh your recollection.  
 23 MR. CANTERO: Rick, is there a reason  
 24 why you attached more than those two pages?  
 25 MR. OVELMEN: Yes, I may have more to

1 BY MR. OVELMEN:  
 2 Q. Now, I would like to --  
 3 A. What is your question?  
 4 Q. My first question will be whether or  
 5 not the next speaker is your son.  
 6 A. I don't know, I haven't --  
 7 Q. I am just telling you so that you can  
 8 be ready.  
 9 A. Okay.  
 10 (The videotape was played.)  
 11 (The playing of the videotape was  
 12 stopped.)  
 13 BY MR. OVELMEN:  
 14 Q. Now, this is the time for my  
 15 question: Could you confirm that that is your  
 16 son speaking?  
 17 A. It seems like it is my son, yes, sir.  
 18 Q. Thank you.  
 19 A. You are welcome.  
 20 MR. OVELMEN: Go ahead.  
 21 (The videotape was played.)  
 22 (The witness and Mr. Cantero conferred  
 23 off the record.)  
 24 MR. OVELMEN: Stop.  
 25 (The playing of the videotape was

1 say about it.  
 2 MR. CANTERO: Should he read the whole  
 3 testimony then?  
 4 MR. OVELMEN: I don't think he will  
 5 need to yet.  
 6 BY MR. OVELMEN:  
 7 Q. Now, Mr. Mas, I am going to ask you to  
 8 review the videotape and then I am going to ask  
 9 you a few questions.  
 10 A. Sure, go ahead.  
 11 THE WITNESS: You want me to see that,  
 12 right?  
 13 BY MR. OVELMEN:  
 14 Q. Yes, sir.  
 15 MR. CANTERO: Is this going to be an  
 16 exhibit, the videotape?  
 17 MR. OVELMEN: Yes, it is.  
 18 (A videotape was played.)  
 19 (Defendants' Exhibit 140 was marked for  
 20 identification.)  
 21 THE WITNESS: He is a good looking  
 22 guy.  
 23 MR. OVELMEN: Stop it here.  
 24 (The playing of the videotape was  
 25 stopped.)

1 stopped.)  
 2 BY MR. OVELMEN:  
 3 Q. Now, Mr. Mas, I would like to give you  
 4 an opportunity to correct your prior testimony.  
 5 Do you wish to make any correction to the record?  
 6 A. None whatsoever.  
 7 Q. All right, sir.  
 8 Have you ever seen this tape before?  
 9 A. No, sir, this is the first time.  
 10 Q. Were you aware that it existed?  
 11 A. No, I did not.  
 12 Q. All right, sir.  
 13 Looking at page 863 of your prior  
 14 testimony --  
 15 MR. CANTERO: Here.  
 16 Q. -- in this matter, line 15, and my  
 17 question is, "Did to your knowledge your son Mas,  
 18 Jr. make a statement that he had made a decision  
 19 to invest in China, not you?"  
 20 Answer: "My son did not make any  
 21 decision to invest any amount of money in China."  
 22 A. Yes, that's correct.  
 23 Q. Could you explain how that could be  
 24 correct, given the videotape?  
 25 A. Nothing that you have shown in that

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1 videotape assures anyone that my son was going to  
2 invest any amount of money in China. There is  
3 nothing on that tape that you have shown there  
4 that contradicts this statement here.

5 Q. Could you explain what was going on in  
6 the tape?

7 A. No, I don't, I don't know. This is  
8 the first time I saw it and I don't speak  
9 Chinese.

10 Q. So your position is that you have  
11 no --

12 A. That my son did not make any decision  
13 to invest any amount of money in China, yes,  
14 that's the same thing I stated at that time,  
15 whenever that deposition took place.

16 Q. And page 863 at the bottom, line 25,  
17 is it your testimony that this article, meaning  
18 the Herald article that said that there was a  
19 decision to make an investment, is completely  
20 false and inaccurate --

21 A. Yes, sir.

22 Q. You say yes?

23 A. I stand by my statement, yes.

24 Q. Now, Mr. Mas, is this a typical  
25 example of the kind of misinformation and media

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1 fabrications that you have had to put up with,  
2 this kind of reporting by the Herald --

3 MR. CANTERO: I object to the form.

4 Q. -- on this matter?

5 A. You have to be more specific, sir, on  
6 what because this matter --

7 Q. You repeatedly --

8 A. -- relates to a lot of things.

9 Q. I understand.

10 A. Yes.

11 Q. You repeatedly stated that you are the  
12 victim of misinformation?

13 A. Yes, sir.

14 Q. In the press?

15 A. I am.

16 Q. And this particular article that said  
17 that there was a \$200 million investment to be  
18 made in China and that there was a signing of  
19 documents which this videotape may or may not  
20 evidence, you have stated that that was  
21 misinformation, is that correct?

22 A. Yes, sir. It is. And after watching  
23 the tape, I still say that it is misinformation,  
24 there was not any decision to invest any amount  
25 of money in China.

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1 Q. Okay. What I am asking is, is this in  
2 your mind typical, this article and this  
3 misrepresentation, typical of the  
4 misrepresentations that the press has perpetrated  
5 on you?

6 MR. CANTERO: I object to the form.

7 THE WITNESS: Yes, sir.

8 BY MR. OVELMEN:

9 Q. So at 865, lines 11 through 16, the  
10 question, "Yes, and you told him then," which is  
11 consistent with your testimony today, I believe,  
12 "that there was no business deal of any kind  
13 that was being considered, proposed between any  
14 entity in which you owned an interest to your  
15 knowledge with China," and your answer is "That's  
16 correct."

17 A. Yes, absolutely, and I stand by it.  
18 It is very easy to prove. If he mentioned  
19 anything about Church & Tower, I don't have any  
20 interest whatsoever, no ownership in Church &  
21 Tower.

22 Q. So let me understand this then. If  
23 the deal was a deal with Church & Tower, you are  
24 saying you wouldn't have had an ownership  
25 interest?

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1 A. I don't think that there was any deal  
2 with Church & Tower but I do not own any interest  
3 in Church & Tower, no, sir, so I stand by this  
4 statement here.

5 It is correct. The answer is  
6 correct. That's correct. And it is still  
7 correct.

8 Q. Now, you stated at 871 --

9 A. 87 --

10 Q. 871.

11 A. Just a minute. Let me get to the  
12 page. Okay.

13 Q. Lines 1 through 15, that the reason --

14 MR. CANTERO: Hold on, let him read 1  
15 through 15.

16 MR. OVELMEN: Sure.

17 (Pause.)

18 THE WITNESS: Okay, go ahead, sir.

19 BY MR. OVELMEN:

20 Q. That the reason your son went to China  
21 had to do with followup business for Burnup &  
22 Sims, is that correct?

23 A. The reasons why my son went to China,  
24 you would have to ask him. I was informed at a  
25 certain point that Burnup & Sims, the company

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1 that merged, was acquired by Church & Tower, was  
 2 looking to China and that was one of the reasons  
 3 that I was informed that trip to China had to  
 4 take place.  
 5 Q. So you stand by your testimony that,  
 6 quote, "that's why my son went out there was" --  
 7 A. One of the reasons, yes.  
 8 Q. All right, sir.  
 9 A. I do.  
 10 Q. Now --  
 11 A. Okay.  
 12 Q. Do you remember testifying, do you  
 13 remember testifying that you could not recall who  
 14 was at dinner at Casa Juancha involving a number  
 15 of Chinese people?  
 16 A. Yes, sir.  
 17 Q. What?  
 18 A. Yes, sir.  
 19 Q. I am wondering --  
 20 MR. OVELMEN: Could we mark this; what  
 21 number are we at?  
 22 MR. CANTERO: 141.  
 23 MR. OVELMEN: 141, mark this 141.  
 24 I have another one for you, Mr. Mas.  
 25 (Defendants' Exhibit 141 was marked for

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1 identification.)  
 2 THE WITNESS: What is the question?  
 3 BY MR. OVELMEN:  
 4 Q. Do you recall meeting at that dinner  
 5 Mr. Wang Yu Xiang?  
 6 A. No, I don't.  
 7 Q. Who was the deputy director of the  
 8 People's Bank of China?  
 9 A. No, sir.  
 10 Q. Chengdu branch?  
 11 A. No, sir.  
 12 Q. Do you remember meeting Mr. Cai Yu  
 13 Lei, deputy director of Quig Yang District,  
 14 Chengdu Branch?  
 15 A. No. To make it easier for you, any of  
 16 those letters in front of me, I don't recall, I  
 17 don't remember, I don't recognize those names.  
 18 For me it is Chinese, exactly what it is.  
 19 Q. I am not sure I understand. You don't  
 20 remember meeting them or you don't remember their  
 21 names?  
 22 A. I don't remember their names. I don't  
 23 know if I ever met a Mr. Chung or a Mr. Shung or  
 24 Mr. Tong, I don't know.  
 25 Q. Do you recall why you had dinner with

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1 all of these Chinese officials?  
 2 MR. CANTERO: I object to the form,  
 3 facts not in evidence.  
 4 THE WITNESS: I already answered that  
 5 question in the previous deposition.  
 6 BY MR. OVELMEN:  
 7 Q. You don't remember?  
 8 A. Yes. I went to dinner with Chinese  
 9 but I don't remember if those were the Chinese, I  
 10 don't recall their names.  
 11 Q. But you didn't think to ask why you  
 12 were dining with Chinese?  
 13 MR. CANTERO: I object to the form,  
 14 assumes facts not in evidence.  
 15 THE WITNESS: I was invited to a dinner  
 16 with Chinese and I went.  
 17 BY MR. OVELMEN:  
 18 Q. Do you have many dinners with Chinese?  
 19 A. Yes, I do.  
 20 Q. Please tell me.  
 21 A. Not many, but I have dinners with  
 22 Chinese.  
 23 Q. Let's start with the first one you had  
 24 other than this.  
 25 A. I had dinner with Chinese

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1 representative of Taiwan, for example, in  
 2 Washington several occasions.  
 3 Q. How about dinners with Communist  
 4 Chinese?  
 5 A. I meet -- no, I haven't, I have not  
 6 met officially with any representatives of  
 7 Chinese government.  
 8 Q. So it would be an unusual, in fact, a  
 9 unique event in your life to have a dinner with a  
 10 large group of Communist Chinese?  
 11 MR. CANTERO: Object to the form.  
 12 THE WITNESS: I don't know if they are  
 13 Communist or not, sir. When I am having  
 14 dinner with someone, I don't ask for the  
 15 idea or the party, are you a registered  
 16 member of the Communist Party, are you a  
 17 Communist, do you belong to the Communist  
 18 Party. I don't ask that.  
 19 When I meet with someone in the United  
 20 States, do you belong to the Republican  
 21 Party, do you belong to the Democratic  
 22 Party, are you a Democrat, are you not?  
 23 I originally met with a businessman,  
 24 Chinese also, who are involved pretty much  
 25 in the West Coast in the telephone business

1 so I don't eat -- I don't meet Chinese every  
2 day, but yes, I have met with Chinese people  
3 before.

4 Q. It is not my purpose to fence,  
5 Mr. Mas, I am just curious. Are you aware that  
6 to be an official in China you have to be  
7 Communist?

8 A. I really don't know enough about the  
9 history in China, you know. I know that there  
10 are many Taiwanese and many people from Hong Kong  
11 who are responsible for most part of the  
12 investment in China and they are certainly not  
13 Communist individuals.

14 Q. We are talking about officials in the  
15 government.

16 A. Well, officials in the government --  
17 MR. CANTERO: Your question is whether  
18 you have to be a Communist to be a  
19 government official in China?

20 MR. OVELMEN: To be an official in the  
21 government, right.

22 THE WITNESS: The answer to that  
23 question, sir, is I don't know.

24 BY MR. OVELMEN:

25 Q. You don't know. So you went to this

1 Q. Now, referring back to the videotape,  
2 did you recognize other people on the videotape?

3 A. I recognized my son's wife there.

4 Q. Did you recognize anyone from Church &  
5 Tower?

6 A. Yes, I recognized the gentleman there,  
7 that behind you, I saw him there. He went with  
8 my son to China.

9 Q. Now, your son made a speech during the  
10 videotape. Did you agree with the speech?

11 A. Not necessarily, but he's a grown man  
12 and he has his own independence. I do agree with  
13 everything that he does and with most things that  
14 he said but not necessarily one hundred percent  
15 with everything.

16 Q. In his speech he said he was signing  
17 an agreement to invest in China. Are you saying  
18 you agreed with that?

19 MR. CANTERO: I object to the form.

20 THE WITNESS: I already answered that  
21 and you know that I don't. If he ever did  
22 that, I don't know if he did it or not.

23 MR. CANTERO: That's not my  
24 recollection of what he says.

25 MR. OVELMEN: Why don't we -- let's not

1 dinner and didn't know --

2 A. I already answered that question,  
3 sir. I went to a dinner with Chinese. Who they  
4 were, where they come from, were they Communist  
5 or not, I don't know, sir.

6 Q. Do you recall who else was at that  
7 dinner?

8 A. I don't recall, sir. I attend so many  
9 dinners, and I am usually at most of those social  
10 events for a few minutes, take some pictures or  
11 talk to a few people and leave.

12 Q. Do you remember if Paul Lester was  
13 there?

14 MR. CANTERO: Let him finish.

15 Q. I am sorry, go ahead.

16 A. Go ahead.

17 Q. Do you remember whether Paul Lester  
18 was there?

19 A. Who is Paul Lester?

20 Q. An attorney.

21 A. No, I don't.

22 Q. Do you remember whether Sergio Lieseca  
23 was there?

24 A. No, I don't. I don't remember. I go  
25 to a lot of social events, sir.

1 argue about it, let's play it back.

2 MR. CANTERO: I am not saying he did  
3 say it, I am just saying that is not my  
4 recollection.

5 MR. OVELMEN: I am not really  
6 interested in fighting about it, let's just  
7 see what he said.

8 THE WITNESS: You have to rewind that.

9 MR. OVELMEN: Rewind.  
(The videotape was played.)

10 MR. OVELMEN: Stop it.  
(The playing of the videotape was  
11 stopped.)

12 MR. CANTERO: That's my recollection.

13 MR. OVELMEN: He said as I understand  
14 it, a signing ceremony and a joint venture.

15 THE WITNESS: So?

16 MR. OVELMEN: And we then see the  
17 signing.

18 BY MR. OVELMEN:

19 Q. What was that joint venture?

20 A. I don't know, you would have to ask  
21 him.

22 Q. You have never asked him?

23 A. No, I haven't.

1 Q. So you told the newspaper that the  
 2 whole story was a fabrication?  
 3 A. Yes.  
 4 Q. Without asking him?  
 5 A. It was.  
 6 Q. But if you didn't ask him how would  
 7 you know that?  
 8 A. Because he told me there was no such  
 9 investment in China.  
 10 Q. I thought you just said --  
 11 MR. CANTERO: He said he didn't ask  
 12 him. And now he's telling us that George  
 13 told him.  
 14 BY MR. OVELMEN:  
 15 Q. I see, George told you that there was  
 16 no such --  
 17 A. Watch out what you ask and pay  
 18 attention to the answer.  
 19 Q. I will do my best, sir.  
 20 A. Okay, okay.  
 21 MR. CANTERO: One thing is whether he  
 22 asked his son and the other thing was  
 23 whether the son voluntarily told him, called  
 24 him on the phone or whatever. I think there  
 25 are two different things.

