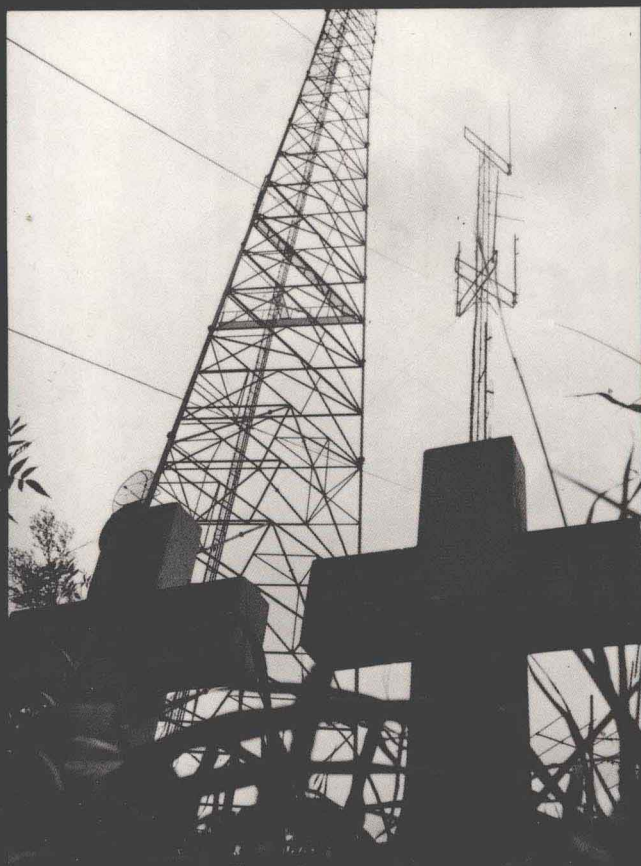


Manuel Suarez

REQUIEM ON CERRO MARAVILLA

**The Police Murders in Puerto Rico
and the U.S. Government Coverup**



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To don Julio Ortiz Molina and the valiant people like him throughout the history of mankind who did not let the bastards get away with it.

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A NOTE OF THANKS

Most of the information in this book comes from public records or sworn testimony, either in the many courtrooms in which the different chapters of the Cerro Maravilla story were played out, the Senate hearings, the depositions on the multi-million dollar civil damage suit, *Soto vs. Romero Barceló*, the FBI files made public under the Freedom of Information Act, or in the files of *The San Juan Star*. In telling the story chronologically, I wrote of each episode as it became known during the period being written about. In the early days, most of the information made available came from the Justice Department report of August 29, 1978, written by Pedro Colton and Angel Figueroa Vivas, the sworn statements given by the police undercover agent and the reports he filed with the Intelligence Division. If a detail appeared unlikely and was challenged from the beginning, then it was pointed out; otherwise, it was not done until the contradictory version became publicly known.

In addition to the official documents and testimony, much of the story came from interviews with participants or the victims of the acts portrayed. I thank all those who took the time to talk to me.

For all their generous help, I would like to thank Connie Underhill, the Sunday editor of the *Star*, who edited the first draft, Marylu Meibers of the *Star* art department for the diagram, Efraín García Osorio of the Socialist League for digging out photographs of Arnaldo Darío Rosado, Helen Marrow and Dale Havilland, the librarians at the *Star* who never (or hardly ever) lost patience with me as I had them rummage for one file or another, Julio Ghigliotty for lending me his videotapes of the Senate hearings and John Virtue and Helga Serrano for let-

ting me use the files at *El Mundo* to research the bloody events of the Nationalist uprising and the extensive coverage given to the trial of Pedro Albizu Campos and his followers in 1936. Michael Avery, José Antonio "Abby" Lugo, Peter Berkowitz and Rina Biaggi deserve the thanks of everyone in the news media for all the information they made public on the case before Judge Juan M. Pérez Giménez muzzled the free flow of information and Héctor Rivera Cruz gets my personal thanks for spending a day talking to me about the investigation he conducted. There are others to whom I owe much but cannot thank publicly for reasons they can appreciate.

