

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF OKLAHOMA

3
4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 v.)

No. 87-CR-140-B

7 JOSE RAFAEL ABELLO SILVA,)

8 Defendant.)

9
10 REPORTER'S TRANSCRIPT OF PROCEEDINGS

11 HAD ON APRIL 6, 1990

12 JURY TRIAL

13 MORNING AND AFTERNOON SESSIONS

14
15 BEFORE THE HONORABLE THOMAS R. BRETT, Judge.

16
17 APPEARANCES:

18 For the Plaintiff:

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22
23
24 Bebe Caslavka

25 UNITED STATES COURT REPORTER

1 Q. (By Mr. Williams) Did you bring -- did you participate,
2 Mr. Carrasco, in over five plane loads of cocaine having 300 to
3 400 kilograms of cocaine into the United States while you were
4 working for Mr. Morales in 1984 and '85?

5 A. That's right.

6 Q. You were in charge of bringing in all that cocaine,
7 weren't you?

8 A. That's correct.

9 Q. You watched and kept track of it, didn't you?

10 A. That's right.

11 Q. You flew with the Hippie in planes loaded with guns and
12 weapons and ammunition, didn't you?

13 A. That's right.

14 Q. And you took those weapons down to Costa Rica, didn't
15 you?

16 A. That's right.

17 Q. And you landed and then unloaded the weapons in Costa
18 Rica and then loaded up the airplane in Costa Rica with dope,
19 didn't you?

20 A. That's right.

21 Q. And you flew that dope back from Costa Rica with the
22 Hippie, didn't you?

23 A. That's right.

24 Q. And landed in the United States with that dope, didn't
25 you?

1 A. That's right.

2 Q. And nobody bothered you, did they, at the time?

3 A. No one.

4 Q. It was your belief, wasn't it, Mr. Carrasco, that you
5 were doing this dope bringing into the United States with the
6 knowledge of the United States CIA, isn't that correct?

7 MR. GRAHAM: Objection as an improper form of the
8 question. It calls for hearsay by its very nature.

9 MR. WILLIAMS: I'm asking him his opinion, Your
10 Honor, what his belief was.

11 MR. GRAHAM: No basis or foundation for that
12 whatsoever.

13 MR. WILLIAMS: It's already been laid. He said that
14 the man worked for the CIA.

15 THE COURT: Excuse me, Mr. Williams. Since he's
16 asking what his belief was, whether it's true or not is not
17 the issue. The objection will be overruled. I'll permit him
18 to ask him what he thought.

19 MR. GRAHAM: I would ask the Court to admonish the
20 jury that this is not being offered or accepted then for the
21 truth of any matters but rather only for this witness's state
22 of mind and under what belief he was operating.

23 THE COURT: That's my understanding, and the jury
24 will be so advised, and that's the nature of the question.
25 Proceed.

1 THE INTERPRETER: I'm sorry, Mr. Williams, do you
2 have that question, or --

3 MR. WILLIAMS: Probably not, but I'll try to get it.

4 THE INTERPRETER: Your Honor, can Bee just read it
5 back for him?

6 THE COURT: We'll let Mr. Williams restate it.
7 It was what his belief was concerning the involvement of
8 supposedly the United States Government concerning letting
9 the drugs come in, right?

10 MR. WILLIAMS: Yes, sir.

11 THE COURT: Proceed.

12 Q. (By Mr. Williams) When you flew back in with the Hippie
13 with these loads of drugs from Costa Rica, it was your belief
14 that your boss, George Morales, was operating with the knowl-
15 edge and consent of the U. S. CIA, correct?

16 A. Are you asking for my personal opinion?

17 Q. Yes, your belief at that time.

18 A. That's right.

19 Q. You also, sir, were operating with the belief in your
20 mind that the owners of the cocaine that you flew back from
21 Costa Rica in exchange for the weapons and ammunition were the
22 Contra leaders in Nicaragua, correct?

23 MR. GRAHAM: May we have the same objection and ask
24 the jury to understand that this is a continuing admonition,
25 that it's not for the truth of the matter asserted but only

1 what the witness believed.