1 to ask him about that. I am not the guy who is  
 2 speaking there.  
 3 (The videotape was played.)  
 4 MR. OVELMEN: Stop.  
 5 (The playing of the videotape was  
 6 stopped.)  
 7 BY MR. OVELMEN:  
 8 Q. Now he seems to be saying it is a  
 9 joint venture with the Chinese and he is talking  
 10 about the mayor of Chengdu, isn't it clear that  
 11 it is an investment with the Chinese government?  
 12 MR. CANTERO: I object to the form.  
 13 THE WITNESS: No, it is not clear to  
 14 me, but you know what, you should ask him  
 15 and he should have a straight answer for  
 16 you.  
 17 BY MR. OVELMEN:  
 18 Q. We will.  
 19 A. This is the first time I saw that  
 20 tape.  
 21 Q. We will ask him.  
 22 A. Sure.  
 23 Q. What I am trying to find out is your  
 24 understanding since you were the one who said  
 25 this was a fabrication.

1 MR. OVELMEN: I think there are two  
 2 different things.  
 3 BY MR. OVELMEN:  
 4 Q. So when your son told you that, he  
 5 didn't tell you what he did sign?  
 6 A. No, he didn't.  
 7 Q. And you weren't curious?  
 8 A. No, I was not.  
 9 Q. Okay, sir.  
 10 MR. OVELMEN: Let's keep, you know.  
 11 THE VIDEOGRAPHER: Play it?  
 12 MR. OVELMEN: Keep playing.  
 13 (The videotape was played.)  
 14 MR. OVELMEN: Stop.  
 15 (The playing of the videotape was  
 16 stopped.)  
 17 BY MR. OVELMEN:  
 18 Q. It appears that he is speaking about  
 19 investing in Chengdu, would you agree with that?  
 20 A. No, he hasn't talked about investment  
 21 there. Let's go back and --  
 22 Q. Let's listen to it again, yes.  
 23 A. Let's do it again. I haven't heard  
 24 the word investment there.  
 25 Also, you know what, you really have

1 A. Yes, it was a fabrication. And you  
 2 know what, it was a fabrication because two years  
 3 has gone by and where is the business, where is  
 4 the investment, where are the results, where is  
 5 Church & Tower people in China, what they have  
 6 done?  
 7 So, no, it was, it was a miss  
 8 completely information what they did in the Miami  
 9 Herald, yes, sir.  
 10 MR. CANTERO: He also testified, Rick,  
 11 he never seen this tape before.  
 12 MR. OVELMEN: I understand.  
 13 MR. CANTERO: So in a sense you are  
 14 asking him why did he tell the Herald it was  
 15 a fabrication when the article was done and  
 16 when he hadn't seen this at the time of the  
 17 article.  
 18 THE WITNESS: Also there is a tape  
 19 regarding another person. He might be my  
 20 son, but he is a businessman on his own, so  
 21 I think that what is proper is you ask him  
 22 all the questions you want to.  
 23 BY MR. OVELMEN:  
 24 Q. And we will, I assure you.  
 25 But my understanding is that once

1 public opinion became marshaled against this  
 2 deal, that it was reneged upon, is that true?  
 3 A. Is that a statement.  
 4 Q. No, I am asking, is that true?  
 5 A. No, that's a statement. You just made  
 6 a statement. You did not ask a question. You  
 7 say public opinion was marshaled against this  
 8 deal. This is a statement.  
 9 Q. Right. I am entitled to lead you  
 10 because you are the plaintiff.  
 11 A. Okay.  
 12 Q. My question is, and this is a proper  
 13 question.  
 14 A. You are coming --  
 15 Q. My question is --  
 16 A. You are basing your question --  
 17 Q. Is it true?  
 18 A. You are basing your question on a  
 19 false premise.  
 20 Q. That's my question. Is that --  
 21 A. That I do not agree with.  
 22 Q. That's why I am asking the question,  
 23 is just to find out what your answer is. It is  
 24 no debate, this is not a debate.  
 25 A. I am not interested in debating.

1 A. Sure.  
 2 Q. So what I don't understand is what  
 3 your son is saying because he clearly seemed to  
 4 be saying, clearly is saying that we are having a  
 5 joint venture here and --  
 6 A. But what he is saying there does not  
 7 necessarily mean that that was a closed deal and  
 8 that that was a deal.  
 9 Q. I understand it may not have been a  
 10 closed deal.  
 11 A. You can talk about joint ventures all  
 12 what you want, you can talk about investment all  
 13 what you want but when you get to close a deal,  
 14 you are a lawyer, you are probably not a  
 15 businessman but until the business is closed  
 16 there is no such a deal and there is not a deal  
 17 there. By the fact that you are showing me that  
 18 tape it doesn't mean that there is a deal there.  
 19 Q. Do you recall testifying at page 862  
 20 that "There was no such proposal so cut it short,  
 21 let's go to the next question"?  
 22 A. That does not necessarily -- where,  
 23 where is it?  
 24 MR. CANTERO: On what the proposal is,  
 25 are you talking about?

1 Q. My understanding, and that's why I am  
 2 asking you if it is correct, is that the deal was  
 3 reneged upon and I am just asking you, is that  
 4 correct.  
 5 MR. CANTERO: Your first question was  
 6 once public opinion was marshaled against  
 7 this deal then it was reneged upon.  
 8 MR. OVELMEN: Right, that's the  
 9 question, correct.  
 10 MR. CANTERO: Is that correct?  
 11 MR. OVELMEN: That is correct.  
 12 THE WITNESS: The answer is the same  
 13 one that I gave you, that we will never make  
 14 a deal with a Communist system. It was  
 15 never the deal made with the Communist  
 16 government in China. We had never made any  
 17 business accommodation with any Communist  
 18 government and this is still in place and  
 19 this is the truth and this is what we abide  
 20 by.  
 21 BY MR. OVELMEN:  
 22 Q. Who is we?  
 23 A. We are the Mas family.  
 24 Q. All right. Now then, I understand  
 25 what you said.

1 THE WITNESS: What is the proposal  
 2 here?  
 3 BY MR. OVELMEN:  
 4 Q. The proposal that we have been talking  
 5 about reported in the Miami Herald which you said  
 6 was a fabrication which is the \$200 million deal  
 7 that was evidenced by the signed documents that  
 8 were presented to you at the last deposition.  
 9 A. There was no such a proposal as far as  
 10 I am concerned. You would have to ask him. I  
 11 stand by this answer.  
 12 Q. Okay, sir.  
 13 A. Okay.  
 14 Q. Shall we --  
 15 A. There is nothing more on that tape.  
 16 Q. I think there is a little bit more.  
 17 Could we run it just a little bit more.  
 18 (The videotape was played.)  
 19 MR. CANTERO: Rick, do you know who  
 20 that guy is sitting next to George?  
 21 THE WITNESS: This guy here?  
 22 MR. CANTERO: Yes.  
 23 THE WITNESS: I don't know who that is.  
 24 MR. CANTERO: Who spoke first?  
 25 MR. OVELMEN: Scott Segal--

1 MR. CANTERO: Scott Segal?  
 2 MR. OVELMEN: Yes.  
 3 MR. CANTERO: Who is he?  
 4 MR. OVELMEN: **Scott Segal is the head**  
 5 **of Far Eastern Ventures, I believe it is.**  
 6 **He was, his -- I don't know, why am I**  
 7 **testifying.**  
 8 MR. CANTERO: You're not testifying.  
 9 THE WITNESS: No, but it shows that you  
 10 know more than I do. I did not know who  
 11 that guy was.  
 12 MR. OVELMEN: Mr. Mas, I don't for a  
 13 minute believe I know more than you do on  
 14 any subject.  
 15 THE WITNESS: Specifically, on this  
 16 deal I did not know who this guy was.  
 17 MR. CANTERO: Was this guy working for  
 18 the US government?  
 19 MR. OVELMEN: No, it is a private  
 20 company, it is a private company.  
 21 MR. CANTERO: Okay.  
 22 THE WITNESS: Go ahead.  
 23 MR. SCHWIEP: We are ready.  
 24 MR. OVELMEN: His whole raison d'etre  
 25 is to provide deals --

1 Q. Let's go back, because I am sure he  
 2 said it.  
 3 (The videotape was played.)  
 4 (The playing of the videotape was  
 5 stopped.)  
 6 Q. Did you hear it?  
 7 A. He was referring to them. I don't know  
 8 if they were there or not.  
 9 Q. I don't know if they were there.  
 10 A. That's what I am saying.  
 11 Q. He said he was impressed with the  
 12 mayor and the party secretary and the  
 13 progressive --  
 14 A. You can be impressed, I was impressed  
 15 by what Castro has done killing about half the  
 16 population in Cuba. Anybody is impressed, you  
 17 know.  
 18 Q. That's not a word I would use in  
 19 connection with that.  
 20 A. Okay, that is just a choice of words.  
 21 And again, we have been things, since this  
 22 deposition we have been talking a lot about  
 23 semantics here.  
 24 MR. OVELMEN: Let's finish just his  
 25 speech.

1 THE COURT REPORTER: Gentlemen, if you  
 2 want this on the record you can't talk this  
 3 way.  
 4 MR. OVELMEN: It is all right, it is  
 5 off the record.  
 6 MR. OVELMEN: Stop it there.  
 7 (The playing of the videotape was  
 8 stopped.)  
 9 BY MR. OVELMEN:  
 10 Q. He says that he is very honored to be  
 11 a part of this group which includes the party  
 12 secretary and the mayor and so on.  
 13 MR. CANTERO: Okay, growth I think is  
 14 the word.  
 15 MR. OVELMEN: Growth of this area.  
 16 Q. Doesn't that make it clear to you that  
 17 it is --  
 18 A. He is making a statement. I don't  
 19 know if that is true or not. You say that the  
 20 party secretary was there, I don't know.  
 21 Q. No, he mentioned the party secretary,  
 22 that was what the words he used.  
 23 A. I don't know if the party secretary  
 24 was there or not. I did not hear that from his  
 25 mouth.

1 (The videotape was played.)  
 2 MR. OVELMEN: Stop it.  
 3 (The playing of the videotape was  
 4 stopped.)  
 5 BY MR. OVELMEN:  
 6 Q. Now, he's clearly there talking about  
 7 making a profit in Chengdu. Can you seriously  
 8 say that this is not a joint venture in the  
 9 Chengdu province?  
 10 MR. CANTERO: I object to the form.  
 11 THE WITNESS: It is clear to you, it is  
 12 not clear to me, sir.  
 13 BY MR. OVELMEN:  
 14 Q. What would he have had to say for it  
 15 to be clear?  
 16 A. I don't know. I haven't thought about  
 17 it.  
 18 Q. All right, sir.  
 19 MR. OVELMEN: Let's finish.  
 20 (The videotape was played.)  
 21 THE WITNESS: That's the end.  
 22 MR. OVELMEN: That's the end.  
 23 (The playing of the videotape was  
 24 stopped.)  
 25

1 BY MR. OVELMEN:  
 2 Q. Now, as you notice there, they are  
 3 signing formal documents, and we presented at the  
 4 last deposition signed documents by both the  
 5 Chinese and your son.  
 6 Do you have any basis for questioning  
 7 that those were not the documents being signed  
 8 here?  
 9 A. Yes, why not. I was not there.  
 10 Q. So you think there may have been --  
 11 A. I don't speak Chinese. And when you  
 12 showed me that in the last deposition it was the  
 13 first time I saw those documents.  
 14 Q. I see. So when you spoke to the  
 15 Herald then and said it was a fabrication, you  
 16 had neither seen the videotape nor the signed  
 17 documents?  
 18 A. I don't have the article right in  
 19 front of me but you would have to show me word by  
 20 word. I want to be very precise, the word  
 21 fabrication, I would like to see that. I  
 22 probably said it but I don't want to talk about  
 23 it unless I get the evidence right in front of  
 24 me.  
 25 Q. Let me just reformulate the question.