Then there are such people as Enrique "Chino" González and Tomás Stella, without whom there would never have been a story to tell about Cerro Maravilla. Their roles have been well documented. But there is also an unsung hero who, throughout years of bitter conflict with the Romero government, was unflinching in getting the story told. I refer to the editor of *The San Juan Star*, Andrew T. Viglucci, who never failed to give Stella and me the support we needed with an editorial and suggestions on areas of inquiry in moments in which he was taking a lot of heat from irate readers and advertisers. When Judge Pérez Giménez imposed the gag order that blocked the primary source of information then available on the case, it was Viglucci who decided to appeal the order to the First U.S. Circuit Court of Appeals in Boston. The Scripps Howard newspaper chain to which the *Star* belongs assigned its general attorney on libel and freedom of the press issues, Bruce W. Stanford, to write the brief and argue the case with the help of Arturo Triás, the *Star* attorney in San Juan.

The physical task of writing the book was made much easier because I used a word processor and I have to thank my nephew Juan Esteban Jiménez III, who helped me select the right computer and program. Cathy Lee's help preparing the index was much appreciated.

Then, I have a special vote of thanks to my wife, María Teresa, who had to suffer my insufferable moods when the cre-

ative juices were not running and who missed so many social activities, nights out and whatever when they were flowing.

OF SPECIAL NOTE

One evening in early 1984, Lorelei Albanese, the president of the Overseas Press Club of Puerto Rico, suggested that I put in for the first Joel Magruder Award consisting of a \$4,000 grant from Banco Central y Economías to permit active journalists to take leaves to do research for a book or prepare a film project. Magruder was a fine talent in his too-short life and I was proud to have known him and to be his friend. I was honored to have been selected for the award that bears his name and I pray this work is worthy of the faith placed in me.

'GIVE ME THE BULLET IN THE HEAD'

His eyes were filled with fear. He was on his knees, his hands handcuffed behind him as he and a younger friend were encircled by armed policemen in civilian dress. The captors struck at them with rifle butts. They were kicked, spat on, taunted.

He pleaded for his life, offering to serve as an undercover agent for the police if they would let him go. He offered to spy on Puerto Rico's radical, pro-independence leaders. He could be very helpful to the police.

His entreaties angered a policeman wearing military-style fatigues and a bullet-proof vest. The policeman kicked him in the face. Another policeman slammed the stock of a shotgun into the right side his mouth. The stock broke off with the force of the blow that left him dazed and unable to speak.

A smooth-faced officer stepped behind him and removed the handcuffs. Before starting to walk away, the officer told the policemen, "You know what your orders are."

The policemen stepped back and formed a semicircle around the two young men, one still on his knees, the other standing.

"Kill the son of a great whore . . . Kill the fucking communist," shouted the policemen.

A lean policeman pointed a short shotgun at the young man kneeling, squeezed the trigger and a single "boom" reverberated throughout the surrounding mountaintops. Blood gushed from his chest as he pitched forward.

Two policemen patted the killer on the back and shook his hand energetically. "Now you are one of us," said one of the officers. "Here, finish off the other guy," said the second policeman, putting a .357 Magnum into the killer's hands.

The other young man knew he would be next. His eyes were

filled with terror, with pleading. They burned into the eyes of the slim policeman holding the Magnum.

The unspoken plea got to the policeman: He shook his head and lowered the gun.

"Kill him, kill the communist . . . kill the son of the great whore," shouted some of the other policemen.

"Who needs killing?" asked a policeman with bravado. The policeman took the Magnum from the slim officer, pointed it at the legs of the young man and fired. The young man's right leg folded under him grotesquely, he collapsed in a squat and his left knee jerked up as the gun barked again. The bullet crashed through his kneecap and bored along the length of the upper half of his leg.