2 THE COURT: Very well. As I understand it, that's
3 what he's asking, what the witness believed. Whether it was
4 true or not, that's not the issue. The question is what did
5 he believe. Go ahead, Mr. Williams.

6 A. That's right. (Continuing answer in Spanish by the
7 witness, not translated.)

8 Q. (By Mr. Williams) I don't need to have any volunteering.
9 You can just answer the question. In the years --

10 MR. GRAHAM: Judge, excuse me. May I ask a voir dire
11 question of the witness?

12 THE COURT: Surely.

13 MR. GRAHAM: Sir, do you believe that the balance of
14 the answer that you were giving that was cut off was a portion
15 of the answer to the last question Mr. Williams asked you?

16 THE WITNESS: It is to clarify that I am giving
17 personal opinions and that I don't want them later to be taken
18 as fact for this case, since he is asking me if I believe.

19 THE COURT: Proceed.

20 MR. WILLIAMS: Thank you.

21 Q. (By Mr. Williams) Was it your belief, Mr. Carrasco, that
22 the flying down to Costa Rica to deliver these guns and
23 weapons was to help the Contra war? Is that correct?

24 A. Right.

25 Q. Do you recall how the cocaine was brought back to the

1 United States, in what kind of containers when you brought
2 them back from Costa Rica with the Hippie?

3 A. It came in military bags, green in color.

4 Q. Could you tell us what size they were?

5 A. About this long (indicating).

6 MR. WILLIAMS: For the record, the witness reached
7 his arms extended about as far as I guess they could go, which
8 would be four or five feet. Fair?

9 THE WITNESS: Uh-huh.

10 Q. (By Mr. Williams) Did you see the loading of the cocaine
11 onto the airplane there in Costa Rica?

12 A. I loaded it.

13 Q. You loaded it yourself?

14 A. Well, assisted by somebody else, right?

15 Q. Do you know the location of the airport where you landed
16 in Costa Rica?

17 A. No.

18 Q. Do you know who owned that airport?

19 A. Yes.

20 Q. Who?

21 A. I don't remember the name. I think it was John Bull.

22 Q. H-n-l-1?

23 A. Uh-huh.

24 Q. When you flew down to Costa Rica, did you leave an
25 airport in Florida?

1 A. That's right.

2 Q. Would that be Fort Lauderdale?

3 A. That's right.

4 Q. Did you ever leave from airports other than Fort
5 Lauderdale?

6 A. That's right.

7 Q. What other airports in Florida did you leave from to fly
8 down with guns and ammunition for the Contras to Costa Rica?

9 MR. GRAHAM: Objection to the form of the question.
10 It assumes facts not in evidence.

11 THE COURT: I take it that's technically correct.
12 You ought to lay a little predicate on that.

13 Q. (By Mr. Williams) Each time that you left Florida in an
14 airplane loaded with guns and weapons, it was your belief,
15 Mr. Carrasco, that these items were going to go to the
16 Contras, correct?

17 A. That's right.

18 Q. Were you present when the guns, ammunition and weapons
19 were loaded onto the airplane?

20 A. No.

21 Q. Do you have any personal knowledge as to where those
22 weapons came from?

23 A. Nothing that's for sure.

24 Q. Tell the jury, if you can, your recollection of the kinds
25 of weapons that we're talking about.

1 A. Well, they were all weapons -- they were war weapons, not
2 personal type weapons. There were submachine guns and I think
3 grenade launchers.

4 Q. Anything other than that that you can recall?

5 A. No.

6 Q. Were there rockets?

7 A. Well, that's what I call grenade launchers, right?

8 Q. If that's right.

9 A. I think so.

10 Q. Did you see machine guns that you thought were like K-19
11 or M-16?

12 A. That's right.

13 Q. Did you ever meet anyone of these Contra leaders or
14 anybody that identified themselves to you as a Contra leader?

