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

CRIMINAL DIVISION

No. 76-6674

THE STATE OF FLORIDA, :
 :
 :
 Plaintiff, :
 :
 :
 vs. :
 :
 ANTONIO DE LA COVA, :
 :
 :
 Defendant. :
 :
 _____ :
 :

DEPOSITION OF

FBI SPECIAL AGENT VINCENT WARGER

Taken before Larry Dale Patterson, Notary
Public for the State of Florida at Large, at Room 810,
Metropolitan Justice Building, 1351 Northwest 12th
Street, Miami, Florida, on Tuesday, August 9, 1977, at
9:00 a.m.

Castillo & Castillo

— Official and General Court Reporters —

SUITE 502 • SEYBOLD BUILDING • MIAMI, FL 33135

1 APPEARANCES:

2 RICHARD E. GERSTEIN,
3 State Attorney,
4 By: GEORGE YOSS,
5 Assistant State Attorney,
6 on behalf of the Plaintiff.

7 FLYNN & RUBIO,
8 By: VINCENT J. FLYNN, ESQ.,
9 1401 Brickell Avenue, Suite 207,
10 Miami, Florida,
11 on behalf of Defendant de la Cova.

12 NATHAN KURTZ, ESQ.,
13 9445 Bird Road, Suite 104,
14 Miami, Florida 33165.

15 ALSO PRESENT:

16 R. JEROME SANFORD,
17 Assistant U. S. Attorney.

18 I N D E X

	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>
FBI Sp. Agent Vincent Warger		3	--

19 EXHIBITS

<u>DEFENDANT'S</u>	<u>FOR IDENT.</u>
1	11
2	11

1 Thereupon:

2 FBI SPECIAL AGENT VINCENT WARGER
3 was called as a witness by the defendant and, having
4 been first duly sworn, was examined and testified as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. FLYNN:

8 Q Sir, could you state your name and posi-
9 tion for the record, please.

10 A My name is Vincent J. Warger, W-a-r-g-e-r.
11 I am a Special Agent for the FBI.

12 Q Do you know a person by the name of
13 Antonio de la Cova?

14 A Yes, I do.

15 Q When was the first time you met Antonio
16 de la Cova?

17 A December 10th, 1976--1975, excuse me.

18 Q And under what circumstances did you
19 first meet him?

20 A I was sent out to interview him regard-
21 ing his knowledge of bombings that were occurring in the
22 Miami area.

23 Q By whom were you sent?

24 A The supervisor of the FBI.

25 Q What is his name?

1 A Joe Ball, I believe.

2 Q Did he ever give you any specific instruc-
3 tions?

4 A No.

5 Q Did he tell you what the source of the
6 information was that Mr. de la Cova might be able to
7 help with the investigation?

8 A No, he didn't.

9 Q Did anyone else?

10 A Yes. I had interviewed a Mr. Montenegro
11 from the Libertad newspaper in Miami.

12 Q What was the substance of what he told
13 you?

14 A Mr. Montenegro was interviewed concern-
15 ing his knowledge of the Miami bombings because a phone
16 call had been received in his office by somebody, and
17 Mr. Montenegro told us that Antonio de la Cova was an
18 employee or a free-lance writer who knew just about
19 everything that occurred in the Miami, Florida, area
20 concerning anti-Castro activities.

21 Q Now, at the time you went to speak with
22 Mr. de la Cova, it was part of your job to investigate
23 Communist agents in the United States?

24 MR. YOSS: Objection. It is totally
25 irrelevant what was part of his job. The issue is what

1 statements de la Cova made to him.

2 MR. FLYNN: I believe the scope of the
3 deposition is any evidence calculated--

4 MR. YOSS: He can answer the question if
5 he wants to.

6 MR. FLYNN: You may answer the question.

7 THE WITNESS: Would you mind giving me
8 that again?

9 Q (By Mr. Flynn) When you went to speak
10 with Antonio de la Cova in December, it was part of your
11 assignment with the Federal Bureau of Investigation to
12 investigate Communist agents in the United States?

13 A Well, technically not Communist agents,
14 no.

15 Q Foreign agents?

16 A Yes.

17 Q Specifically, Cuban agents?

18 A That's right.

19 Q Now, prior to the time that you inter-
20 viewed him and the conversation that you already told
21 us about with Mr. Montenegro, did Mr. de la Cova's name
22 ever appear in any of your investigations of Cuban
23 agents?

24 A No, that I know of.

25 Q That's all you can answer is what you

1 know.

2 Did you have any information that de la
3 Cova was a Communist agent, a Castro agent or sympa-
4 thizer?

5 A No.

6 Q And do you know a person by the name of
7 Martin Cruz?

8 A Yes, I do.

9 Q And do you know a person by the name of
10 LazarøSantana (phonetic)?

11 A Yes, I do.

12 Q Did you give Mr. de la Cova the names and
13 addresses of Mr. Cruz and Mr. Santana?

14 A I truthfully don't recall that. I did
15 mention their names.

16 Q To Mr. de la Cova?

17 A Yes.

18 Q When was that that you mentioned their
19 names to Mr. de la Cova? Was it on your initial meeting
20 with him in December?