The young man's face—a smooth face not yet accustomed to a razor—was contorted in agony. He was in an unnatural squatting position with his right leg twisted under him below the hip like a rag doll with its leg folded the other way.

"Kill him, kill him," screamed another of the policeman, but the man holding the gun did nothing.

"You only wounded me," said the young man, pointing his right forefinger at his forehead. "If you are going to kill me, give me the bullet in the head quickly so I do not suffer."

Another policeman grabbed the Magnum out of the other's hands, aimed and fired one shot into the youth's chest. The young man fell backward, convulsed and lay still.

"Until the day I die," said the policeman who had killed the first young man, "I'll remember his eyes burning into mine."

JULY 25: THE ROAD TO CERRO MARAVILLA

There was no escaping the heat.

The two-foot-long leaves of the yagrumo trees dangled lifelessly, unruffled by the slightest breeze. The air closed in like a hot, damp towel, indoors, outdoors, in the shade or under the merciless sun. With rare exceptions, the prevailing winds flow across Puerto Rico from the Atlantic on the north toward the Caribbean on the south. The city of Ponce faces the Caribbean and the Central Mountain Range at its back blocks off the cooling breezes. So, in the summer, Ponce swelters and it was going to get worse as noon approached on this July 25, 1978, the 80th anniversary of the landing of U.S. troops during the Spanish-American War and the 26th anniversary of the establishment of commonwealth status.

Normally, a big parade would be held in San Juan to celebrate the occasion, but in Puerto Rico, normal is a novel by Gabriel García Márquez.

Since 1952, Puerto Rico lived under a political system called commonwealth, whose staunchest supporters found it difficult to define. It was an arrangement voluntarily entered into with the United States in which the island was to enact its own laws, subject to all federal legislation except the income tax statutes. The constitution that went into effect that day in 1952 was broader in its defense of human rights than was the United States Constitution, but the United States Constitution was supreme.

The Popular Democratic Party, which originated the commonwealth status formula, was so enraptured with its creation that it proclaimed the day of the signing of the constitution a

holiday. Each year, Constitution Day was celebrated with a colorful parade, before which speakers would extol the virtues of commonwealth status.

But in 1978, the governor was Carlos Romero Barceló who held commonwealth in contempt as a poorly disguised form of colonialism, completely lacking in dignity. His solution was to end colonialism by making the island more a part of the United States, as the 51st state of the union. In a move supporters of commonwealth saw as a gross insult, his administration decided to hold the parade in the suburban town of Bayamón rather than in San Juan and, to add injury, Romero Barceló—a non-believer—was to be the featured speaker.

Unwilling to let the anniversary pass without paying it the homage they were convinced it deserved, the Popular Democrats scheduled a rally for all the faithful in Hiram Bithorn Stadium in San Juan, the island's largest baseball park.

Another activity scheduled for the day was a ceremony organized by the Socialist League at the south coast town of Guánica, a few miles to the west of Ponce, where American troops first landed during the Spanish-American War. For years, a handful of independence advocates joined with former Nationalist and poet, Juan Antonio Corretjer, the president of the Socialist League, to lament the fate that befell the island in 1898 when it passed from one imperial power to another that did not even speak Spanish.

* * *

Julio Ortiz Molina, who for 18 of his 58 years had been driving passengers between Ponce and the neighboring town of Juana Díaz, was not interested in the celebrations. He was trying to decide whether to take the car out or take the day off. There were few fares on holidays and his wife Catalina wanted him home early so they could visit her Aunt Andrea. Don Julio was one of 11,637 drivers of jitney taxis, called *públicos*, who were licensed

to carry passengers along 876 different routes from city to city or *barrio* to town along the island's 4,200 miles of roads.

At about 9:30 a.m. don Julio decided to go out. He figured that while there were few fares, there were also few *públicos* on the road. Don Julio promised his wife he would be home early and he climbed into his gray, four-door 1977 Chevrolet and drove to Estrella and Mayor Streets, where the *público* drivers on the Ponce-Juana Díaz run waited for fares. There were four cars waiting when he arrived. He chatted with the other drivers for about an hour, during which time only one car left and he decided to cruise to Juana Díaz to see if he could find passengers along the road or at least find fares in Juana Díaz bound for Ponce.