1 Q. Had you seen them would you have  
 2 discussed the matter more with your son?  
 3 A. I will not, I will not change my  
 4 statement.  
 5 Q. Had you seen them would you have  
 6 talked more with your son before making a  
 7 statement?  
 8 A. I would not change my statement.  
 9 MR. CANTERO: Objection to the form.  
 10 BY MR. OVELMEN:  
 11 Q. Can you see why the media would report  
 12 what it reported given the events depicted in the  
 13 videotape and the documents that were made  
 14 available?  
 15 MR. CANTERO: Objection, calls for  
 16 speculation.  
 17 THE WITNESS: You have to ask that of  
 18 the Miami Herald, I am not a journalist.  
 19 BY MR. OVELMEN:  
 20 Q. I am just asking would you consider it  
 21 unfair to have reported what was reported given  
 22 these documents and the videotape?  
 23 A. Yes, yes, it was.  
 24 Q. And why would it have been unfair?  
 25 A. Because he never intended to do any

1 When you spoke to the Herald you had not seen the  
 2 videotape nor the signed documents, is that your  
 3 testimony?  
 4 A. Your question is wrong, I did not  
 5 speak to the Herald.  
 6 Q. Okay. When you gave your statement as  
 7 to this transaction and it was published in the  
 8 Herald.  
 9 A. That was incorrect also. I did not  
 10 give any statement to the Herald, sir.  
 11 Q. When your statement was publicized, at  
 12 the time your statement was publicized by the  
 13 Herald, had you seen -- I am just trying to find  
 14 out.  
 15 A. Sure, go ahead, ask your question.  
 16 Q. I am just trying to find out.  
 17 A. But ask the right question.  
 18 Q. I am just trying to find out whether  
 19 prior to the statement being published in the  
 20 Herald had you seen either the documents or the  
 21 videotape.  
 22 A. No, sir, I have not.  
 23 Q. Had you seen them would you have  
 24 changed your public statement?  
 25 A. No. I would --

1 business with China or with any communist system.  
 2 Q. Do you think a reasonable person  
 3 looking at this videotape and seeing these  
 4 documents would draw that conclusion?  
 5 MR. CANTERO: Objection.  
 6 THE WITNESS: If you are predisposed,  
 7 yes, if you are predisposed.  
 8 If there is some prejudice against us  
 9 which the Herald had, yes, they probably  
 10 would publish that as they did.  
 11 BY MR. OVELMEN:  
 12 Q. Do you think it requires prejudice to  
 13 look at this videotape --  
 14 A. Yes.  
 15 Q. -- and those documents --  
 16 A. Yes, it does, because it doesn't prove  
 17 anything.  
 18 MR. CANTERO: Let him finish the  
 19 question.  
 20 I don't think you were finished,  
 21 right?  
 22 MR. OVELMEN: I don't know.  
 23 BY MR. OVELMEN:  
 24 Q. I am just agog that you would think  
 25 that it would require prejudice after watching

1 this videotape to conclude, for the press to have  
 2 concluded that there was some kind of deal.  
 3 A. Sure, the way the news was presented,  
 4 yes, that we had a deal with China, that we were  
 5 making a \$200 million investment in China, oh,  
 6 yes, that was completely misinformation what was  
 7 published, distortion.  
 8 Q. Why would you have a big signing  
 9 ceremony if there wasn't some kind of a deal?  
 10 A. That doesn't assure anyone including  
 11 that tape that there was a deal.  
 12 Q. What was the point of it?  
 13 A. You would have to ask my son.  
 14 Q. Have you ever heard of people --  
 15 A. Remember, after all, you are  
 16 questioning me about another person not about me  
 17 so --  
 18 Q. That's true, but you felt free to tell  
 19 the press that none of it was true.  
 20 A. And I still --  
 21 Q. I'm just asking you about it.  
 22 MR. CANTERO: That's argumentative.  
 23 THE WITNESS: I still think that there  
 24 was not any deal.  
 25

1 Now, sir, can you explain why he would  
 2 say on the tape that he was going to do a joint  
 3 venture and that he was going to build this  
 4 bridge between the Chinese people and Americans,  
 5 establish ties, he put it?  
 6 A. For the benefit of clarity I think  
 7 that you should ask that question to him. I  
 8 stand by my statement here that we will do no  
 9 business in China or any other communist  
 10 country.  
 11 Q. All right.  
 12 MR. CANTERO: Is there an extra copy of  
 13 the videotape for me?  
 14 MR. SCHWIEP: There will be if there is  
 15 not.  
 16 MR. OVELMEN: I have two more in my  
 17 office. I will send one over to you,  
 18 absolutely.  
 19 Mark this as the next exhibit.  
 20 And I have one for you.  
 21 MR. CANTERO: 142.  
 22 (Defendants' Exhibit 142 was marked for  
 23 identification.)  
 24 MR. OVELMEN: Off the record. You  
 25 might take a couple of minutes to look at

1 BY MR. OVELMEN:  
 2 Q. So --  
 3 A. You know what the bottom line is,  
 4 there is no deal and there had never been a  
 5 deal. So, you can go back and forth all what you  
 6 want with that tape.  
 7 MR. CANTERO: You got your answer.  
 8 THE WITNESS: The fact is there is no  
 9 deal.  
 10 MR. OVELMEN: We got our answer is  
 11 right.  
 12 THE WITNESS: And very clear answers.  
 13 MR. OVELMEN: Can we take five  
 14 minutes.  
 15 (Recess.)  
 16 BY MR. OVELMEN:  
 17 Q. One last question. Page 877 of your  
 18 testimony, you said, you were asked, line 18, you  
 19 were asked of your son, "Did you tell him before  
 20 he made that trip," which is to China, "of your  
 21 opinion that no entity in which you are involved  
 22 will do business with any communist country?"  
 23 "A. We discussed that and it is very  
 24 clear that we are not going to do anything in  
 25 China."

1 this because I have a lot of questions about  
 2 this.  
 3 (Discussion off the record.)  
 4 BY MR. OVELMEN:  
 5 Q. Do you recognize this memorandum?  
 6 A. This memorandum was never signed by  
 7 me. It was never written by me or by any member  
 8 of the Cuban American National Foundation.  
 9 Q. So you are saying this memorandum is  
 10 not authentic?  
 11 A. It is not authentic, yes, sir, that's  
 12 what I am saying.  
 13 Q. Let me show you a translation.  
 14 MR. OVELMEN: Mark that as the next  
 15 exhibit.  
 16 I have one for you.  
 17 MR. CANTERO: Are you marking that as  
 18 143?  
 19 THE COURT REPORTER: Yes.  
 20 (Defendants' Exhibit 143 was marked for  
 21 identification.)  
 22 THE WITNESS: Which one do you have,  
 23 the Spanish or English for me?  
 24 BY MR. OVELMEN:  
 25 Q. I am going to work from the English,

1 you can work from whichever one you find  
 2 comfortable.  
 3 So your testimony is you did not send  
 4 this and this is not an authentic memorandum of  
 5 the Foundation?  
 6 A. That's my statement, correct.  
 7 Q. So it wasn't sent to directors and  
 8 trustees?  
 9 A. That's correct, it was never sent to  
 10 directors and trustees.  
 11 Q. And there was no discussion of these  
 12 issues?  
 13 A. No, sir.  
 14 Q. So, for example, there was no decision  
 15 to oppose Mario Baeza that was discussed by the  
 16 Foundation?  
 17 A. That's correct.  
 18 Q. And this memorandum is incorrect, is  
 19 fraudulent then in its discussion of that issue?  
 20 A. Yes, sir.  
 21 Q. When it refers to him as the black  
 22 lawyer, Mario Baeza, that is not a locution  
 23 allocation of the Foundation or yourself?  
 24 A. What is your question?  
 25 MR. CANTERO: What is --

1 BY MR. OVELMEN:  
 2 Q. Page 2, was there a unilateral  
 3 decision to withdraw funding grants by NED?  
 4 A. That grant came to halt as all grants  
 5 comes to a finish.  
 6 Q. Do you agree that the arguments for  
 7 withdrawing the funding are strange in the three  
 8 ways denominated in the memo?  
 9 A. This memo is completely false, sir.  
 10 Q. I am just asking if you agree with the  
 11 three reasons that are stated in the memo.  
 12 A. No, I don't agree. It is false, I am  
 13 telling you.  
 14 I disagree completely with this memo.  
 15 This memo was the work of the DGI in Cuba, that's  
 16 the type of work they do. The DGI is the  
 17 intelligence group, the directorate.  
 18 Q. Do you think, turning to page 3, in  
 19 No. 4 --  
 20 A. Paragraph 4?  
 21 Q. Yes, paragraph 4, do you consider  
 22 Carlos Alberto Montaner, and I am sure I am  
 23 mispronouncing the name.  
 24 MR. CANTERO: Pretty good.  
 25 THE WITNESS: Pretty good.

1 Q. Paragraph, six down, "One consequence  
 2 of the above is our first direct confrontation  
 3 over the attempts to appoint black lawyer Mario  
 4 Baeza as Assistant Secretary of State for Latin  
 5 America."  
 6 A. Yes.  
 7 Q. That is not a statement or locution of  
 8 it?  
 9 A. That is not correct, right.  
 10 Q. Did you oppose Baeza?  
 11 A. Yes, I did. There was no direct  
 12 confrontation and this document is completely  
 13 false.  
 14 Q. What was the Sellous project?  
 15 A. The what?  
 16 Q. The Sellous project, S E L L O U S?  
 17 A. I don't know.  
 18 Q. You don't know what that was?  
 19 A. No.  
 20 Q. So you don't know of any report given  
 21 by Domingo Moreira and Roberto Perez on it?  
 22 A. No. This is laughable, you can laugh.  
 23 Q. Turning to numbered paragraph 3.  
 24 A. Which page?  
 25 MR. CANTERO: 2.

1 BY MR. OVELMEN:  
 2 Q. An opportunist and traitor?  
 3 A. No, sir, I don't.  
 4 Q. What is your opinion of him?  
 5 A. He is a good writer.  
 6 Q. A good writer?  
 7 A. Yes.  
 8 Q. And so, so far as you know there is no  
 9 evidence that is devastating regarding him?  
 10 A. No. Devastating him? What do you  
 11 mean, devastating him?  
 12 Q. Paragraph 1, 2, 3, 4, 5, page 3,  
 13 paragraph 5.  
 14 A. Okay, where is devastating him?  
 15 Q. "As you know, the evidence in our  
 16 possession is devastating."  
 17 A. This is completely false.  
 18 Q. So you don't know of any devastating  
 19 evidence?  
 20 A. No, sir.  
 21 Q. Okay.  
 22 A. I am sorry for asking you the question  
 23 again.  
 24 Q. That's all right.  
 25 A. You need to repeat the question.

MENENOYO NO TRAITOR

1 Q. Any time you need clarification or  
 2 repetition?  
 3 A. Thank you.  
 4 Q. It is my job.  
 5 And you wouldn't have used the Roman  
 6 saying attributed to Theocritus, actually it was  
 7 Greek, I guess, that if you nurture dogs they  
 8 will devour you?  
 9 A. No.  
 10 Q. Do you think, do you consider Eloi  
 11 Gutierrez Menoyo, his organization --  
 12 A. Where is that?  
 13 Q. This is the bottom of page 3, purest  
 14 expression of political opportunism and  
 15 treason?  
 16 A. Many people think that.  
 17 Q. Do you agree with that?  
 18 A. I don't necessarily agree with it. I  
 19 think that he is a man that has made many  
 20 mistakes and has been wrong but not necessarily a  
 21 traitor, no, he is not.  
 22 Q. This statement, "The meeting on March  
 23 17th between Gutierrez Menoyo and Vicky  
 24 Huddleston," this is on page 4, third paragraph,  
 25 "from the State Department's Cuba desk shows the

1 D.C.  
 2 MR. OVELMEN: That's true.  
 3 BY MR. OVELMEN:  
 4 Q. Do you agree with the paragraph second  
 5 from the bottom on page 4 on the English  
 6 translation that says that "one of these," and by  
 7 these, it means, you know, bad occurrences, bad  
 8 event, "is the outcome of the election throughout  
 9 the county and particularly in District 11 where  
 10 Diaz de la Portilla campaigned on a platform  
 11 attacking CANF and its leaders."  
 12 Do you agree with that --  
 13 A. No, sir.  
 14 Q. -- sentence?  
 15 A. No, sir.  
 16 Q. Do you agree he campaigned attacking  
 17 CANF and its leaders?  
 18 A. No, sir, I don't.  
 19 Q. Do you agree with the next paragraph  
 20 about PECA?  
 21 A. PECA? I don't know what PECA is. No,  
 22 sir. I don't know what PECA is and again this is  
 23 completely false.  
 24 Q. Do you know who, top of page 5,  
 25 Roberto Solas is?

1 urgent need for an appropriate showdown with  
 2 these vulgar dialogue advocates, opportunists and  
 3 traitors."  
 4 Do you consider --  
 5 A. I disagree with this paragraph, sir.  
 6 Q. Okay.  
 7 A. And I repeat again that this memo is  
 8 completely a fabrication of the Cuban government.  
 9 Nothing was discussed whatsoever,  
 10 nothing was written by the Foundation, close or  
 11 similar, direct or indirectly, close or similar  
 12 to this one.  
 13 Q. Is it your practice to write memos?  
 14 A. No, sir, it is not.  
 15 Q. Have you ever done it?  
 16 A. No, sir, not much and never in this  
 17 type of memo -- letterhead.  
 18 Q. In some other type of letterhead?  
 19 A. I write letters on another letterhead  
 20 but I don't usually write memos, no. As far as I  
 21 recall in 15 years of assisting in the Foundation  
 22 I have never written a memo to the directors and  
 23 trustees.  
 24 MR. CANTERO: Let the record reflect  
 25 this letter has a letterhead of Washington,

1 A. No, I don't.  
 2 Q. No. 6?  
 3 A. Page 6?  
 4 Q. No, page 5, numbered paragraph 6.  
 5 A. Okay.  
 6 MR. CANTERO: It has number 6 on it.  
 7 MR. OVELMEN: Right.  
 8 THE WITNESS: Okay.  
 9 BY MR. OVELMEN:  
 10 Q. Could you just read through that  
 11 paragraph, goes A through small G, small A  
 12 through small G, and tell me if there is anything  
 13 in that paragraph you disagree with?  
 14 A. I disagree with everything there.  
 15 Q. Is there anything you agree with?  
 16 A. No.  
 17 MR. CANTERO: Read the whole thing, A  
 18 through G.  
 19 (Pause.)  
 20 THE WITNESS: I disagree with  
 21 everything.  
 22 BY MR. OVELMEN:  
 23 Q. Now, it is your view that this  
 24 document was prepared by the Cuban government?  
 25 A. Yes, sir.

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1 Q. Have you seen this document before  
2 today?  
3 A. Yes, sir, I have.  
4 Q. When did you see it before today?  
5 A. I don't know, many years ago. I don't  
6 remember the date.  
7 Q. But at that time what made you  
8 conclude it was prepared by the Cuban government?  
9 A. Because this is the typical work of  
10 the Cuban government.  
11 Q. Other than its typicality, is there  
12 any basis for that?  
13 A. No, I did not meet, sir, in Cuba the  
14 gentleman who wrote this no, I haven't.  
15 Q. I just meant did you have some other  
16 evidence?  
17 A. Just the style, the experience and  
18 what I do, this is typical, this information, put  
19 out by the Cuban government. But I did not meet  
20 those people in Cuba, I do not know who wrote it,  
21 I don't know the name, so...  
22 Q. But it couldn't have been just a  
23 political enemy of yours?  
24 A. No, this is typical of the Cuban  
25 government.