15 A. Of course.

16 MR. WILLIAMS: I'm sorry?

17 THE INTERPRETER: Of course.

18 Q. (By Mr. Williams) Where?

19 A. I met them in Miami.

20 Q. And who were you with?

21 A. Jorge Morales.

22 Q. Where in Miami did you meet these Contra leaders?

23 A. At a restaurant called the Rusty Pelican.

24 Q. Do you recall their names?

25 A. Ego Chamorro.

1 THE INTERPRETER: F-o-g-o C-h-a-m-e-r-r-o.

2 A. I'm sorry. This is going to be used in another case. I
3 wouldn't want to say or to provide names and details.

4 MR. WILLIAMS: If the Court please, the question
5 stands. The witness seemingly has objected without the
6 government saying anything. I would ask that the witness be
7 made to answer.

8 MR. GRAHAM: I thought he already did. He asked him
9 a name and he gave a name.

10 MR. WILLIAMS: I asked for other names, and he said
11 he didn't want to answer.

12 MR. GRAHAM: I can only -- my recollection of the
13 state of the record was he asked him for a name, he got a
14 name, and then the witness did make a voluntary statement.
15 I don't know what to object to or what to do until there's
16 another question.

17 THE COURT: Why don't you restate the question,
18 Mr. Williams, so we're all attuned to it.

19 Q. (By Mr. Williams) Do you recall the name of somebody
20 called Octaviano?

21 MR. GRAHAM: Objection based on relevance.

22 THE COURT: Overruled. Proceed.

23 A. That's right.

24 Q. (By Mr. Williams) What is Octaviano's name?

25 A. Cesar.

1 THE INTERPRETER: C-e-s-a-r?

2 A. (Witness and interpreter confer in Spanish.)

3 THE INTERPRETER: I'm inquiring. I'm not sure what
4 he's trying to say.

5 A. I know that the name is Octaviano Cesar. I don't know if
6 Cesar is actually a surname or a middle name. He was called
7 Octaviano Cesar, and he's known that way.

8 Q. Were there other persons at that meeting that you
9 believed to be Contra leaders?

10 A. That's right.

11 Q. Did you recall their names?

12 A. That's right.

13 Q. Tell me who they were.

14 MR. GRAHAM: Objection based on relevance and also
15 based on 403.

16 THE COURT: If he knows the names of the witnesses
17 or the people he's asking for and there is no other objection
18 than that stated, it will be overruled. He should answer that
19 if he knows.

20 Q. (By Mr. Williams) You may respond.

21 MR. GRAHAM: Before he responds, may I make a
22 specific objection at the bench.

23 THE COURT: Surely. Ladies and gentlemen, I see it's
24 10:20, so let's take our midmorning break at this time. We'll
25 start back in about 20 minutes at 10:40, and you may be

1 excused, remembering the admonition I've given you.

2 (The jury was excused and the following proceedings
3 were had in the out of the hearing of the jury.)

4 MR. GRAHAM: As long as the jury's not here we might
5 as well--

6 THE COURT: All right, if the jury is the only
7 concern.

8 MR. WILLIAMS: May we have the witness away from --

9 THE COURT: You may be step down, Mr. Carrasco, and
10 we'll get started back here in about veinte minutos.

11 MR. GRAHAM: My objection, Judge, would be as
12 follows; That it's based on the relevance actually of the
13 line of questioning. If he wants to get into the fact that
14 the witness, some of his beliefs, who he was working for,
15 things of that nature, I can understand the Court has already
16 indicated they can get into those. But in terms of the
17 relevance, it doesn't go to the merits of the case, it doesn't
18 go to any potential defense that I can see. If it's going to
19 go to the credibility of the witness, then I would suggest
20 that it's irrelevant to go into the names of individuals that
21 are involved in what appears to be an ongoing investigation
22 according to this witness's, granted voluntary, statement, and
23 I don't see how it advances the ball in the lawsuit.

24 THE COURT: If it is an ongoing investigation and if
25 the disclosure of those names might in some way reasonably

1 jeopardize that investigation, I'll sustain the motion. I may
2 have missed something the witness said and I didn't understand
3 that to be part of your objection. Your objection basically
4 was it's irrelevant, and it may well be, it may well be
5 irrelevant. But from the standpoint of testing the witness's
6 credibility, I was giving the defense counsel some latitude in
7 that regard. If it genuinely involves some ongoing investiga-
8 tion and such would be jeopardized, I'll sustain the objection
9 in reference to the, quote, names, close quote, of the other
10 supposed CIA operatives supposed, present at this meeting
11 according to the witness.