On a normal day, don Julio would make about six round trips, which, at 50 cents a passenger, came out to about \$30 if he carried a full load on every trip. It was not much, but don Julio liked it a lot more than working in a factory, as he had done for several years after coming out of the army in 1947.

With the car in motion and the windows open, the heat did not bother don Julio much. He was cruising past the regional office of the Department of Social Services on Route 14 when three "*muchachos*" (boys) flagged him down. One carried a knapsack, a second wore military-style boots and the third an army fatigue shirt. Later, don Julio was to say, "They looked like Boy Scouts."

They were not Boy Scouts. As don Julio stopped the car, he froze when the two at the right front door pointed guns at him. One of the young men opened the door and got in, the other ran around the car from the back while the youth with the knapsack climbed into the back and put a gun to the nape of his neck. The slim young man who ran around the car jerked open the door at his left, cocked his automatic pistol and pointed it at his waist.

"We need this car," he said pushing don Julio toward the middle of the seat.

"If you need my car, take it and let me go," don Julio pleaded.

"No," responded the young man, waving him back with the gun. "Move over." He took possession of the wheel, tucked the gun on the seat under his leg and added, "Don't do anything. If you get smart we will liquidate you." He put the car in drive and they pulled out.

About 200 feet away, a light blue Ford Granada pulled away from the curb and followed.

A motorist in a black Volkswagen saw what was happening and stopped. After watching the *público* drive away, he pulled over to Lechonera el Porvenir, a restaurant specializing in roast pork, to tell the owner's son, Nelson Vélez, of the abduction and car theft. Vélez called the police, waited a few minutes and then left on an errand. Minutes later, a patrol car arrived and an employee told the policeman what had happened, pointing out Route 139 where the gray sedan had turned left. The policeman climbed back into his squad car to give chase.

One of the young men in the *público* asked don Julio whether they had to go straight ahead or turn to the right to get to Toro Negro. "Straight ahead," lied don Julio, hoping to direct them into Barrio la Yuca.

"He's hustling us, he's hustling us, turn to the right," don Julio heard one of the young men shout. The car turned to the right.

The driver of the Granada let another car get in between him and the gray *público* which he followed at a distance. He was not concerned about losing the gray sedan, he knew where it was going. Another man sat alongside the driver. The two men in the Ford Granada had been following the three young men since about 8 a.m. when they met outside the Río Piedras campus of the University of Puerto Rico.

The three hijackers were members of an organization called the Armed Revolutionary Movement and Arnaldo Darío Rosado Torres, who sat to don Julio's right, was the apparent

leader. Rosado, 24, was very slim, five feet seven inches tall, and wore thick, black-rimmed glasses. The members would meet informally in his apartment on the 14th floor of Building A of the two-building Quintana Condominium complex in the Hato Rey section of San Juan. In their gatherings, they would often comment angrily over the latest speech or action by Romero or his pro-statehood administration. They would also debate how to bring about independence, always coming to the conclusion that it could be done only through armed revolution.

Rosado's parents' marriage had broken up in 1963 when he was 10 years old and he went to live with his mother, Juana Torres Aymar, and younger brother, Pablo Francisco. When his mother decided to move to New York four months later because she could not find steady work on the island, Rosado balked. He insisted on remaining in Puerto Rico and went to live with his father, Pablo Darío Rosado Leiva, who had purchased a one-bedroom apartment in the Quintana Condominium after the divorce.

Father and son shared the apartment until Rosado's father remarried. Rosado was unhappy over his father's marriage and with having to sleep on the living room couch. When his father and stepmother bought a new house in a subdivision of the suburban town of Carolina, Rosado said he did not want to go with them and he kept the apartment. He was still in high school and his father continued to pay the mortgage and give him an allowance.