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1 Q. Are there other memoranda that are  
2 prepared that are similar to this by the Cuban  
3 government?  
4 A. Not that I know of. This memorandum  
5 was sent directly to the Miami Herald and we call  
6 up and told them that this was completely unfair,  
7 untrue.  
8 Q. The signature on page, the last page  
9 of the Spanish version, does that appear to be  
10 your signature?  
11 A. Yes, it appears to.  
12 You know, this is very easy to  
13 falsify. This is a copy. Unless you show me the  
14 original...  
15 Q. Could you please just state for the  
16 record the circumstances under which you first  
17 saw the memo, how you came to have it and so  
18 forth?  
19 A. I think that it was sent by some news  
20 media because it was written by the Cuban  
21 government and sent to the news media and some  
22 member of the news media sent it and we  
23 immediately disavowed any association whatsoever  
24 with this document.  
25 But I don't recall exactly what news

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1 media sent it when they sent it, the time and the  
2 day, exactly when I saw it. I saw it a few years  
3 ago and we told the news media and everybody  
4 laughed at it. This is not typical of --  
5 Q. Who did you talk to at the Miami  
6 Herald, did you talk to --  
7 A. No, it was the spokesman of the  
8 Foundation who talked to someone in the Miami  
9 Herald, someone in the Foundation did it.  
10 Q. Do you know who that would have been?  
11 A. Probably Fernando Rojas or Pepe  
12 Hernandez, but I cannot recall who was it.  
13 Q. Was this document circulated then to  
14 other members of the CANF for them to look at it?  
15 A. I don't recall, but I think that we  
16 ourselves circulated, brought it up to the board  
17 of directors and showed the work of the Cuban  
18 government.  
19 Q. Now -- all right.  
20 MR. CANTERO: Can we go off the record  
21 a second.  
22 MR. OVELMEN: Sure.  
23 (Discussion off the record.)  
24 BY MR. OVELMEN:  
25 Q. Who is Mario Escadero?

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1 A. I don't know.  
2 Q. Who is Rafael De Arce?  
3 A. Rafael De Arce?  
4 Q. Yes.  
5 A. He was a gentleman who built a  
6 condominium down in Key Largo, in Tavernier.  
7 Q. Were you in a company with him?  
8 A. No, I bought an apartment there  
9 through an investment that I made in that  
10 building which I still hold.  
11 Q. Were you in a lawsuit over this  
12 transaction?  
13 A. Probably, probably some owners or  
14 investors in that building did.  
15 I don't recall if I ever was engaged  
16 in a legal suit or not.  
17 MR. OVELMEN: I only have one copy.  
18 Could we make copies? This is the next  
19 exhibit, most of these things I have copies  
20 of, this I only have one.  
21 BY MR. OVELMEN:  
22 Q. Maybe you could take a look at that.  
23 And we will be marking that as the next exhibit.  
24 (Pause.)  
25 MR. CANTERO: Do you want to take a

1 break and I will make copies?  
 2 MR. OVELMEN: I will show him a couple  
 3 of other things, I won't ask him questions.  
 4 Just make the copies.  
 5 MR. OVELMEN: Yes, could we get copies  
 6 of these two documents as well.  
 7 MR. CANTERO: Make two copies.  
 8 MR. OVELMEN: One to be marked, one for  
 9 you and one for me.  
 10 THE VIDEOGRAPHER: Off the record?  
 11 MR. OVELMEN: Yes.  
 12 (Recess.)  
 13 MR. OVELMEN: We need to mark one of  
 14 them. Let's start with the interrogatory  
 15 answers.  
 16 MR. CANTERO: You have two copies.  
 17 MR. OVELMEN: I have two, sorry.  
 18 MR. CANTERO: I didn't know what order  
 19 you want them.  
 20 MR. OVELMEN: That is all right, I will  
 21 start with this one.  
 22 (Defendants' Exhibit 144 was marked for  
 23 identification.)  
 24 BY MR. OVELMEN:  
 25 Q. My first question --

1 president.  
 2 A. I don't know, you have to define that,  
 3 I don't know.  
 4 I don't recall never being the  
 5 president of a corporation called Coral Shores  
 6 Enterprises, much less, you know, to have them as  
 7 employees, because they were never my employees.  
 8 Q. Well, isn't the answer to number one,  
 9 Jorge Mas, president of Coral Shores Enterprises?  
 10 A. I just answered that question. The  
 11 address is wrong but I don't ever recall being  
 12 the president of a corporation called Coral  
 13 Shores Enterprises much less having those  
 14 individuals here as employees.  
 15 They were putting up a building in  
 16 Tavernier called Sea Gull Condominium in which I  
 17 made an investment. The condominium had a lot of  
 18 problems with the bank, I think they foreclosure  
 19 on that building. And the bank finally gave me a  
 20 two bedroom unit which I still hold today.  
 21 That's my recollection of that  
 22 situation.  
 23 Q. What do you remember about your  
 24 relationship with Rafael De Arce?  
 25 A. I just described it.

1 THE VIDEOGRAPHER: We are not going to  
 2 be able to --  
 3 MR. OVELMEN: Hold it one second.  
 4 MR. CANTERO: I could have gotten that  
 5 for you, Rick.  
 6 MR. OVELMEN: I am sorry.  
 7 THE WITNESS: Now, sir.  
 8 MR. OVELMEN: It is so hard to do these  
 9 depositions.  
 10 THE WITNESS: Your first question?  
 11 BY MR. OVELMEN:  
 12 Q. My first question is, does this set of  
 13 interrogatory answers refresh your recollection  
 14 as to Coral Shores Enterprises, Inc.?  
 15 A. No, sir.  
 16 Q. Do you remember signing these  
 17 interrogatories?  
 18 A. No, sir, I don't remember, but it  
 19 happened 21 years ago. I really don't have a  
 20 recollection of this.  
 21 Q. Do you remember being in a company  
 22 with Antonio Canaves and Rafael De Arce?  
 23 A. What do you mean, in the company?  
 24 Q. According to your interrogatory  
 25 answer, they were employees and you were the

1 Q. Do you remember meeting with him and  
 2 Antonio Canaves two or three times a month for  
 3 about a two year period?  
 4 A. No, sir. I met with them at the time  
 5 that I made the investment and then I talked to  
 6 them on several occasions when they run into  
 7 problems with the building because I want to  
 8 assure that my investment would be safe some way,  
 9 somehow. And that's how I end up with the  
 10 apartment.  
 11 Q. Was this sort of a foreclosure action  
 12 by Sun Bank Mortgage Company against Coral  
 13 Shores?  
 14 A. I really don't know, sir. You gave me  
 15 a piece of legal document here. I am not an  
 16 attorney.  
 17 Q. Okay, sir.  
 18 MR. CANTERO: Is the question if he  
 19 remembers what the case was about?  
 20 MR. OVELMEN: Yes.  
 21 BY MR. OVELMEN:  
 22 Q. Do you remember what the case was  
 23 about?  
 24 A. No, I don't. I don't recall being the  
 25 president of any corporation called Coral Shores.

1 Q. Is your testimony you don't remember  
 2 or is your testimony that you weren't? Not to  
 3 pick a nit, but I am just wondering which it is.  
 4 MR. CANTERO: I think his testimony was  
 5 he didn't remember.  
 6 (The witness and his counsel confer off  
 7 the record.)  
 8 THE WITNESS: Go ahead, sir.  
 9 BY MR. OVELMEN:  
 10 Q. Looking at interrogatory answer No.  
 11 11, and question 11, does that refresh your  
 12 recollection at all about what the dispute was  
 13 involved?  
 14 A. The certificate, I never handled any  
 15 of those things, sir. I was not involved in the  
 16 construction of that building. I invested some  
 17 money in that building.  
 18 Q. Do you have any reason to believe --  
 19 A. Excuse me, excuse me, let me finish.  
 20 Q. I am sorry.  
 21 A. It doesn't refresh anything because I  
 22 was never involved in any of the things that are  
 23 being described here.  
 24 Q. I am not sure I understand. Are you  
 25 saying you weren't president of Coral Shores? I

1 consultations with them where it would just be  
 2 the three of you and you would go off to your  
 3 office and --  
 4 A. No, sir.  
 5 Q. At the trailer?  
 6 A. No, sir, no, I don't.  
 7 Q. All right, sir.  
 8 Do you remember being in this  
 9 DeArce-Mas Corporation?  
 10 MR. OVELMEN: Let's look, mark the next  
 11 exhibit.  
 12 A. I was looking at this here and I don't  
 13 have the slightest recollection of this  
 14 here, sir.  
 15 MR. CANTERO: Let him mark it.  
 16 (Defendants' Exhibit 145 was marked for  
 17 identification.)  
 18 BY MR. OVELMEN:  
 19 Q. All right, sir, this document reflects  
 20 that Mr. Tom Carlos filed it and it is a  
 21 standard, purports to be a standard corporate  
 22 filing. Who is Tom Carlos?  
 23 A. Tom Carlos, my attorney.  
 24 Q. Has he been your attorney for many  
 25 years?

1 thought you said you didn't remember.  
 2 A. I don't remember. But I remember  
 3 clearly that I was not involved in any of those  
 4 details there, I was not.  
 5 Q. Do you recall signing these  
 6 interrogatories?  
 7 A. I don't, no, I don't.  
 8 Q. Do you recall, though, Mr. De Arce and  
 9 Mr. Canaves?  
 10 A. That if I what?  
 11 Q. Do you recall Mr. De Arce and  
 12 Mr. Canaves?  
 13 A. Sure, I remember them, yes.  
 14 Q. Do you remember meeting with them  
 15 repeatedly over, say, a two year --  
 16 A. I already answered that question, sir.  
 17 Q. And your answer was?  
 18 A. My answer was that I met with them  
 19 once when I made my investment and that I talked  
 20 to them on the phone after that and I probably  
 21 meet once, twice, I don't count them, I don't  
 22 keep a calendar the times that I meet, but I  
 23 don't meet with them frequently, no, sir, I did  
 24 not.  
 25 Q. Do you remember having private

1 A. Yes, sir, he has.  
 2 Q. But you don't recall the DeArce-Mas  
 3 Corporation?  
 4 A. That's correct, sir.  
 5 Q. Were you aware that Mr. De Arce was a  
 6 drug smuggler?  
 7 A. No, sir.  
 8 MR. CANTERO: Objection, assumes facts  
 9 not in evidence.  
 10 Q. Were you aware that he was indicted  
 11 for drug smuggling?  
 12 A. No, sir.  
 13 Q. In 1979?  
 14 A. No, sir.  
 15 Q. Were you aware that he was convicted  
 16 of drug smuggling?  
 17 A. After 1975 when I got that apartment,  
 18 I lost all contact with Mr. De Arce and  
 19 Mr. Canaves. That's news to me.  
 20 Q. Did you know Mr. Canaves was a drug  
 21 smuggler?  
 22 MR. CANTERO: Objection.  
 23 THE WITNESS: No, sir.  
 24 BY MR. OVELMEN:  
 25 Q. Did you know he was convicted?

1 A. No, sir.  
 2 Q. So at the time --  
 3 A. When does that happen?  
 4 Q. I am afraid I have to ask the  
 5 questions.  
 6 A. You make --  
 7 MR. CANTERO: It assumes facts not in  
 8 evidence.  
 9 THE WITNESS: You made a statement. I  
 10 just want to find out because in 1975 they  
 11 were not drug smugglers, they were  
 12 constructors, they were builders. So when  
 13 did that happen you say they were drug  
 14 smugglers, when were they convicted?  
 15 MR. CANTERO: '79, did you say?  
 16 MR. OVELMEN: There were indictments  
 17 '79, '81, '89, other, there were a number  
 18 of other offenses as well that were drug  
 19 related. They both have extensive rap  
 20 sheets.  
 21 BY MR. OVELMEN:  
 22 Q. My question is simply did you know --  
 23 A. Excuse me, you say that was 1979?  
 24 MR. CANTERO: Beginning in '79.  
 25 BY MR. OVELMEN:

1 knew drug smugglers?  
 2 A. No, sir.  
 3 Q. Okay.  
 4 And let me have you look at this.  
 5 (Pause.)  
 6 A. Okay, sir.  
 7 MR. CANTERO: This is?  
 8 THE WITNESS: I think you need that.  
 9 MR. OVELMEN: Mark that.  
 10 MR. SCHWIEP: 146?  
 11 MR. OVELMEN: 146, yes.  
 12 (Defendants' Exhibit 146 was marked for  
 13 identification.)  
 14 THE WITNESS: Okay.  
 15 BY MR. OVELMEN:  
 16 Q. Does, do you recognize that document?  
 17 A. It seems like a note that they sign on  
 18 my behalf.  
 19 Q. Do you know why they would do that?  
 20 A. Well, I made an investment and they  
 21 probably guaranteed that through that note.  
 22 I don't have a fresh recollection  
 23 because it was 26, what, 22 years ago.  
 24 Q. So it doesn't refresh your  
 25 recollection as to what it is. You don't know --

1 Q. -- they both have long records?  
 2 A. Because I think the record shows very  
 3 clearly as '74 and '75 when they were contractors  
 4 and they built not only one building, they built  
 5 another building also called Summer Seas down in  
 6 the Keys. That's how I remember both of them.  
 7 Q. So your answer is you were unaware,  
 8 until now, that they were drug smugglers?  
 9 A. Yes, I just learned with you, I did  
 10 not know what they were. Are they in jail?  
 11 Q. They are both dead I believe now.  
 12 A. They are both dead?  
 13 Q. I believe so. Both served time. But  
 14 properly, sir, I am asking the questions.  
 15 So you have never --  
 16 MR. CANTERO: Answer some questions for  
 17 him.  
 18 MR. OVELMEN: I know, I know.  
 19 BY MR. OVELMEN:  
 20 Q. So you have never seen the indictments  
 21 and you weren't aware of the convictions then of  
 22 either man?  
 23 A. No, sir.  
 24 Q. And at the time you were doing  
 25 business with them they were not so far as you

1 you think it had to do with your investment?  
 2 A. I don't have a fresh memory of it but  
 3 I invested approximately about that amount of  
 4 money. So it probably is a correct note, but I  
 5 don't, you know.  
 6 Q. Again, at the time that you were doing  
 7 this you had no idea whether or not, it never,  
 8 never occurred to you that they might be involved  
 9 in drug smuggling, is that correct?  
 10 A. No, I did not.  
 11 Q. Okay.  
 12 A. And also at that time I don't think  
 13 they were involved in anything because they were  
 14 businessmen.  
 15 Q. Okay. Do you recall an INS proceeding  
 16 involving Rafael De Arce?  
 17 A. No, sir.  
 18 Q. Do you recall whether you participated  
 19 in that INS proceeding in some way?  
 20 A. No, no.  
 21 MR. CANTERO: Objection. He said he  
 22 didn't recall.  
 23 THE WITNESS: No, I don't recall  
 24 that.  
 25 BY MR. OVELMEN:

1 Q. Do you think if there were documents  
2 put before you it might refresh your recollection  
3 on that?  
4 A. Probably so.  
5 Q. Can you tell me what Atlantida  
6 Enterprises, Inc. is?  
7 MR. CANTERO: Can you spell that?  
8 MR. OVELMEN: Atlantida,  
9 A T L A N T I D A, Enterprises, Inc.  
10 THE WITNESS: No, I don't.  
11 BY MR. OVELMEN:  
12 Q. Is that a Panamanian corporation?  
13 A. I don't know, sir.  
14 Q. It is not a Panamanian corporation  
15 that you owned?  
16 A. I don't know, sir, no. I don't know  
17 any Atlantida Corporation.  
18 Q. Have you ever owned such a  
19 corporation?  
20 A. I don't think so.  
21 Q. Been an officer in it?  
22 A. No, I don't think so.  
23 Q. Are you familiar with a corporation  
24 called Interamerican Investors and Developers,  
25 Inc.?