12 MR. HAYNES: Those two names, Your Honor, were
13 disclosed by both Mr. Morales and Mr. Betzner before Senator
14 Kerry's committee a long time back, and it was a matter of
15 public record.

16 THE COURT: All right. You're talking about those
17 two names. Are you talking about two names that the witness
18 has yet to reveal?

19 MR. HAYNES: No, the two that he just revealed.

20 THE COURT: Well, if he's already revealed them, it's
21 on the record and that's that. I understand we're talking
22 about additional names. Whatever names he has testified to,
23 that's on the record.

24 MR. HAYNES: Some of these people, Your Honor, that
25 this witness will testify about will get on the stand and say

1 that this witness is not telling the truth about that.

2 THE COURT: I can't clear that hurdle, but whatever
3 names are on the record, as I understand it, Mr. Williams now
4 is inquiring about the names of additional persons who were
5 supposedly present in reference to discussions there in Miami
6 with supposed CIA operatives, right?

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: And you're objecting?

9 MR. GRAHAM: My objection was 403, which says that
10 the prejudice outweighs the relevance, and without -- I didn't
11 want to say in front of the jury any more than I had to about
12 ongoing investigations, but that's what I mean when I say a
13 403 objection because the prejudice to ongoing government
14 investigations outweighs the relevance to the case in terms
15 of what would appear to only go to the credibility of this
16 witness. I have no indication that the defense's defense is
17 going to be that the defendant was operating for the CIA or
18 anything of that nature, so this could only go to credibility.

19 THE COURT: Is this ongoing investigation business
20 we're talking about, is it an ongoing investigation that has
21 anything to do with the defendant in this case?

22 MR. GRAHAM: Not to my knowledge at all, nor would
23 anything that's in any of that sworn statement. The stuff
24 they're getting into has nothing to do with the defendant.

25 MR. O'NEILIA: And, Your Honor, further --

1 THE COURT: Well, what it has to do with basically,
2 as far as the Court is concerned, if we're talking about
3 relevance, is really in the Brady area insofar as this
4 witness's involvement in criminal activity, more particularly
5 drug trafficking, or perhaps in another area of trafficking
6 in arms, in weapons of war, and what kind of an ultimate
7 agreement has been made between him and the government about
8 his prosecution or any immunity in reference to it.

9 It has some relevance in that regard, but if the
10 predicate is laid that there is an ongoing investigation that
11 might in some way be jeopardized, more particularly since it
12 doesn't have anything to do essentially with this defendant or
13 directly or indirectly aspects of the alleged or purported
14 drug trafficking of this defendant, I won't require him to
15 produce the names. But that predicate hasn't been laid, and
16 that's kind of where we are in that regard, so where do we go?

17 MR. GRAHAM: Well, the government's objection is just
18 as the Court has indicated. If they want to get into was he
19 flying arms, was he flying drugs, I can understand that they
20 want to get into that. But the CIA and the Contra stuff,
21 which is only a belief that he holds in his mind, even with
22 the admonition to the jury that it only goes to his belief, is
23 irrelevant.

24 MR. O'MEILIA: And so are the names, Your Honor.
25 Under -- there is no rule of evidence, in fact there is a

1 specific rule of evidence that prevents the defendant or
2 counsel from calling any of these people that are named up
3 here to say that this witness was not telling the truth.
4 There is a specific --

5 THE COURT: What is that rule we're talking about?

6 MR. O'NEILIA: I believe it's 608 or 609.

7 MR. GRAHAM: Attempt to impeach on collateral
8 matters.

9 MR. O'NEILIA: Attempt to impeach by extrinsic
10 evidence. If they ask him if he was involved with the Contras
11 and he says no, he was not, they're stuck with that answer
12 unless he's testified the other way somewhere else, and he
13 obviously hasn't, and therefore they can't bring any of this
14 up.

15 MR. GRAHAM: It would simply be an attempt to, first
16 of all, create a predicate. It's called setting the straw man
17 up to knock him off. First they want to set it up and then
18 they want to trip around and knock it off.

