

THE CASE OF
FRANCISCO MOLINA

-- 28-year-old Cuban national
being tried for his life by
the United States courts --

Issued by:

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WHO IS FRANCISCO MOLINA?

Francisco Molina is a Cuban national, 28 years old, who has lived and worked in New York City for the past six years. In 1955, while employed in a paper factory in Brooklyn, N.Y., Molina lost his right hand in an industrial accident. He sometimes wears a prosthetic device for utility; otherwise, he wears an artificial hand.

WHAT IS THE MOLINA CASE?

Molina presently is on trial for his life in a New York court in connection with the accidental shooting of a 9-year-old girl during a fight in an Eight Avenue restaurant on September 21, 1960, between supporters of Fidel Castro and opponents of the Cuban government which he heads.

The Committee to Defend Francisco Molina, composed of men and women interested in preserving civil liberties and Constitutional guarantees, is convinced that Molina is not guilty as charged by the prosecution -- that he is being tried solely because of his admitted sympathy for the Castro government -- that he was selected to be tried because he is easily identifiable due to his crippled state -- that the actual prosecutor of Molina is the Central Intelligence Agency which proposes to make him a casualty of the Cold War.

CHRONOLOGY OF THE MOLINA CASE

Writing in his column in the N.Y. MIRROR on Sept 21, 1960, the day of the shooting -- and three days after Fidel Castro arrived in New York to attend the UN General Assembly meetings -- Walter Winchell warned: "If you are pro-Castro, stay off 8th Avenue in the 50's."

About 3:00 p.m. on Sept. 21st, according to a statement by Chief of Manhattan West Detectives, Edward Byrnes, "a group of anti-Castroites entered the El Prado restaurant -- on 8th Avenue near 51st Street -- to get sandwiches for pickets around Castro's hotel, the Theresa." (It should be noted that the Hotel Theresa is located at 125th Street, several miles distant from the El Prado. It is also in order to point out that the El Prado was a favorite meeting place for persons sympathetic to the Castro government.)

Shortly after the anti-Castroites entered the restaurant, a fight, involving Molina and several others who were present, broke out. A gun was fired and a stray bullet struck Magdalena Urdaneta, a 9-year-old visitor from Venezuela who was dining with her parents and a sister. Later, she was taken to the hospital where she died.

Along with others who had been in the fight, Molina fled from the restaurant.

By 6:00 p.m., newspaper and wire service editors had

a statement from the police -- prepared, it has since become evident, with the collaboration of Federal agencies -- in which Molina was characterized as "the Hook, a one-handed pro-Castro fanatic," "a pro-Castro strongarm (sic) man," and as a "leader of a pro-Castro goon squad."

Subsequent editions of the New York newspapers gave further evidence of the extreme interest of top U.S. agencies. Lincoln White, a spokesman for the U.S. State Department, issued a statement, as follows: "This kind of criminal activity will undoubtedly shock people throughout the free world. This Venezuelan girl was the innocent victim of an aggressive attack by adherents of the Castro regime."

James Wadsworth, then U.S. Ambassador to the UN, brought the matter of the shooting to the floor of the General Assembly, and used the incident to attack Fidel Castro.

Cardinal Spellman sent a message of condolence to the victim's parents and announced a special Mass for her.

Arrested three weeks after the shooting when he went to a friend's Queens apartment to discuss a plan for surrendering, Molina was rushed to the West 54th Street police station where he was held incommunicado for 11 hours. During this time, he was questioned by former Police Commissioner Kennedy, agents of the FBI and other "top brass". A rump court was held in the office of the Chief of Detectives and Molina was held for a later hearing.

Announcement of Molina's arrest sparked a renewed campaign of virulence directed at him and Fidel Castro. In

In an editorial on October 17, 1960, the N.Y. MIRROR congratulated Judge Evelyn Richman for saying to the defendant: "You are charged with the hideous crime of killing a child." The editorial concluded: "Castro's friends are our enemies and vice versa."

From the outset, the prosecution moved to prevent Molina from securing an adequate defense. For 12 days following his arrest, Molina was deprived of the Constitutional right of counsel because the District Attorney would not permit the defense lawyer (S. A. Neuburger -- 225 Broadway, New York City) to use an interpreter of his own choice. (Molina does not speak English and the lawyer does not speak Spanish.)

On October 19, the District Attorney filed an indictment of five counts of first degree murder, assault and intent to assault and murder. The defense attorney was not notified of the indictment and first heard of it on the radio.

But the persecution of Molina was not confined to the courtroom alone, nor to the defendant. When members of his immediate family tried to visit him in the City Prison, they found numerous obstacles placed in their way by the District Attorney in collusion with the Department of Correction, the agency in charge of the City Prison. Molina has been denied the freedom of routine visits by a sister and uncle and subjected to a wholesale number and variety of petty persecutions.

Since the opening of the trial, more evidence of collusion between the authorities against the defense has been revealed. During cross-examination of one of the state's witnesses before the all-white, North American jury, (the District Attorney turned down 8 Negroes and 2 Puerto Ricans in selecting the jury) the woman being questioned, Rosita Morales, broke down and admitted that she was under sentencing on a narcotics charge. She said that the District Attorney had told her not to worry about her sentence.

Further evidence of tampering with witnesses was brought out by Attorney Neuberger in the examination of Nelson Alvarez. To a shocked courtroom, Alvarez admitted that he had been threatened with deportation if he didn't give testimony against Molina.

But most significant is the role being played by the Central Intelligence Agency. This was highlighted by developments which occurred during the trial on Wednesday, March 22, 1961: Observers were surprised when the District Attorney asked the presiding judge, Mitchell D. Schweitzer, to prevent the defense counsel from cross-examining a witness about the latter's activities in Miami, Fla. The District Attorney revealed that he was making the request of the judge in response to a request from a representative from a Federal agency.

In the opinion of the Committee to Defend Molina,

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the un-named Federal agency is the Central Intelligence Agency.

Judge Schweitzer ruled that the defense may ask questions -- but that the witnesses are not bound to answer. As a consequence, observers of the proceedings are being treated to the unique spectacle of prosecution witnesses using the protection of the 5th Amendment, and refusing to answer questions put by the defense counsel on the grounds of possible self-incrimination.

WHAT MUST BE DONE?

At the present time, a group of Americans interested in the preservation of civil rights and Constitutional liberties are attempting to mobilize community support for the defense of Francisco Molina. We need your help.

Tell your friends, neighbors and associates about the Molina case. Tell them how justice is being perverted in order to serve the ends of the Cold War.