1 A. Interamerican Investors and  
2 Developers?  
3 Q. Yes.  
4 A. Yes, it sounds familiar but I don't  
5 have a recollection of that. Interamerican  
6 Investors and Developers, I heard of that  
7 someplace. I don't know.  
8 Q. Are you familiar with River Falls  
9 Investment, Inc.?  
10 A. No, I don't.  
11 Q. It is a Panamanian corporation.  
12 A. No, I don't, sir.  
13 Q. Hawkeye Holdings, Inc.?  
14 A. What?  
15 Q. Hawkeye Holdings, Inc.?  
16 A. No.  
17 Q. Yaxtil Corporation?  
18 A. What?  
19 Q. Y A X T I L, Corporation?  
20 A. No, sir.  
21 Q. And you are not aware of any of these?  
22 A. No. Not that I recall now.  
23 (The witness and his counsel confer off  
24 the record.)  
25 MR. OVELMEN: Could we make --

1 (The witness and his counsel confer off  
2 the record.)  
3 Q. I would like you to look at these.  
4 MR. OVELMEN: I guess we need copies  
5 again.  
6 (Pause.)  
7 THE WITNESS: What is the question,  
8 sir?  
9 MR. CANTERO: Do you want me to make a  
10 copy?  
11 MR. OVELMEN: Why don't you make a  
12 copy.  
13 BY MR. OVELMEN:  
14 Q. My question is going to be, first, do  
15 they refresh your recollection as to who  
16 Atlantida and Interamerican Corporation --  
17 A. Interamerican Investors, now, yes, I  
18 recall that, yes, sir.  
19 MR. OVELMEN: Okay. Do you want to  
20 make a copy now. I would like to look at it  
21 and ask questions.  
22 MR. CANTERO: So I will make two.  
23 MR. OVELMEN: Thanks.  
24 (Discussion off the record.)  
25 BY MR. OVELMEN:

1 Q. We will skip ahead a little bit on  
2 something.  
3 A. Why don't we ask the question here now  
4 then when we finish she makes copies.  
5 Q. I want to see it. But it won't stop  
6 us, we will go forward.  
7 A. Okay.  
8 Q. In the meantime, did you ever  
9 contribute to the county commission race of  
10 George Valdes?  
11 A. I don't remember. I probably did but  
12 I don't remember when and how and how much.  
13 Q. Do you think if you looked at  
14 documents it might refresh your recollection?  
15 A. Sure.  
16 (Pause.)  
17 MR. OVELMEN: We will mark that  
18 eventually as 148.  
19 MR. CANTERO: What about 147?  
20 MR. OVELMEN: No, those are --  
21 MR. CANTERO: That is going to be 147?  
22 MR. OVELMEN: Yes.  
23 MR. SCHWIEP: Yes.  
24 THE WITNESS: These are all copies. If  
25 you testify that this is, these are true

1 copies of the original, right?  
 2 BY MR. OVELMEN:  
 3 Q. I am not testifying?  
 4 A. Are you making that representation?  
 5 Q. I am willing to make that  
 6 representation. But I am asking you whether  
 7 it -- my question is not whether those are the,  
 8 those are the records, my question is whether  
 9 those records reflect -- refresh your  
 10 recollection and whether you remember making  
 11 contributions.  
 12 A. Well, I already answered that  
 13 question, I probably did. I don't know if these  
 14 are the true records or not. You don't make that  
 15 representation and I am not going to go buy a  
 16 copy of --  
 17 Q. I am willing to make that  
 18 representation but --  
 19 A. The answer is yes, I probably made  
 20 some contribution to Jorge Valdes. As to these  
 21 documents here, if you don't tell me that these  
 22 are original documents or copies of the original  
 23 documents, I am not going to testify about it.  
 24 Q. Right.  
 25 Reviewing those records, do you recall

1 make this an exhibit then?  
 2 MR. OVELMEN: Yes.  
 3 MR. SCHWIEP: 148.  
 4 MR. OVELMEN: I am just saying we don't  
 5 need to do it now because I am done, we can  
 6 do it when the deposition is over.  
 7 MR. SCHWIEP: Just mark it.  
 8 MR. OVELMEN: Yes, mark it and then we  
 9 will make copies.  
 10 (Defendants' Exhibit 148 was marked for  
 11 identification.)  
 12 MR. OVELMEN: And 147.  
 13 (Defendants' Exhibit 147 was marked for  
 14 identification.)  
 15 THE WITNESS: Okay, sir.  
 16 BY MR. OVELMEN:  
 17 Q. Now, this document, the first one on  
 18 top lists Atlantida Enterprises, Inc. and then  
 19 yourself as trustee. Do you recall what this  
 20 transaction is?  
 21 A. I don't recall exactly but it is  
 22 possible a transaction, a piece of land that I  
 23 bought I think in the Homestead area many years  
 24 ago as an investment. But I don't have a fresh  
 25 recollection of it. Probably that's the case.

1 that Mas Group, Inc. made a thousand dollar  
 2 contribution, Communication Contractors, Inc.  
 3 made a thousand dollar contribution?  
 4 A. Probably.  
 5 Q. Church & Tower made a thousand dollar  
 6 contribution, Jorge Mas, that is yourself, made a  
 7 thousand dollar contribution, and Church & Tower  
 8 made a thousand dollar contribution.  
 9 Is that correct, is that your memory?  
 10 A. I don't know exactly, I don't remember  
 11 exactly but it is possible that I did, I did make  
 12 this contribution.  
 13 Q. We don't have -- we will mark that as  
 14 148 at some point. Those are my only questions  
 15 on that. Just --  
 16 MR. CANTERO: Do you have copies?  
 17 MR. OVELMEN: No, I don't. I'm just  
 18 saying --  
 19 MR. CANTERO: I thought those were the  
 20 last ones.  
 21 MR. OVELMEN: This group of stuff which  
 22 I don't think I am going to have any more  
 23 copies made, I think is the last group of  
 24 stuff that copies weren't made properly.  
 25 MR. CANTERO: So you are not going to

1 Q. And what is?  
 2 A. I bought several pieces of land at  
 3 that time.  
 4 Q. Did you buy many or did you buy --  
 5 A. Several, several.  
 6 Q. In this era did you buy a lot of land?  
 7 A. No, I bought several pieces, to  
 8 speculate.  
 9 Q. This Atlantida Enterprises, Inc. then,  
 10 what is that?  
 11 A. Well, which, by the document it shows  
 12 that it hold the deed. You know better than I  
 13 do.  
 14 Q. No.  
 15 A. This is the corporation I think that  
 16 bought that land.  
 17 Q. Did you own this corporation?  
 18 A. Probably so, yes. I was a trustee and  
 19 there were several owners there.  
 20 Q. Would you recall who else was  
 21 involved?  
 22 A. No, I really don't recall at this time  
 23 but probably there were other people involved  
 24 here.  
 25 If it is the piece of land that I am

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1 talking about, there were other investors there.  
 2 There was a gentleman from Puerto Rico who owned  
 3 a spare parts place, Gus Machado, the Ford  
 4 dealer, I think that was also part of this group,  
 5 a gentleman by the name of Mickey, Mickey,  
 6 Muskat, M U S K A T, I think that this is the  
 7 case but I don't recall.  
 8 Q. Looking at, let's see, skip to the  
 9 first indenture involving Interamerican Investors  
 10 and Developers, Inc. It appears to say Jorge Mas  
 11 as 30 percent, family trust 30 percent, and then  
 12 two other people. Who was Alberto Marino?  
 13 A. That is a friend of mine.  
 14 Q. And Israel Marmol?  
 15 A. A friend of mine also. We own this  
 16 building together.  
 17 Q. And who is Interamerican Investors and  
 18 Developers, Inc.?  
 19 A. The corporation that I, that used to  
 20 own the building in Miami.  
 21 Q. Did you own Interamerican?  
 22 A. By this percentage here.  
 23 Q. You owned that percentage of it?  
 24 A. 30 percent, yes.  
 25 Q. Okay.

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1 A. Okay. No more questions, sir?  
 2 Q. Not on that.  
 3 A. Put a stapler here, put a clip here.  
 4 Q. Let me show you this mortgage document  
 5 and ask you if you can remember this  
 6 transaction.  
 7 MR. CANTERO: Do you have an extra  
 8 copy?  
 9 MR. OVELMEN: No. I think that's the  
 10 last one of those.  
 11 MR. CANTERO: You keep saying that.  
 12 MR. OVELMEN: It is the last one.  
 13 (The witness and his counsel confer off  
 14 the record.)  
 15 THE WITNESS: Yes, yes, sir, I remember  
 16 this, I do.  
 17 BY MR. OVELMEN:  
 18 Q. What was that transaction?  
 19 A. This was the land, and this is  
 20 precisely now that I compare notes, this is the  
 21 land in Homestead, yes, sir, that is a piece of  
 22 land that I bought, it was syndicated and I was a  
 23 trustee of that syndication.  
 24 MR. CANTERO: Can you make that an  
 25 exhibit?

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1 MR. OVELMEN: Yes. We will just mark  
 2 it and we will copy it later.  
 3 MR. CANTERO: 149?  
 4 MR. OVELMEN: 149.  
 5 MR. SCHWIEP: Yes.  
 6 THE WITNESS: Yes, sir.  
 7 BY MR. OVELMEN:  
 8 Q. What was the source of funding for  
 9 that?  
 10 A. The source of funding?  
 11 Q. Yes.  
 12 A. Our money, our resources.  
 13 Q. Who was our? I mean, who would be us?  
 14 A. Me and the other partners there who  
 15 were in the syndication.  
 16 Q. And they are the people listed, are  
 17 they listed on there?  
 18 A. No, the one that I mentioned to you  
 19 that I can recall.  
 20 Q. They aren't listed on this one,  
 21 though?  
 22 A. No, I don't think so.  
 23 Q. Who were the people involved in that  
 24 one?  
 25 A. I already mentioned them.

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1 Q. Go ahead.  
 2 A. I already mentioned them. I don't  
 3 want to repeat. He has it there in his record.  
 4 MR. OVELMEN: Could you read that back  
 5 to me?  
 6 THE COURT REPORTER: You have to tell  
 7 me what you want me to read back.  
 8 MR. OVELMEN: He says that he stated  
 9 already who the other people were in this  
 10 particular transaction.  
 11 MR. CANTERO: I think he said something  
 12 about a Muskat.  
 13 THE WITNESS: Mickey Muskat, Gus  
 14 Machado and a gentleman who owns a spare  
 15 parts business in Puerto Rico that I  
 16 recall.  
 17 BY MR. OVELMEN:  
 18 Q. You don't remember his name?  
 19 A. No. This syndication bought it from  
 20 Mr. Huff and then we resell it.  
 21 Q. Mr. Huff was a lawyer, isn't that  
 22 correct?  
 23 A. Yes, sir.  
 24 Q. He wouldn't have owned it, would he?  
 25 A. What?

1 Q. Wouldn't have owned it, would he?  
 2 A. I don't know, sir. I bought it from  
 3 him, I bought him, he was a trustee.  
 4 Q. Trustee?  
 5 A. He was an owner, you would have to ask  
 6 him.  
 7 (Defendants' Exhibit 149 was marked for  
 8 identification.)  
 9 MR. CANTERO: That's 149.  
 10 BY MR. OVELMEN:  
 11 Q. Take a look at that.  
 12 MR. CANTERO: This is going to be 150?  
 13 MR. OVELMEN: Yes.  
 14 (Pause.)  
 15 THE WITNESS: Okay, what is the  
 16 question?  
 17 BY MR. OVELMEN:  
 18 Q. Is this the letter that was sent to,  
 19 is this an English version --  
 20 A. You don't have the original, I cannot  
 21 answer that question. Probably something similar  
 22 to this.  
 23 Q. You don't remember?  
 24 A. No, I don't remember. This signature  
 25 is not necessarily mine either, so --

1 your investments or commercial negotiations in  
 2 Cuba are considered an act of collaboration with  
 3 a totalitarian system, yes, sir, I agree with  
 4 that, that underline.  
 5 Q. Do you agree that this letter is  
 6 written on behalf of the Cubans enslaved in the  
 7 island and the 2 million Cuban exiles?  
 8 A. Not necessarily, but sometimes I speak  
 9 on behalf of those in the island who cannot  
 10 express themselves because there is not freedom  
 11 of speech in Cuba, but I don't usually speak on  
 12 behalf of all Cubans, I try to reflect the  
 13 opinions of the majority of the Cubans who cannot  
 14 speak for "themselves."  
 15 But going to the sentence, I agree  
 16 with, investments or commercial negotiations in  
 17 Cuba are considered an act of collaboration with  
 18 a totalitarian system, I do agree with that.  
 19 Q. I don't mean to pause on a detail but  
 20 I am just trying, do you recall testifying that  
 21 CANF has no claim to speak on behalf of the Cuban  
 22 exile community?  
 23 A. Yes, that's correct, we don't  
 24 represent them. That doesn't mean that once in a  
 25 while you can't speak on behalf of those who

1 Q. Do you recall writing the letter?  
 2 A. No. It was a letter drafted at the  
 3 Foundation and probably something similar to this  
 4 here but I cannot tell you for sure this was the  
 5 letter. This signature is not mine.  
 6 Q. Well, why don't we go through it.  
 7 Is there part of it, any part of it  
 8 you don't believe that either you wrote or  
 9 authorized?  
 10 A. I agree with most of it, yes. I agree  
 11 with most of what is in this letter here.  
 12 Q. But you say you aren't sure --  
 13 A. This is the problem when you don't  
 14 have the original, you know, just like that  
 15 document from Cuba, it can be falsified, you know  
 16 how they make miracles now with a copy machine.  
 17 This is not my signature but I agree with most of  
 18 this letter so go ahead and feel free to ask  
 19 whatever question you might.  
 20 Q. Just so the record is clear, we asked  
 21 that your side produce the letter and you have  
 22 been unable to produce it.  
 23 Do you agree with the first sentence  
 24 of the letter?  
 25 A. I agree that, with the statement that

1 cannot speak.  
 2 Q. All right. But you do recall the  
 3 question, sir:  
 4 "What claim if any does the Cuban  
 5 American National Foundation make to speak  
 6 on the behalf of the American Cuban exile  
 7 community?  
 8 "A. None."  
 9 A. Yes, we don't speak, usually, on  
 10 behalf of all Cubans but once in a while when  
 11 there are certain important matters in which the  
 12 Cuban people in the island cannot express  
 13 themselves, we tend to reflect those opinions.  
 14 Q. How would you know --  
 15 A. That is unusual but sometimes it is  
 16 done and I already answered the question to you  
 17 on this first line here, I don't necessarily  
 18 agree with that.  
 19 Q. How would you decide which issues you  
 20 can speak on the behalf of the exile community  
 21 and the island and which ones you can only speak  
 22 on behalf of CANF?  
 23 A. On very dramatic one, for example, in  
 24 August of 1994, 50,000 Cubans were repressed in  
 25 the Havana waterfront and they were brutal,

1 brutally massacred there, I think that we can  
2 speak on behalf of the whole Cuban population  
3 condemning that brutal attack on the Cuban people  
4 and we do that.