19 MR. WAYNE: We just want to keep the lies out.

20 MR. O'NEILIA: There's only about three million cases
21 on that issue.

22 THE COURT: Well, I intend, if this is in the area of
23 an ongoing investigation issue, to not have him produce the
24 names. Do you want to lay that predicate or not?

25 MR. GRAHAM: Do I want to lay the predicate for

1 ongoing investigations?

2 THE COURT: That's right.

3 MR. GRAHAM: It is my understanding that that is an
4 ongoing investigation. One of my initial reluctance is to
5 give everything past page 15 of that sworn statement. There
6 are other names in there. There's one that's a specific
7 target of an investigation, which I'm told now that customs is
8 just going to have to shut it down by virtue of the fact that
9 I had to turn that thing over the other day, which is not the
10 Court's fault. I agreed to do that in light of avoiding
11 appellate issues, but whether or not it comes out in open
12 court certainly jeopardizes ongoing investigations.

13 THE COURT: Does this witness know there is an
14 ongoing investigation?

15 MR. GRAHAM: Yes, sir.

16 THE COURT: Do you represent that he will confirm
17 that fact?

18 MR. GRAHAM: Yes, sir. He is one of the people who
19 has informed me.

20 THE COURT: If out of the hearing of the jury he'll
21 confirm that, he will not be required to provide those names
22 if it's an ongoing investigation. So we'll start back here in
23 about ten minutes outside the hearing of the jury, and you can
24 voir dire the witness on that subject, Mr. Graham. And of
25 course, as I've stated here, they will be able to inquire as

1 to the man's thoughts. He has already testified that he
2 thought this was a big CIA weapons moving deal and that drugs
3 came back with the CIA's approval. He has already said that.
4 So as to specifically who the particular witness was, if it's
5 an ongoing investigation I will not require that to be
6 revealed. We'll start back here in about ten minutes.

7 (RECESS).

8 (The following proceedings were had outside the
9 presence and hearing of the jury.)

10 THE COURT: Are the parties ready, outside the hearing
11 of the jury?

12 MR. GRAHAM: Yes, Your Honor. May I proceed?

13 THE COURT: Please.

14 (The following proceedings were had outside the
15 presence and hearing of the jury.)

16 EXAMINATION

17 BY MR. GRAHAM:

18 Q. Mr. Carrasco, are you currently involved with ongoing
19 investigations for and on behalf of the federal government?

20 A. That's right.

21 Q. Right before we took the break, did counsel for the
22 defense inquire of you concerning the names of individuals
23 which are part of the going investigation being conducted by
24 the federal government?

25 A. That's correct.

1 MR. GRAHAM: Judge, without knowing what the future
2 questions of defense counsel would be, I think that covers the
3 nature of the voir dire, and the government would renew its
4 objection. Further, if defense counsel inquires into specific
5 meetings or names or things of that nature, I won't know what
6 he's going to be asking until I hear it, and frankly if he
7 asks about a specific meeting at a specific place, my
8 familiarity with the ongoing investigation would not be such
9 that I would necessarily know who was at that meeting, and I
10 would ask --

11 THE COURT: Well, we can't anticipate what questions
12 are going to be asked from here, but in reference to the name
13 that he just asked for, for the reasons of the going
14 investigation and for the further reason that the Court has
15 been advised that this ongoing investigation nor the names of
16 these people involved have anything to do with the alleged
17 drug trafficking allegations and purported and alleged
18 involvement of the defendant in this case, the witness will
19 not be required to reveal those names.

20 Get the jury and let's proceed.

21 MR. WILLIAMS: Your Honor, I would like to inquire so
22 I don't trespass on your ruling, but are you saying that I
23 will not be able to go into this witness's continuing drug
24 activities?

25 THE COURT: Only in a general way.

1 (The following proceedings were had in the presence
2 and hearing of the jury.)

3 CROSS-EXAMINATION (Continued)

4 MR. WILLIAMS: With permission of the Court?

5 THE COURT: Mr. Williams, in answer to your question,
6 the answer is it can be specific if the witness will so answer
7 about any such activity not involving government sanction, but
8 as to government sanction it should remain general.

9 Q. (By Mr. Williams) Did you make any trips on planes from
10 Florida loaded with weapons with any pilot other than the
11 Hippie?