Rosado worked at a few odd jobs after graduating from high school but he could not find anything permanent. In 1973 he went to Ponce to live in a house the Socialist League kept for young *independentista* militants like himself who could not find work. A league member who was active in the construction industry would find occasional work for Rosado and some of the other young men. He and a 15-year-old girl, Angela Rivera, who lived in the neighborhood became sweethearts. In 1974 he was expelled from the league for being too undisciplined and

moved back to San Juan. A year later, he returned to ask Angela if she would live with him in San Juan. She said yes.

In the back seat of the *público* was Carlos Enrique Soto Arriví, 18, who was called Quico (pronounced Keeko) by his friends and Enrique by his relatives. He was the second of three sons of Pedro Juan Soto, a well-known Puerto Rican novelist. Like most of the artists on the island, Pedro Juan Soto was an *independentista*. He did not preach violence as a means of obtaining independence, but he believed that historically, culturally and spiritually Puerto Ricans and North Americans differed, that Puerto Ricans were a unique people with a vibrant culture, an indigenous music, literature and art that should be permitted to nurture within their own language and national identity. Carlos Enrique Soto grew through adolescence with the same viewpoint, but he embraced it with the passion of youth.

Soto had divorced Carlos Enrique's mother, Rosa Arriví Agraí in 1970. When Arriví started showing signs of mental instability, Soto was given custody of Quico and his younger brother, Juan Manuel, in 1972. In 1974 Soto had married Carmen Lugo Filippi and they took leave of their teaching posts at the University of Puerto Rico to go to Toulouse, France, to complete studies for their doctorates. Carlos Enrique and Juan Manuel went with them. Later, they moved to Zaragoza, Spain, where the Sotos continued their studies.

Carlos Enrique returned before his family to live with relatives and enroll at República de Colombia High School. He joined the high school division of the Puerto Rican Socialist Party, the Federation of High School Students for Independence, which was better known by its Spanish acronym, FEPI, and took part in several demonstrations on behalf of the workers striking against the Water Resources Authority. He was a good student, bringing home report cards with As and Bs.

He dated a classmate. Their relationship matured into love and they agreed they would marry after each had graduated.

The driver, Alejandro González Malavé, 21, was one of a family of two children who lived in a poor area of Barrio Mona-

cillos in Río Piedras. He was a *carnet rojo*, meaning he held the red card of membership in the Puerto Rican Socialist Party, which gave him entrée, with voice and vote, to the party's highest levels.

González Malavé's father, Adrian González Mojica, was 85. His mother, Carmen Malavé Rivera, was 48. It was his father's third marriage, his mother's second. His younger brother Pedro was 14.

At Gabriela Mistral High School, González Malavé was attracted to the students, particularly the girls, who were active in FEPI. González Malavé joined FEPI, took an active role in the organization and in his senior year was elected president of the high school chapter. He attracted attention outside the school and was elected secretary of the island-wide movement. On graduation, he was admitted to the University of Puerto Rico where he joined the Federation of University Students for Independence, FUPI. He spent more time on his political interests than his studies and was dismissed after his freshman year. If Rosado could be called the leader of the group, González Malavé was its theoretician and strategist.

It was slow going as González Malavé steered the car along Route 139, a two-lane ribbon of asphalt which twisted alongside Río Cerillos. Hundreds of families from Ponce and its outlying towns had abandoned the heat of the lowlands on this holiday to bathe in the cool mountain waters of what was more a shallow, rocky creek than a river, and to picnic on its banks. The shoulders of Route 139 were lined with cars, some of which overlapped onto the roadway. Only when the road pulled away from the river was González Malavé able to progress without frequent stops and starts.

The road was narrow and winding, as are so many on the island, the leaves from the trees and the bamboo clusters on one side arching to meet the foliage from the other side to create a pleasant, cooling tunnel. Don Julio could not appreciate its beauty. He was frightened and had been warned not to look at