5 Now that does not mean necessarily  
6 that you represent all Cubans and that you can  
7 speak all the time on behalf of them but the  
8 Cubans on the island cannot express themselves in  
9 front of such brutal attack and in those  
10 instances, we condemn those brutal attacks on the  
11 Cuban people on behalf of those who cannot speak  
12 or cannot express themselves in the island.

13 Q. All right. So if I understand your  
14 answer, and under certain dramatic circumstances  
15 your portfolio for speaking might be more  
16 expansive?

17 A. More speaking to reflect the opinions  
18 of those. For example, I am convinced that most  
19 of the Cuban people oppose the joint ventures  
20 between the foreign investors and the Cuban  
21 communist government, so this is not completely  
22 out of synch to say that most Cubans in the  
23 island disagree with those investments in Cuba.

24 MR. CANTERO: Before we go on why don't  
25 we have him mark it.

1 Q. Also?

2 A. Yes.

3 Q. So it was sent to both governments and  
4 investors?

5 A. I think so, yes.

6 Q. Do you know who all was on the mailing  
7 list?

8 A. No, I really don't know, sir. You  
9 would have to ask the president of the  
10 Foundation.

11 Q. Mr. Cardenas would know?

12 A. Mr. Hernandez.

13 Q. Mr. Hernandez would know?

14 A. Yes, sir.

15 Q. And you were trying to persuade them  
16 not to invest in Cuba for what reason?

17 A. Because they go to Cuba as partners  
18 with Fidel Castro and his government and that is  
19 to the detriment of the Cuban people.

20 Q. Now, you are aware, I assume, that  
21 many countries disagree with that approach to  
22 dealing with Cuba?

23 A. Well, I don't know if that statement  
24 is true or not.

25 Q. Well, I am not trying to pick a fight.

1 MR. OVELMEN: Right.

2 THE WITNESS: Defendant Exhibit No.?

3 MR. CANTERO: 150.

4 THE WITNESS: 150, sir.

5 THE VIDEOGRAPHER: Off to change tape.

6 MR. OVELMEN: Sure.

7 (Recess.)

8 (Defendants' Exhibit 150 was marked for  
9 identification.)

10 BY MR. OVELMEN:

11 Q. What was the purpose of this letter?

12 A. Exactly what the content is  
13 explaining.

14 Q. What is your understanding of the  
15 content?

16 A. To ask those foreign investors to  
17 withdraw their investment from the island.

18 Q. Is this directed to foreign investors  
19 or is this directed towards foreign governments?

20 A. It is directed to, I think, foreign  
21 investors mainly.

22 Q. Was the letter sent to investors or  
23 was it sent to governments?

24 A. I think the letter was sent to a lot  
25 of investors also.

1 A. Yes.

2 Q. Don't Canada, aren't our allies in  
3 disagreement with that?

4 A. Yes, but Canada is not the world.

5 Q. No?

6 A. There are 164 nations so I don't know  
7 if your statement is correct or not.

8 Q. I am just saying there are people who  
9 disagree.

10 A. There are people who disagrees, yes.

11 MR. CANTERO: Before the question was  
12 don't many countries --

13 MR. OVELMEN: I mean, right.

14 BY MR. OVELMEN:

15 Q. There are quite a number though,  
16 right?

17 A. But I would, what is many countries?

18 Q. Would you say more than 20, would that  
19 be many?

20 A. I don't know, you are the one who are  
21 asking the questions qualifying that.

22 Q. What is you are understanding of many?

23 A. I understand that there are some

24 people who disagree and there are many who agree.

25 Q. Not trying to fence with you, it is a

Exhibit 150

1 controversial point of view?  
 2 A. Yes, to a minority, yes, it is.  
 3 Q. All right.  
 4 No one forced you to take a position  
 5 on that issue, is that correct?  
 6 A. On this issue?  
 7 Q. Yes.  
 8 A. No, no one forced me.  
 9 Q. You voluntarily decided to get  
 10 involved with it?  
 11 A. Sure.  
 12 MR. CANTERO: Objection.  
 13 BY MR. OVELMEN:  
 14 Q. What was the reason that you did  
 15 that? Why did you want to persuade these  
 16 companies not to invest?  
 17 A. Because it is morally wrong and it is  
 18 against the interest of the Cuban people and  
 19 their cause for freedom and democracy.  
 20 Q. Okay, sir. That's all I have on that.  
 21 A. You don't want to go line by line like  
 22 the others? I would love it.  
 23 Q. No. I don't think you should assume I  
 24 disagree with you on a lot of these.  
 25 A. You raised so much fuss about this

1 MR. CANTERO: We got what?  
 2 THE WITNESS: Toilets.  
 3 MR. SCHWIEP: Where is Hank?  
 4 MR. CANTERO: Preparing for trial, up  
 5 in Fort Lauderdale, West Palm.  
 6 MR. SCHWIEP: Civil?  
 7 MR. CANTERO: (Indicating.)  
 8 MR. SCHWIEP: Jeff is in trial today  
 9 with --  
 10 THE COURT REPORTER: Are we on the  
 11 record?  
 12 MR. SCHWIEP: No, we are not.  
 13 (Discussion off the record.)  
 14 BY MR. OVELMEN:  
 15 Q. Do you recall testifying in this  
 16 matter that the statement that, in the article,  
 17 that among his good friends is Orlando Bosch, is  
 18 a false statement?  
 19 A. Right, absolutely false.  
 20 Q. Do you recall an article quoting you  
 21 in the Orlando Sentinel, the Sunday Orlando  
 22 Sentinel written by Pat Jordan?  
 23 A. Yes.  
 24 Q. Do you recall that?  
 25 A. Let me see it, let me see it. I don't

1 letter before that I would love it to go over  
 2 line by line with you.  
 3 MR. CANTERO: Let's not.  
 4 THE WITNESS: What?  
 5 MR. CANTERO: Let's not.  
 6 THE WITNESS: That is just a very  
 7 respectful invitation to you, sir.  
 8 MR. OVELMEN: I will reconsider after  
 9 lunch.  
 10 I think we are going to break now for  
 11 lunch.  
 12 MR. CANTERO: Now? It is only 11:30.  
 13 MR. OVELMEN: I thought you were --  
 14 MR. CANTERO: I was going to say if we  
 15 were going to order lunch we should order  
 16 now.  
 17 THE WITNESS: Let's go on to 12:30 on.  
 18 MR. OVELMEN: Let's go to 12 and come  
 19 back at like quarter of one.  
 20 THE WITNESS: Are we going to have  
 21 lunch here? We should have lunch --  
 22 MR. OVELMEN: We can't.  
 23 MR. SCHWIEP: I got to go back to my  
 24 office.  
 25 THE WITNESS: We got toilets here.

1 know that. Let me see it.  
 2 MR. OVELMEN: Could we mark this  
 3 before --  
 4 MR. CANTERO: Wait.  
 5 MR. SCHWIEP: This has been marked as  
 6 an exhibit, you can go ahead and discuss  
 7 it. I will give you a number.  
 8 MR. OVELMEN: Okay.  
 9 THE WITNESS: Go ahead, what is your  
 10 question?  
 11 MR. OVELMEN: Just a second.  
 12 THE WITNESS: What is your question?  
 13 BY MR. OVELMEN:  
 14 Q. Do you recall in that article the  
 15 following quotation attributed to you --  
 16 MR. CANTERO: Page?  
 17 MR. OVELMEN: This would be page  
 18 D 04758.  
 19 THE WITNESS: I have it in front of me.  
 20 MR. CANTERO: 04758?  
 21 MR. OVELMEN: Right.  
 22 BY MR. OVELMEN:  
 23 Q. "The rumored mastermind of that  
 24 bombing was a Cuban exile physician named Orlando  
 25 Bosch who was under house arrest in Miami. Bosch

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1 is, 'a good friend of mine,' says Mas. 'I do not  
2 agree with his methods but he deeply loves his  
3 people and he never regretted what he did. He's  
4 a strong guy.'"

5 Is that an accurate quotation?

6 A. This article is full of misquotations  
7 and this is one of them.

8 MR. CANTERO: I am not sure, but I  
9 think that he's testified already that that  
10 quotation was false.

11 MR. OVELMEN: No.

12 MR. CANTERO: No?

13 MR. OVELMEN: No, he testified earlier  
14 that he didn't recall.

15 THE WITNESS: I am hereby doing that.

16 BY MR. OVELMEN:

17 Q. So your testimony is that that  
18 quotation is incorrect?

19 A. Correct. That's my statement.

20 Q. Did you advise Mr. Jordan of that at  
21 any time?

22 A. No, I never do that to any journalist.

23 Q. Why is that?

24 A. Because that's their prerogative,  
25 their style, to misquote, to be misinformed.

1 sure?

2 MR. CANTERO: Yes. This one doesn't  
3 have a Bates stamp number so...

4 (Pause.)

5 THE WITNESS: Where is it?

6 MR. OVELMEN: Of course, I can't find  
7 it. But it is here. Let me see if we can  
8 find it. Here's another copy of that.

9 (Pause.)

10 BY MR. OVELMEN:

11 Q. Okay, page 86.

12 A. 86.

13 Q. Second paragraph, "and further, that  
14 Mas has a history of shady connections, from  
15 Oliver North to Orlando Bosch, the convicted  
16 terrorist described by Mas as a good friend who  
17 selected the wrong methods to fight Castro."

18 A. That's the same refried, same  
19 rehashed, that is a misquote.

20 Q. That appeared in the LA Times, but  
21 again, you did not correct it, is that correct?

22 MR. CANTERO: That's not an exhibit.

23 THE WITNESS: That is not an exhibit.

24 MR. OVELMEN: I think it was marked  
25 already. Did we mark it?

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1 MR. OVELMEN: Did we mark the LA Times  
2 article?

3 MR. CANTERO: I think so.

4 MR. SCHWIEP: The LA Times article,  
5 absolutely.

6 MR. OVELMEN: So that is marked  
7 already.

8 MR. SCHWIEP: That is 104 --

9 MR. CANTERO: Yes.

10 MR. SCHWIEP: After Fidel.

11 MR. CANTERO: Yes.

12 THE WITNESS: That is the same guy. Go  
13 ahead.

14 BY MR. OVELMEN:

15 Q. This is --

16 A. The same article.

17 Q. It is a slightly different version --

18 A. It is the same one.

19 Q. That has been edited.

20 A. He took it from the same notes.

21 Q. And it also, you agree that this also  
22 quotes you saying that?

23 A. Okay, that's a misquote.

24 MR. CANTERO: Let's --

25 MR. OVELMEN: Shall we find it for

1 MR. CANTERO: Yes, 104. Let him go  
2 ahead and -- sorry.

3 BY MR. OVELMEN:

4 Q. Okay, so again you didn't on that  
5 occasion in the LA Times, you didn't seek a  
6 correction either?

7 A. No, sir, never, it is not my style to  
8 request any correction, I never do.

9 Q. Do you recall also an article in the  
10 Miami Herald in 1988 in which you are quoted also  
11 as saying that Orlando Bosch is a friend of  
12 yours?

13 A. Where is it?

14 Q. I don't have it. I am asking if you  
15 recall it.

16 A. I cannot answer that now.

17 Q. You don't recall?

18 A. I don't recall.

19 Q. Do you recall asking for a correction  
20 of that assuming --

21 MR. CANTERO: Objection, if he doesn't  
22 recall.

23 THE WITNESS: I already answered that  
24 question. I am not going to answer that  
25 twice.

1 MR. OVELMEN: I am just asking if he  
 2 recalls.  
 3 MR. CANTERO: If he doesn't recall the  
 4 article then he can't recall asking for a  
 5 correction.  
 6 MR. OVELMEN: I agree that would seem  
 7 to follow.  
 8 BY MR. OVELMEN:  
 9 Q. Let me show you these two documents.  
 10 MR. OVELMEN: These will be marked as  
 11 the next exhibit. I have another set for  
 12 you.  
 13 MR. CANTERO: Is that one exhibit?  
 14 MR. SCHWIEP: One has already been  
 15 marked as an exhibit, I think Exhibit 130.  
 16 MR. CANTERO: What is the next one,  
 17 151?  
 18 MR. SCHWIEP: Yes.  
 19 MR. OVELMEN: Here, this is for you,  
 20 Mr. Mas.  
 21 MR. SCHWIEP: Let me correct that, one  
 22 already has been marked as Exhibit 128.  
 23 MR. OVELMEN: In this deposition?  
 24 MR. SCHWIEP: No.  
 25 BY MR. OVELMEN:

1 Q. So is it fair to say, whether or not  
 2 you considered him a good friend, he considered  
 3 you a friend?  
 4 A. Sure. We could have a different  
 5 definition, yes.  
 6 Q. Okay.  
 7 A. Not mine -- of what a friend is.  
 8 Q. Right.  
 9 Did you -- excuse me, my voice is  
 10 failing me -- did you direct your brother to make  
 11 a check out to Mr. Bosch's family when they were  
 12 in a time of need?  
 13 A. I don't recall, sir.  
 14 Q. Okay.  
 15 A. I don't think so. That's how many  
 16 years ago? When and for how and for what amount?  
 17 Q. At any time, \$25,000 and at any time?  
 18 A. Absolutely not. This is absolutely  
 19 false.  
 20 Q. Is it you don't recall or is it false?  
 21 A. No, that is absolutely false.  
 22 (Defendants' Exhibit 151 was marked for  
 23 identification.)  
 24 BY MR. OVELMEN:  
 25 Q. Just so we are clear, the information

C  
 Exhib  
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1 Q. Do you recognize this?  
 2 A. What is that?  
 3 Q. This is a letter from Orlando Bosch to  
 4 you.  
 5 A. A letter?  
 6 Q. Yes.  
 7 A. No, I don't remember that, no, sir.  
 8 A letter? No.  
 9 Q. Well, a note.  
 10 A. A note.  
 11 Q. It looks like a note or letter.  
 12 A. No.  
 13 Q. Do you recall receiving this note and  
 14 a painting from Mr. Bosch?  
 15 A. That's different. Probably in a  
 16 painting that he sent me, probably that note was  
 17 written there but I don't recall. I don't think  
 18 I have that painting any more.  
 19 Q. But you remember receiving it and you  
 20 remember this note --  
 21 A. I don't remember but it is probably  
 22 that these things took place.  
 23 Q. And in this note he refers to you as  
 24 his esteemed friend, is that correct?  
 25 A. Yes, he does.