12 A. Yes, that's right.

13 Q. How many?

14 A. One.

15 Q. His name?

16 MR. GRAHAM: Your Honor, I would ask that the witness
17 — my only objection is if that is a part of an ongoing
18 investigation that the witness be advised that he may make an
19 announcement to the Court.

20 THE COURT: (To the Interpreter) Just tell the
21 witness if the person that he is asked about is a part of an
22 ongoing investigation at this time, he need not reveal that
23 particular name. If not part of an ongoing investigation,
24 there has been no objection to his revealing the name of the
25 pilot in this other or single purported weapons flight.

1 THE WITNESS: I would rather not reveal the name.

2 MR. WILLIAMS: Your Honor, I don't want to be
3 obtrusive, but if it's just because he'd rather not, I need to
4 have something more informed than that as to whether or not it
5 meets the objection that the Court has --

6 MR. GRABAM: I would further object based on
7 relevance at least unless he sets a time period for when we're
8 talking about.

9 THE COURT: Can you set a time frame of this single
10 flight that we're talking about?

11 MR. WILLIAMS: Yes, sir.

12 Q. (By Mr. Williams) Could you tell us what year it was
13 that you flew with a plane loaded with weapons to Costa Rica
14 with a pilot other than the one called Hippin?

15 A. In '84.

16 Q. Did you fly that flight to Costa Rica also?

17 A. That's right.

18 Q. Take the weapons off, load up the cocaine and fly back to
19 Florida?

20 A. When I speak of weapons, I'm not talking about large
21 quantities. I'm talking about maybe a few only for personal
22 protection in that specific flight of which we're talking
23 about.

24 Q. Were there any guns, rocket launchers, submachine guns
25 and ammunition on that particular flight to Costa Rica that

1 we're talking about?

2 MR. GRAHAM: Objection to the compound form of the
3 question. If he wants to ask about any of those individual
4 items, but to say the compound it wouldn't be, as Mr. Haynes
5 says, dispositive.

6 THE COURT: Overruled. It may hasten things a little
7 bit around here. We'll see if it does. Proceed.

8 A. Two pistols and one machine gun.

9 Q. (By Mr. Williams) If I understand you then, it was a lot
10 less guns than when you would fly with Hippie.

11 A. Of course.

12 THE COURT: Excuse me, Mr. Williams. When he talks
13 about a machine gun is he really referring to what might be
14 referred to as a submachine gun? Will you ask him that?

15 MR. WILLIAMS: Yes, I shall.

16 Q. (By Mr. Williams) When you say a machine gun, are you
17 talking about a submachine gun?

18 A. I'm talking about an AR-15.

19 Q. Is that a gun that is a gun that can fire a lot of
20 bullets in a hurry?

21 A. That's correct.

22 Q. You mentioned Octaviano and Popo. Do you recall those
23 names?

24 A. That's correct.

25 Q. You paid millions of dollars to those people, didn't

1 you?

2 MR. GRAHAM: Objection based on relevance.

3 THE COURT: Overruled.

4 A. That's correct.

5 Q. (By Mr. Williams) Could you tell the jury approximately
6 how many millions of dollars that you were participating in
7 paying over to these people?

8 MR. GRAHAM: May I ask one more direct question before
9 he answers?

10 Are the transactions involving those two individuals
11 still currently the part of an ongoing investigation?

12 THE WITNESS: I believe so.

13 Q. (By Mr. Williams) Does he know so? I'm sorry, does he
14 know?

15 A. As far as I know, that case is still being worked on, but
16 I don't belong to the prosecutor's team or any group like that
17 that would be aware of what's happening exactly.

18 MR. WILLIAMS: If the Court please, I would submit if
19 the prosecutor would look on page 55 that that matter has been
20 waived by virtue of the sworn statement that was given by this
21 man to his lawyer and the customs officer.

22 THE COURT: Well, this witness, as I understood it,
23 just said he doesn't know anything specifically about an
24 ongoing investigation, so he shouldn't be inquired of about
25 that if he doesn't know anything specific about it, but in

1 reference to your prior question of were substantial sums of
2 money paid to these men, proceed.