21 A No; it was December 17th, the second
22 interview.

23 Q Of what year?

24 A Excuse me?

25 Q Of what year?

1 A '75, I believe it was.

2 Q That was your second interview with
3 Mr. de la Cova?

4 A Yes.

5 Q Where did that occur?

6 A In his apartment.

7 Q Could you relate, as best as you can
8 recall, what Mr. de la Cova said to you.

9 A He said that there had been a meeting.
10 Well, all right; he said there had been a meeting in
11 the Riviera Country Club in honor of Rolando Mosferrer,
12 M-o-s-f-e-r-r-e-r. He is a well known Cuban anti-
13 Communist figure who was blown up subsequent.

14 These meetings--well, this meeting was
15 held on July 4th, '75, in the Riviera Country Club in
16 Coral Gables. There were people that paid \$5 apiece to
17 attend. There were a couple of hundred persons there,
18 and among those who were in attendance there were two--
19 he described them as two Cubans who were more inter-
20 ested in who was in attendance than the person speaking,
21 who was Mosferrer.

22 Tony noticed that they were not inter-
23 ested in the speaker, and several other people there
24 noticed the same thing. Eventually, they were asked
25 for identification or who they were. They declined to

1 answer, and then there was a scuffle between those two
2 and Antonio de la Cova. They both asked Tony, "Who
3 are you, and who are you working for?" When he
4 answered he was a photographer for the Libertad, they
5 said, "No, you are not."

6 Eventually, they were both--this Cruz
7 and Santana were both thrown out.

8 When he described that situation to me,
9 I showed him pictures of Cruz and Santana. Tony said
10 those pictures I had were identical to the two that
11 caused the scene at the Riviera Country Club.

12 Q Did he initial those photos?

13 A No, I don't think so.

14 Q Was that the substance of what occurred
15 at the December 17th meeting?

16 A Yes.

17 Q Did he admit any involvement in any
18 bombings?

19 A No.

20 Q When was your next conversation with Mr.
21 de la Cova?

22 A It was by telephone after that. I just
23 called him up to ask him if he had seen our friends any
24 more, Santana and Cruz, and he said, no, he hadn't and
25 he didn't want anything more to do with me or them; he

1 was a scholar, period.

2 Q When was your next conversation or con-
3 tact with Mr. de la Cova?

4 A I guess at the arrest in the office.

5 Q At the arrest?

6 A Yes.

7 Q Which arrest are you referring to?

8 A The book store.

9 Q The book store arrest? Did you go out
10 there that night?

11 A Yes, sir.

12 Q Did you have reason to believe Mr. de la
13 Cova was going to be one of the persons arrested that
14 night?

15 A Yes, I did.

16 Q Have you spoken with Mr. de la Cova sub-
17 sequent to his arrest?

18 A He called me on the phone.

19 Q Do you recall approximately when?

20 A Well, he just called about two weeks ago
21 from Chicago.

22 Q And what was the substance of the conver-
23 sation?

24 A He was complaining about being in jail in
25 Chicago; that he was unhappy and that he didn't know why

1 he was transferred.

2 Q Did he make any statements concerning
3 any bombings?

4 A No.

5 Q Had he called you any other time in the
6 interim?

7 A Yes, he had called me once before about
8 a month prior to that last call.

9 Q What was the substance of that conversa-
10 tion?

11 A He wanted to talk to me.

12 Q Did he talk to you?

13 A No. I said I would see if I could come
14 over and see him, but I never did go over and see him.

15 Q Would you have any way of knowing whether
16 or not, subsequent to December of 1975, Antonio de la
17 Cova called the FBI headquarters in Miami on a number
18 of occasions to speak with you--

19 A No, I wouldn't.

20 Q --outside of that one time that you men-
21 tioned?

22 A No.

23 MR. FLYNN: I would like this marked for
24 identification as an exhibit.

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(Thereupon Defendant's Exhibit
No. 1 for Identification was
marked by the reporter.)

Q (By Mr. Flynn) I show you Defendant's
Exhibit 1 for Identification. I ask if you can identify
that?

A No. It looks like my writing, but I
don't know what it is.

MR. FLYNN: I would like this marked as
Exhibit 2.

THE WITNESS: That is the same date of
the problem at the Riviera Country Club that he explained
to me.

MR. FLYNN: Could that be marked as
Exhibit 2.

(Thereupon Defendant's Exhibit
No. 2 for Identification was
marked by the reporter.)

Q (By Mr. Flynn) I ask if you can identify
that?

A Yes. That is a copy of the photo that
Tony gave me.

Q When did Mr. de la Cova give you that
photo?

A December 17th.

1 Q Do you know where either Mr. Santana or
2 Mr. Cruz is at this time?

3 A Can't be certain, no.

4 Q To the best of your knowledge, are they
5 still in Miami?

6 A I would imagine.

7 Q Are they still the subjects of investi-
8 gation, if you can reveal that?

9 MR. SANFORD: I would instruct you not
10 to answer.

11 Q (By Mr. Flynn) Have you had any other
12 involvement with the investigation of the Pertables
13 (phonetic) or Topeco (phonetic) bombings?

14 A No, sir.

15 Q Do you have any evidence now that Antonio
16 de la Cova ever worked for any Castro front organiza-
17 tion?

18 MR. YOSS: I object to the form. You
19 can answer, though.

20 THE WITNESS: No, sir.

21 MR. FLYNN: No further questions.

22 MR. YOSS: No questions.

23 (Thereupon the deposition was
24 concluded.)

25 (Reading, subscribing, and
notice of filing waived.)