1 I am asking for is whether or not you directed  
 2 Ricardo to make out a check from Equipment  
 3 Services, his company, to Mr. Bosch, his family,  
 4 Mr. Bosch's family?  
 5 A. For how much?  
 6 Q. 25,000.  
 7 A. No, absolutely false.  
 8 Q. Some other amount?  
 9 A. And that check I don't think ever was  
 10 written, never.  
 11 Q. Was it some other amount?  
 12 A. We bought some painting from him but  
 13 we were talking about in the 50, \$100 range to  
 14 help his wife who came over to sell some of those  
 15 paintings, but very modest painting for a very  
 16 modest price, \$50, \$100, I probably wrote some  
 17 checks or gave him some cash for two or three  
 18 paintings of that size.  
 19 But it is absolutely false, it is  
 20 untrue that ever, a check from anyone associated  
 21 with me including my own brother, Ricardo Mas,  
 22 took \$25,000 was written to Orlando Bosch.  
 23 Q. How about written to his family?  
 24 A. To no one, to no one related directly  
 25 or indirectly to Orlando Bosch never a check of

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1 \$25,000 was written.  
 2 Q. To the best of your recollection, how  
 3 much cash or money was given to the Bosch family  
 4 or in exchange for paintings given to them?  
 5 A. Oh, for painting is different,  
 6 probably two or three paintings of \$100, \$150.  
 7 Q. So all together a few hundred dollars?  
 8 A. Probably so. I don't have an exact  
 9 recollection of that but they were very modest  
 10 paintings, at a very modest price.  
 11 Q. So what occasioned his writing this  
 12 note to you with the painting? Why did he say  
 13 that?  
 14 A. Probably one of those paintings I  
 15 bought for a hundred, \$150, I don't have a clear  
 16 recollection but that probably happened.  
 17 I am not testifying to the fact that  
 18 that note was ever written in a painting.  
 19 Probably never took place. It never happened.  
 20 Q. What never happened?  
 21 A. That note on a painting, I don't  
 22 recall, but probably happened.  
 23 Q. But probably, okay.  
 24 A. It is clear that I don't remember  
 25 exactly if he wrote that note or not on the

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1 painting. However, I don't disregard that that  
 2 note probably was written in one of those  
 3 paintings.  
 4 Q. All right, sir.  
 5 When Mr. Bosch was having his  
 6 difficulties with the INS did you give testimony  
 7 on his behalf?  
 8 A. I don't recall making any testimony on  
 9 behalf of Dr. Bosch.  
 10 Q. Do you know if you did or not or you  
 11 just don't remember?  
 12 A. I don't recall.  
 13 Q. Would it have been something you would  
 14 have been willing to do?  
 15 A. I don't, you know, I don't answer on  
 16 speculation. That is speculation, if I would  
 17 have done this if X Y B Z, if my mother is still  
 18 alive. I am not going to answer speculative  
 19 questions. Right, Dr. --  
 20 Q. I am just asking if he's the sort of  
 21 person that you would vouch for.  
 22 A. I already answered that question, same  
 23 answer.  
 24 Q. Is he the sort of person you would  
 25 vouch for?

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1 A. Same answer. I don't --  
 2 Q. What is your opinion of Orlando Bosch?  
 3 A. My opinion?  
 4 Q. Yes.  
 5 A. I don't have an opinion of Orlando  
 6 Bosch.  
 7 Q. You don't have an opinion of Orlando  
 8 Bosch?  
 9 A. No. I think that he has done few  
 10 things wrong, specially his tactics, his  
 11 procedural, trying to free his country but I am  
 12 not going to, you know, question him of  
 13 anything. He do exactly whatever he feels.  
 14 Q. Do you regard him as a hero?  
 15 A. No, I don't.  
 16 Q. You don't?  
 17 A. No.  
 18 Q. Do you regard him as a patriot?  
 19 A. What do you mean by a patriot, what is  
 20 your definition of a patriot?  
 21 Q. Well, what is your understanding of  
 22 the word? That's all we care about.  
 23 A. You are the one who used it.  
 24 Q. But you are the one giving testimony,  
 25 it is only your understanding that matters. So

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1 what's your understanding?  
 2 Let's start there. What is your  
 3 understanding of the word patriot?  
 4 A. I don't have a definition for that. I  
 5 don't have an opinion on that. I don't know if  
 6 he is a patriot or not.  
 7 Q. Do you have an understanding of the  
 8 word patriot, though?  
 9 A. Yes.  
 10 Q. What would that be?  
 11 A. A person who sacrifices everything on  
 12 behalf of an ideal regarding his homeland.  
 13 THE COURT REPORTER: Sir, who  
 14 sacrifices what?  
 15 A. An individual who is ready to make all  
 16 type of sacrifices on behalf of his homeland.  
 17 MR. CANTERO: Or somebody who plays for  
 18 a New England professional football team.  
 19 MR. OVELMEN: I am going to strike  
 20 that.  
 21 MR. SCHWIEP: That is my line.  
 22 BY MR. OVELMEN:  
 23 Q. Now that you defined patriot, do you  
 24 think Mr. Bosch fits in that category?  
 25 A. I don't have an opinion, I never

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1 thought about it. I don't know him well enough  
 2 to pass opinion on that.  
 3 Q. Okay, sir.  
 4 MR. OVELMEN: Let's mark this as our  
 5 next -- this hasn't been admitted, has it?  
 6 MR. CANTERO: Not when I have been  
 7 present, I don't think.  
 8 MR. OVELMEN: Okay.  
 9 MR. SCHWIEP: I don't think so.  
 10 MR. CANTERO: I don't need a copy.  
 11 MR. OVELMEN: Here is one for you sir.  
 12 MR. CANTERO: 152.  
 13 (Defendants' Exhibit 152 was marked for  
 14 identification.)  
 15 BY MR. OVELMEN:  
 16 Q. One last question on Mr. Bosch.  
 17 Do you recall ever telling anyone to  
 18 get the painting out of either your house or out  
 19 of Mastec or Church & Tower because you didn't  
 20 want to be that closely associated with  
 21 Mr. Bosch?  
 22 A. No. I think that I still have one of  
 23 his paintings in my house someplace. No, I did  
 24 not.  
 25 Q. All right, sir, do you recall

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1 testifying in this matter that the article by Ann  
 2 Louise Bardach is a carbon copy of El Chairman  
 3 Soy Yo?  
 4 A. Yes, I do.  
 5 Q. Do you recall saying that basically  
 6 they say the same thing?  
 7 A. Yes.  
 8 Q. Now, the article opens with a very  
 9 lengthy discussion of a meeting with Bill Clinton  
 10 which you had. Do you recall that opening of the  
 11 article of Ann Bardach?  
 12 A. Let me have a copy.  
 13 MR. OVELMEN: Do we have a copy of  
 14 the --  
 15 MR. SCHWIEP: Yes.  
 16 BY MR. OVELMEN:  
 17 Q. Okay.  
 18 A. Okay, yes, sir, ask your question.  
 19 Q. Is that meeting discussed in Chairman  
 20 El Soy Yo, El Chairman Soy Yo?  
 21 A. The book was published a few weeks  
 22 after that meeting.  
 23 Q. So the answer is no?  
 24 MR. CANTERO: Objection.  
 25 THE WITNESS: You are anticipating and

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1 you are, you know, putting in my mouth  
 2 things that I haven't said.  
 3 BY MR. OVELMEN:  
 4 Q. All right, sir.  
 5 A. What I am saying is that this book was  
 6 published after our meeting with President  
 7 Clinton and if you go to the first page of the  
 8 book, it said that we have invested two years in  
 9 this work in this research reading and analyzing  
 10 hundreds of documents. So this book took two  
 11 years to be written.  
 12 Q. My question, and it is my question  
 13 that you have to answer, is, is there any  
 14 discussion of this meeting with Clinton that is  
 15 the entire opening column and a half of this  
 16 article, is any of that in the --  
 17 A. In this book?  
 18 Q. -- in the book, right?  
 19 A. I have only read this book through  
 20 certain pages, I haven't read the book, the whole  
 21 book so I cannot answer that question.  
 22 Q. So you don't know?  
 23 A. I already answered that question.  
 24 Q. But you said it was a carbon copy,  
 25 didn't you?

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1 A. Yes.  
 2 Q. Wasn't that your testimony?  
 3 A. Yes, to the, the article of the New  
 4 Republic was a carbon copy of the worst things  
 5 that were published in this book.  
 6 Q. Why don't you just tell me what is in  
 7 the book that is in the article.  
 8 A. I made a study here that I don't have  
 9 in front of me, so you can reserve that question  
 10 for a later time and I would be prepared to give  
 11 you specifics on that.  
 12 Q. I have a right to ask the question  
 13 now.  
 14 A. And I have a right to answer and  
 15 that's my answer. My answer is that yes --  
 16 MR. CANTERO: He didn't recall.  
 17 A. All right.  
 18 Q. You said you will answer at a late  
 19 later time. When can we schedule a later  
 20 deposition?  
 21 A. My answer is to go into those details,  
 22 I have made a comparison between this article  
 23 here which in my opinion is a carbon copy of this  
 24 book here.  
 25 I have made a study. I was not

1 prepared for that question and I would be more  
 2 than glad to answer that when I be prepared.  
 3 Q. When can we have that deposition?  
 4 A. In August sometime I am available, any  
 5 time in August.  
 6 MR. OVELMEN: I need to have the  
 7 deposition before the close of the discovery  
 8 on actual malice.  
 9 MR. CANTERO: Which is tomorrow.  
 10 MR. SCHWIEP: That's tomorrow.  
 11 MR. OVELMEN: That's why we are here.  
 12 MR. CANTERO: Just ask him on the basis  
 13 of his current recollection.  
 14 MR. OVELMEN: I know how to ask those  
 15 questions.  
 16 MR. CANTERO: I am trying to get you --  
 17 MR. OVELMEN: He said he will make  
 18 himself available later. When can he do  
 19 it?  
 20 MR. CANTERO: Why don't we go off the  
 21 record so we can discuss these procedural  
 22 things, let's go off the record.  
 23 MR. OVELMEN: Okay.  
 24 (Discussion off the record.)  
 25 BY MR. OVELMEN:

1 Clinton meeting, is that correct?  
 2 A. No, that is not correct.  
 3 Q. In fact, wasn't the book published  
 4 after -- I mean, before the Clinton meeting?  
 5 A. No, sir.  
 6 Q. Was it in the book?  
 7 A. No, sir.  
 8 Q. It is not in the book.  
 9 A. It was not published before the  
 10 meeting.  
 11 Q. Is the Clinton meeting discussed in  
 12 the book?  
 13 A. I already answered that question.  
 14 Q. And the answer is no, right?  
 15 A. No, sir, that's not the answer.  
 16 Q. The answer is you don't know?  
 17 A. The answer is I have not read this  
 18 book completely and I don't know if --  
 19 Q. I thought you read it carefully.  
 20 A. No, you are not paying attention, you  
 21 might be hearing but you are not listening.  
 22 I said, and it is right there in the  
 23 deposition that I did not read this book  
 24 completely.  
 25 Q. All right. Do you recall testifying

1 Q. This book, El Chairman So Yo appears  
 2 to be, what would you say, 350?  
 3 A. 99 pages?  
 4 Q. Yes.  
 5 A. 400.  
 6 Q. And the article by Ann Bardach is,  
 7 what is it, 10 maybe, 7, 6, 6 pages?  
 8 How could it be a carbon copy?  
 9 A. Because all the substance that she  
 10 wrote there came from this book.  
 11 Q. So you are saying that, when you say  
 12 carbon copy, you mean, you don't mean carbon  
 13 copy, you mean --  
 14 A. Substance.  
 15 Q. Substantively?  
 16 A. That the substance of her accusation  
 17 against me came from this book.  
 18 Q. All right, sir.  
 19 A. It is a carbon copy of this book, the  
 20 charges that she made and description she made  
 21 about me on this book, most of them, the  
 22 substance of it, came from this book.  
 23 Q. Is there any discussion of, I think we  
 24 have established or have we established that  
 25 there is no discussion in the book of this

1 in this matter on page 1406, in answer to the  
 2 question, "Have you carefully read the book, El  
 3 Chairman Soy Yo, answering, "Yes, I have"?  
 4 A. Let me have it.  
 5 Q. And then proceeding to be asked:  
 6 "Have you compared what it says to  
 7 what The New Republic says?  
 8 "A. Yes, I have."  
 9 "Have you done that in writing?  
 10 "Yes, I have. No, not in writing but  
 11 I have seen the book and I have seen the  
 12 similarities there."  
 13 Page 1406.  
 14 A. Let me see it and I will establish it,  
 15 okay. Let me see. Where did you read from?  
 16 Q. 1406.  
 17 A. 1406. And what line?  
 18 MR. SCHWIEP: 16.  
 19 THE WITNESS: 16. The question is,  
 20 "Have you carefully read the book, El  
 21 Chairman Soy Yo?  
 22 "Yes, I have."  
 23 The question is not, did you read the  
 24 whole book.  
 25 I read carefully most of the charges

1 contained in the book. There are a lot of  
2 things there that I did not read.

3 I read very careful the charges in that  
4 book against me. So I stand by the  
5 answer.

6 BY MR. OVELMEN:

7 Q. So in other words when you say --

8 A. Wait a minute.

9 Q. So when you say you carefully read the  
10 book --

11 A. Wait a minute. May I have a chance to  
12 respond?

13 MR. CANTERO: Guys.

14 BY MR. OVELMEN:

15 Q. Sure.

16 A. Your question was have you carefully  
17 read the book, El Chairman Soy Yo, page 1406,  
18 line 16, the answer is, yes, I have.