3 MR. WILLIAMS: Yes, sir.

4 Q. How many millions of dollars did you tell the jury that
5 you paid or caused to be paid to these two men, Octaviano and
6 Popo?

7 A. Several million dollars.

8 Q. Where was this money handed over?

9 A. In hotels, restaurants, Jorge Morales' home.

10 Q. And in what nation?

11 A. The United States, Panama, Costa Rica.

12 Q. Could you tell us how many times over the period of years
13 we're talking about -- you're talking about '83, '84, '85,
14 into '86, is that correct?

15 A. We're talking about '84. '83 is not included in that.

16 Q. Thank you. '84, '85?

17 A. Uh-huh. '84 and '85.

18 Q. Was '86 involved?

19 A. Yes, but I did not deliver any money in '86.

20 Q. For the years in '84 and '85, how many times did you
21 deliver money to Popo and Octaviano?

22 A. Many times.

23 Q. Could you give us an estimate? More than twenty?

24 A. That's right.

25 Q. More than 50?

1 A. Between 30 and 40 times.

2 Q. Why were you giving these millions of dollars to these
3 two men, Octaviano and Popo?

4 A. I was ordered to deliver it to them.

5 Q. By whom?

6 A. George Morales.

7 Q. Do you know why George Morales was paying these huge sums
8 of money to these men?

9 MR. GRAHAM: Objection to the form of the question
10 without laying some form of predicate, and further it would
11 involve hearsay.

12 THE COURT: Overruled. If he knows, he may answer
13 that question.

14 A. Yes, paying for merchandise.

15 Q. (By Mr. Williams) What kind of merchandise?

16 A. Cocaine.

17 Q. Do you know a man named Boris Olarte?

18 A. I might know him but maybe not under that name.

19 Q. What makes you say you might know him if you don't know
20 somebody under that name?

21 A. Well, you're asking me if I know that name. You must
22 have a reason to ask me.

23 Q. My reason is I want to know if you know him.

24 A. Well, the name is not familiar to me.

25 Q. Thank you. Do you know or is the name Dennis Record

1 familiar to you?

2 A. Not that one either.

3 Q. Robert Jamieson?

4 A. Not that one either.

5 Q. Clara Lacle?

6 A. Not that one either.

7 Q. Frank Palmero?

8 A. Not that one either.

9 MR. WILLIAMS: If the interpreter will bear with me
10 I'll try to ask a question involving a Spanish sounding
11 organization.

12 Q. (By Mr. Williams) Are you familiar with a company named
13 Frigorificos de Punta Arenas?

14 A. That's right.

15 Q. What is that company?

16 A. It's a company that deals in vegetables and fruits.

17 Q. Was it a CIA front to your knowledge?

18 A. I don't know whether it belonged to the CIA or not.

19 Q. Did it have a place in your drug operations when you were
20 flying down there with weapons and bringing back cocaine?

21 THE INTERPRETER: May I ask the court reporter to
22 repeat the question, please or to reread it to me?

23 MR. WILLIAMS: Yes.

24 THE COURT: Restate it if you would, Mr. Williams.

25 Q. (By Mr. Williams) Did this company have a role in your

1 drug operations dealing with the Contras and the weapons that
2 you believed to be involved with the CIA?

3 A. It did in my opinion.

4 Q. And what was its -- to your knowledge what was its
5 purpose?

6 MR. GRAHAM: Object as to relevance, inquiring into
7 specific instances of conduct unrelated to the indictment
8 under Rule 606.

9 THE COURT: Overruled. Proceed.

10 A. In the shipment of cocaine in containers.

11 Q. (By Mr. Williams) Is that in the shipment of cocaine
12 from Costa Rica?

13 A. That's right.

14 Q. That you would bring back on the airplanes in exchange
15 for weapons?

16 A. Well, we did fly back with cocaine but not with
17 containers full of cocaine.

18 Q. What was the purpose then of this company's containers
19 being involved in your cocaine trafficking?

20 A. They had nothing to do with it.

21 Q. To make sure I understand, is this company Frigorificos
22 de Punta Arenas in any way involved in drug trafficking?

23 A. That's correct.

24 Q. In what way is it involved?

25 A. As I have said, they would load cocaine inside the

1 containers which were being shipped loaded with vegetables and
2 fruit to the United States.

3 Q. Where were these items loaded? In what country, Costa
4 Rica?

5 A. That's correct.

6 Q. Panama?

7 A. No.

8 Q. Just Costa Rica?

9 A. As far as I know.

10 Q. How many flights do you recall participating in flying
11 weapons to Costa Rica and bringing back cocaine?

12 A. I participated in two of them which involved weapons and
13 cocaine at the same time.

14 Q. How many flights did you participate in bringing back
15 cocaine to the United States while you were working with
16 people you believed were affiliated with the CIA and the
17 Contras?

18 A. Between five and seven.

19 Q. What would be the average amount of drugs on each of
20 those trips?

21 A. As an average, between three and four hundred kilos.

22 Q. Did you receive false passports -- withdrawn.

23 You did receive false passports from Octaviano and
24 Fogo on occasion, didn't you?

25 A. That's correct.

- 1 Q. How many passports did you receive from those people?
- 2 A. I received two.
- 3 Q. When?
- 4 A. I know it was the year '84, but I don't recall the time
5 of the year.
- 6 Q. Do you recall the names on the passports?
- 7 A. They didn't have names.
- 8 Q. Was there a nationality for these passports?
- 9 A. Nicaraguan.
- 10 Q. Did they have pictures and everything on them?
- 11 A. No, they did not bear a photograph.
- 12 Q. Was this at a party where you were given these Nicaraguan
13 passports?
- 14 A. That's correct.
- 15 Q. Do I understand you tell the jury then today that those
16 passports were just blank?
- 17 A. They were full with stamps, of entry and exit stamps from
18 a lot of different countries, but they did not have a name or
19 a picture on them.
- 20 Q. You're sure of that?
- 21 A. A hundred percent.
- 22 Q. Very well. And did they also provide you with passports
23 in that condition for George Morales and George Morales' wife?
- 24 A. Yes. They were delivered directly to them.
- 25 Q. And did they also provide such false passports for you

1 and your wife?

2 A. Correct.

3 MR. WILLIAMS: May I approach the witness?

4 THE COURT: Yes.

5 Q. (By Mr. Williams) I have placed before you what was
6 furnished to me by the United States Government, what purports
7 to be a sworn statement given by you in Miami, Florida on
8 Thursday, February 8th, 1990, and I've turned it to you on
9 page 58. I will ask you, sir, if at the bottom of that page
10 beginning at line 20 if you were asked this question and you
11 gave this answer.

12 "Question: When did Octaviano —

13 MR. GRAHAM: Excuse me just a second, Judge. I would
14 proffer that this would be improper use of this. There is
15 nothing inconsistent about it.

16 MR. WILLIAMS: Can I read the question and answer and
17 then we'll let you rule on that?

18 THE COURT: I don't have a copy of that up here. May
19 I take a look at it?

20 (Handed to the Court.)

21 THE COURT: Overruled. Proceed. Go ahead.

22 Q. (By Mr. Williams) Mr. Carrasco, have you read that?

23 A. Correct.

24 Q. It's in English, isn't it?

25 A. That's right.

1 Q. You understand what it says?

2 A. That's right.

3 Q. I will ask you if you were asked this question, line 20.

4 "Question: When did Octaviano and Popo give you a
5 false passport or passports?

6 "Answers: In a party. We have a party in George's
7 house and they promised George and his wife and my wife and
8 me, and they give out the good passports from Nicaragua with
9 pictures and everything, and at that party they gave me the
10 passports."

11 Did you give that answer to that question?

12 A. Correct.

13 Q. I asked you, if I recall, with regard to your Social
14 Security number, Mr. Carrasco. Do you recall testifying on
15 direct examination to Mr. Graham that you had a driver's
16 license and a Social Security number issued to you in the name
17 of Eduardo Tomayo. Do you recall making such statement?

18 A. That's right.

19 Q. What was your Social Security number, if you recall?

20 A. No, I don't recall.

21 Q. It was a fake Social Security number, wasn't it?

22 A. No. I went to pick it up personally at the Social
23 Security office.

24 Q. Under the name of Fabio Ernesto Carrasco?

25 A. No.