19 Yes, I have carefully read the charges  
20 made in that book against me. The question was  
21 not, if I read the whole book or not, which my  
22 answer to that question is no, I did not read  
23 page by page all the book. But they underline  
24 everything of substance in that book and I read  
25 everything very carefully there.

1 Q. What was the next --

2 A. Everything of substance.

3 Q. What was the next thing that was  
4 asked?

5 A. Have you compared what it says to what  
6 The New Republic says.

7 Yes, I have, yes, I have, yes, sir.

8 Q. Is there any discussion of the, of  
9 Wayne Smith's remarks that are quoted on page 21  
10 of the article, the first new paragraph, at the  
11 end of the first new paragraph?

12 A. At the end of what?

13 Q. End of the first new paragraph.

14 A. What is the question?

15 Q. Is that in the book?

16 A. As far as I recall, there are some  
17 references in the book, very similar to this one,  
18 yes, sir.

19 Q. Can you tell me where they would be?

20 A. I have to look in the book.

21 Q. Go ahead.

22 A. I don't memorize.

23 MR. CANTERO: He is not going to go  
24 through it now, come on.

25 MR. OVELMEN: Well --

1 MR. CANTERO: His recollection is that  
2 there was a reference --

3 MR. OVELMEN: His testimony it is a  
4 carbon copy.

5 MR. CANTERO: His testimony speaks for  
6 itself.

7 MR. OVELMEN: So far everything I asked  
8 him about is not in the book.

9 THE WITNESS: On the substance it is.  
10 But if you want me to answer properly your  
11 questions, you can submit any writing and I  
12 will get page by page and I will answer  
13 those questions to you.

14 What you cannot expect from me now is  
15 to ask me a question regarding a book of 400  
16 pages and quote exactly the page number and  
17 what the page said. If you give me time I  
18 will be more than glad to do that, no  
19 question.

20 BY MR. OVELMEN:

21 Q. I am afraid my understanding when  
22 someone says one thing is a carbon copy of the  
23 other, I would expect everything in the one thing  
24 to be in the other.

25 MR. CANTERO: Rick, that is

1 argumentative. Obviously one is an article,  
2 the other is a book. Obviously everything  
3 in the book is not going to be contained in  
4 the article.

5 THE WITNESS: Sure.

6 MR. CANTERO: Any reasonable person  
7 would know that and interpret the fact that  
8 he says it is a carbon copy as something  
9 different than saying, everything that is in  
10 the book is in the article because it is  
11 physically impossible.

12 So I think the questions are  
13 argumentative.

14 MR. SCHWIEP: If he has offered to do  
15 it in writing that's fine.

16 THE WITNESS: You show me that question  
17 to me I certainly will put it in writing for  
18 you. But you cannot expect from me now to  
19 go page by page 400 pages and compare this  
20 here. This takes some time.

21 BY MR. OVELMEN:

22 Q. I am just interested --

23 A. I read the book, I read this. I am  
24 telling you that the substance of the accusation  
25 in this article of The New Republic is a carbon

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1 copy of the same accusation made in this book.  
 2 As to what page number or paragraph relates to  
 3 what page and what paragraph in this book, it  
 4 requires research that I would be more than glad  
 5 to do it if you submit that in writing to me.  
 6 Q. All right. Is Torricelli's status as  
 7 being persona non grata, is that discussed in the  
 8 book?  
 9 A. Probably so, but I will have to do  
 10 that research.  
 11 Q. What about the incident involving  
 12 Mario Baeza?  
 13 A. Probably so, but again it is part of  
 14 the research that I am more than glad to do for  
 15 you.  
 16 Q. But you think it is in the book?  
 17 A. I want to be very accurate and very  
 18 specific with you.  
 19 Q. What I want to know is what you know  
 20 sitting here today because you testified under  
 21 oath --  
 22 MR. CANTERO: Sitting here today he  
 23 doesn't recall.  
 24 THE WITNESS: What I am telling you  
 25 that I cannot quote from a 400 pages book

1 MR. CANTERO: Objection, move to  
 2 strike. Rick, that's argumentative. Try to  
 3 stick with what the issue is.  
 4 BY MR. OVELMEN:  
 5 Q. I am not asking --  
 6 A. You have to argue that case before the  
 7 judge, not in front of me or right here in the  
 8 deposition. I really don't appreciate those  
 9 comments. Those should be reserved for his  
 10 Honor, the judge who is presiding over this case.  
 11 Q. I have not asked you a question yet as  
 12 to of what is in the book that isn't in the  
 13 article. The questions I am asking right now are  
 14 what is in the article that are not, that is not  
 15 in the book.  
 16 A. I will --  
 17 Q. Do you see the distinction?  
 18 A. I will be more than glad to answer  
 19 that with due time and I will point that out in  
 20 writing, this is what she said, she copied from  
 21 this page in this book, this paragraph, this  
 22 line. But you know, for all practical purposes I  
 23 think that any reasonable person will admit that  
 24 I cannot make this comparison here as I sit with  
 25 a 400 pages book here that for the viewers here I

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1 compared to a 10 pages article and give you  
 2 exactly time, date, line, paragraph. If you  
 3 want to do that, if you want me to do that,  
 4 you ask me that in writing and I will be  
 5 more than glad to do it.  
 6 I am making a statement which I think  
 7 is absolutely accurate, the substance of the  
 8 accusation in the Ann Louise Bardach article  
 9 in New Republic against me is a carbon copy  
 10 of the same accusation made by the Cuban  
 11 government and by Fidel Castro in this  
 12 book. That I stand by and if you give me a  
 13 chance I will submit it to you in writing.  
 14 BY MR. OVELMEN:  
 15 Q. I am giving you a chance.  
 16 A. I cannot do research here now in five  
 17 minutes answering your question.  
 18 Q. I understand. But let's also be  
 19 clear --  
 20 A. Otherwise you will, you will, you  
 21 know, you will not get the right answer and I am  
 22 not going to provide you a wrong answer.  
 23 Q. So far we haven't got the right  
 24 answer, I agree with that.  
 25 A. Okay.

1 want them just to look, 400 pages here with the  
 2 10 pages article here and compare one to the  
 3 other. This is just physically impossible in a  
 4 deposition.  
 5 Q. Do you recall whether Francisco Aruca  
 6 is discussed in the book?  
 7 A. Yes, I think so.  
 8 Q. All right, sir.  
 9 Do you recall whether the discussion  
 10 of Mas and CANF controlling access to the White  
 11 house is discussed in the book?  
 12 A. Yes, it is.  
 13 Q. Do you recall whether David Skaggs is  
 14 discussed in the book?  
 15 A. I don't recall.  
 16 Q. Looking at page 23 of the article do  
 17 you recall whether any of the material on page 23  
 18 is in the book?  
 19 A. Same answer to the question that we  
 20 have discussed in the last five minutes, I would  
 21 have to do that very carefully one by one.  
 22 Q. How about page 24?  
 23 A. What happened on page 24? What is the  
 24 question?  
 25 Q. The same question, do you recall

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1 whether any material on page 24 --  
 2 A. Same answer, same answer. I am not  
 3 refusing to answer the question, I am just asking  
 4 you for the opportunity to answer the question  
 5 properly.  
 6 Q. Page 25?  
 7 A. Same thing, same answer.  
 8 Q. Okay. When you testified that they  
 9 were carbon copies, what were the commonalities  
 10 that you had in mind?  
 11 A. Most of the accusation that she has  
 12 made.  
 13 Q. Such as?  
 14 A. That we violate human rights, that we  
 15 are tools of the American government, that we are  
 16 agents of the CIA, in connection --  
 17 Q. Why don't we?  
 18 A. Excuse me, let me answer the  
 19 question. In connection with shady persons of  
 20 shady reputation, questionable reputation; the  
 21 fact that in the book I am presented as a  
 22 mobster, and that is the word that Ann Louise  
 23 Bardach chose to, and the magazine to title that  
 24 column or that piece.  
 25 And also throughout the article of Ann

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1 Louise Bardach and The New Republic the  
 2 impression that she and the perception that she  
 3 developed to the reader was that I was a mobster  
 4 which was the same thing that this book tried to  
 5 develop and the perception that they tried to  
 6 impress upon the readers of this book. That is  
 7 why I said that this is a carbon copy and pursued  
 8 the same goals that this book had.  
 9 Q. Is it your testimony that Ann Bardach  
 10 employed the word mobster?  
 11 A. I don't know who did it but certainly  
 12 the contents of her article describes me as a  
 13 mobster.  
 14 Q. Now taking the article which is in  
 15 front of you, I would like to know your  
 16 recollection right now as to what in the article  
 17 is in the book.  
 18 A. A lot of things, but --  
 19 Q. I mean going through it.  
 20 A. But to be precise and to be specific I  
 21 will submit that to you in writing.  
 22 Q. Let's try to be using our memory right  
 23 now. That's the question.  
 24 A. No, I am not going to do it, sir I am  
 25 not going to do it.

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1 I don't refuse to answer the  
 2 questions. You have asked specific questions  
 3 about a document that is 400 pages. I have to go  
 4 through it.  
 5 I stand by my statement that this is a  
 6 carbon copy, the substance of the accusation in  
 7 this article is a carbon copy of the accusation  
 8 made in this book. If you want to go line by  
 9 line it is impossible for me to do it in five  
 10 minutes, two hours, three hours, I have to do  
 11 research, go page by page, get some help and I  
 12 will make the comparison for you. I will be more  
 13 than glad to submit it to you in writing.  
 14 Q. Maybe there is more heat here than  
 15 necessary. I am not asking you --  
 16 A. It's cold, I feel cold.  
 17 Q. I am not asking you what is in the  
 18 article that is in the book. What I am asking  
 19 you is what do you remember right now, just what  
 20 do you remember that is in the article that is in  
 21 the book.  
 22 It is a different, they are two  
 23 different questions. That's all I am asking.  
 24 A. There is one, this book presents me  
 25 and develops the perception that I am an agent of

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1 the CIA and I that have been recruited by the CIA  
 2 and I am a tool of the CIA. And this book is  
 3 full of this accusation here, that I am a tool of  
 4 the CIA.  
 5 This book implies that I am a  
 6 terrorist. This article implies that I am a  
 7 terrorist.  
 8 This guy -- this book here said that I  
 9 am a man of bad character, bad reputation, that I  
 10 am immoral or amoral individual. This magazine,  
 11 this article, said the same thing.  
 12 So, this, the specifics I am telling  
 13 you. Now you want line by line what is a carbon  
 14 copy, I will be more than glad to find it for you  
 15 and I will submit it to you.  
 16 Q. But the general statements you just  
 17 made, wouldn't that also be true of Gaeton  
 18 Fonzi's article?  
 19 A. Yes, sure, and Gaeton Fonzi article is  
 20 absolutely wrong. It is a complete distortion of  
 21 who I am.  
 22 Q. And it would be true of quite a number  
 23 of other articles for example, the Miami Herald,  
 24 in the New York Times and Pat Jordan's article?  
 25 A. No, sir, no, sir.

1 MR. CANTERO: Objection.  
 2 A. No, sir, it is not.  
 3 Q. It is not?  
 4 A. Not like this one here who called me a  
 5 mobster, no, sir.  
 6 Q. Are there differences beyond that?  
 7 A. Yes. Differences what?  
 8 Q. Beyond the use of the word mobster?  
 9 A. What do you mean by that?  
 10 Q. Well, for example, Gaeton Fonzi's  
 11 article, is it different than The New Republic?  
 12 A. Didn't call me a mobster.  
 13 Q. Other than that difference, though?  
 14 A. There are similarities, yes. She  
 15 quotes Fonzi here extensively but Fonzi did not  
 16 call me a mobster.  
 17 Q. Is it your view that the use of the  
 18 word mobster, I think you already testified that  
 19 the word, that that's why you sued, was the use  
 20 of the word, I think you said that sometimes?  
 21 A. Yes, sir.  
 22 Q. Is it your testimony the use of that  
 23 word changes the meaning or the context of other  
 24 statements that have been published many times  
 25 previously?

1 A. You make a representation, then I take  
 2 your word.  
 3 MR. CANTERO: I don't agree it is more  
 4 than a hundred.  
 5 THE WITNESS: That's for the record.  
 6 MR. CANTERO: I will agree that there  
 7 is more than 30 paragraphs that we are suing  
 8 on.  
 9 MR. OVELMEN: Right.  
 10 MR. CANTERO: Of the article.  
 11 MR. OVELMEN: There is more than three  
 12 sentences in a paragraph.  
 13 MR. CANTERO: I don't know.  
 14 MR. OVELMEN: I'll tell you that right  
 15 now.  
 16 THE WITNESS: We are having a whole  
 17 deposition about semantics.  
 18 MR. CANTERO: You want to go line by  
 19 line on each one? I don't think it is  
 20 relevant to this discussion whether there is  
 21 under a hundred or 30 or over a hundred.  
 22 BY MR. OVELMEN:  
 23 Q. My question though, was, are you  
 24 saying that the use of this word changed the  
 25 meaning or the context of those statements that

1 A. All what I am saying is that the word  
 2 mobster which was used in this magazine here is  
 3 not -- is absolutely wrong, is offensive, is  
 4 denigrating, is humiliating and this is what I am  
 5 suing The New Republic.  
 6 Q. My question is, there are many  
 7 statements you sued on besides mobster. I am  
 8 sure you are aware of that, correct?  
 9 A. I am suing The New Republic for this  
 10 article and for the description of my person as a  
 11 mobster.  
 12 Q. Right. But you understand that you  
 13 have sued on more than a hundred statements?  
 14 A. Yes, sir.  
 15 Q. And many --  
 16 A. I have not --  
 17 MR. CANTERO: Objection to --  
 18 A. I have not counted them.  
 19 Q. I understand, okay.  
 20 A. So let me correct my statement here,  
 21 my answer. I am taking your word very, and you  
 22 hate to make representations. Are you making the  
 23 representation that it is more than one hundred?  
 24 Q. I think it is fair I made the  
 25 representation it is more than a hundred.

1 you sued on, in addition to the word mobster?  
 2 A. What I am saying is that the word  
 3 mobster is humiliating, it is denigrating, is  
 4 offensive and that's what I am suing The New  
 5 Republic.  
 6 (Ms. Bardach enters the room.)  
 7 MS. BARDACH: Hi.  
 8 MR. CANTERO: Now is a good time to  
 9 break.  
 10 MR. OVELMEN: Now we will break. Thank  
 11 you.  
 12 THE WITNESS: Okay.  
 13 (Luncheon recess.)  
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