

REPORT OF POLYGRAPH EXAMINATIONS

OF

MANUEL ORTEGA

RE

BOMBING

PUBLIC SAFETY DEPARTMENT CASE #82143-V

SLATTERY ASSOCIATES, INC. FILE NO. 76-252 (J)

EXAMINED ON

OCTOBER 21, 1976

BY

SIDNEY L. JOHNSON

STATE OF FLORIDA LICENSE NO. 397-P

Expires June 30, 1976

REPORT DATE

OCTOBER 27, 1976

Sidney L. Johnson

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I

SUBJECT INFORMATION

Subject information, including birth data, aliases or nicknames, residential, physical description, medical or psychological history, employment and education data, are retained in the SLATTERY ASSOCIATES, INC. original notepack. These records, if required are available to the sponsoring agency, upon request.

Subject information, deemed worthy of comment, if any, is included in Section VI of this report.

II

EXAMINER INFORMATION

The examinations were conducted by Sidney L. Johnson, licensed by the State of Florida, license number 397-P, expires June 30, 1977, of SLATTERY ASSOCIATES, INC.

This examiner has conducted numerous examinations regarding criminal and civil case investigations, which include major crime cases for the Dade County State Attorney's office and Public Defender's office.

This examiner has been qualified as an expert witness in the Florida Court System.

III

POLYGRAPH INSTRUMENT INFORMATION

The instrument used for the examinations was a Stoelting Portable Deceptograph, model number 22500, utilizing at least three pens for simultaneous, permanent and visual recordings of the subject's blood pressure, pulse, respiration and galvanic skin response.

IV

POLYGRAPH TECHNIQUE

The BACKSTER ZONE COMPARISONS TECHNIQUE was utilized for the examinations. Pertinent (red zone) questions only, and the subject's responses are listed in Section VII of this report.

BASIC CASE INFORMATION

Basic case information consisted of a verbal report from Detectives Danny Benetiz and Ed Mederos, of the Metro Organized Crime Bureau, and a statement from Manuel Ortega, dated July 17, 1976.

The subject of this examination was MANUEL ORTEGA, who was involved in the bombing incident at the University of Miami, on Saturday, April 3, 1976. On this occasion an explosive device detonated outside the Student Union building during a speech given by Angela Davis. Ortega stated that along with him there were two other persons involved in this bombing, GUSTAVO CASTILLO and ORESTES RUIZ. The bombing was the means by which the three men were protesting the presence on campus of the Communist, Angela Davis. They felt that she was insulting the Cubans in Miami by delivering a speech in their community, after having visited Cuba where she had spoken to Fidel Castro. Following the bombing they took credit for the incident in the name of the Cuban Liberation Army. (El Ejercito Libertador Cubano).

Case information indicated that at the time of this incident, the subject, who was a fugitive, was living at 2325 N.W. 35th St., Miami, Florida. On the day of the incident Ruiz came by in his car and picked up Ortega. Ortega indicated that Ruiz had invited him along to participate in the bombing of Angela Davis at the University of Miami. Davis was scheduled to deliver a speech there at approximately 8:00 PM that evening.

The two men drove to a cuban cafeteria located at approximately S.W. 24th St./73rd Ave. where they met Gustavo Castillo, whom Ortega refered to as TAVITO. After they had met there, Castillo drove the other two men in his car to a garbage dump near the Bell Gas plant located at S.W. 31st St./71st Ave., Miami. At that location Castillo showed the other two men the explosives he had brought for the job and proceeded to construct the explosive device. The materials for the bomb had been concealed within a black brief case in the back seat of Castillo's car. The device consisted of a platinum colored pocket watch, with a white face, an electric blasting cap, red and black wiring, a yellow six volt battery, measuring approximately 4" x 4", and approximately 25 sticks of explosive called PETN, which is a booster charge for the explosives.

At the garbage dump, Castillo put the device together and demonstrated to Ruiz how to arm the bomb electrically once it was ready to be set in place. Furthermore, Castillo checked the electrical circuits of the bomb before he taped it together. As he was constructing the device, Ortega told him that he thought that he had too much of the explosive PETN, and suggested that he not use all that material. His reason for objecting to the full amount was because it was his understanding that no one was to be hurt by the explosion, but simply the speech given by Davis

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was to be interrupted. Because of his objection Castillo used approximately half of the PETN.

Once it was clear to Ruiz how to arm the bomb electrically, Castillo drove him and Ortega back to the cafeteria. Following this Castillo left in his own car and Ortega was not exactly sure where he might have gone. Ortega and Ruiz drove over to the University Student Union building. The bomb was concealed within a black brief case, the explosives on one side, the electrical mechanism on the other side. Both of these things were separated by books. At the university they parked the car within approximately one half block of the bomb site. Both men exited the car and walked over to the area where the bomb was to be placed planted. It was Ortega understanding that Ruiz and Castillo had been to the site the previous evening and had decided where to place the bomb. The location for the device was a drain pipe below a planter that was close to the patio area by the pool of the Student Union building. When the two walked over there after having parked the car, Ortega stuck his hand inside the pipe to check the depth of the hole to make sure that it would accommodate the device. Following this the two men returned to the car and Ruiz picked up the brief case and returned to the site. Before Ruiz walked back to the patio area to place the bomb in the drain pipe, the two men had been inside the car and Ruiz was arming the bomb. During this time some lady came by and asked the men for directions to some location. While Ruiz was walking back with the bomb Ortega turned the car around so that it was facing outward. He did this just in case something went wrong and the two men had to leave the area very quickly. A few minutes later Ruiz returned and stated that he had placed the bomb in the drain pipe. He also stated that as he put the device in the pipe he felt some type of electrical current run through his hand, possibly because of the moisture within the pipe. At this time both men returned to the area just to make sure that everything was in order and after approximately fifteen minutes they returned to the car and left the campus.

Ruiz drove Ortega to his house and dropped him off, and then left by himself. Ortega indicated that although he went with Ruiz to help in this bombing, he had not been aware that it was going to happen till that morning when he was picked up. He added that the previous evening, April 2nd, Ruiz spent approximately four hours with him, from 7:00 PM to 11:00 PM in talking about political matters. On the evening of the 3rd Ortega was at a political meeting being held at the home of FELIX BARRIOS.

When the bomb went off at approximately 8:14 PM, Ruiz called Barrios and told him that the act had been carried out by the Cuban Liberation Army. Additionally Ortega stated that either Ruiz or Castillo had contacted one of the Cuban radio stations and advised them of the incident, but that it was originally planned for him to send a communique to the radio station WQBA the following day. This communique had been written up by Ortega at his house prior to him and Ruiz leaving for the cafeteria earlier that morning.

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The purpose of this examination was to determine whether or not Ortega was being completely truthful regarding his role in the bombing incident.

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SUBJECT'S VERSION OF THE INCIDENT

The entire polygraph interview and examination was conducted in Spanish through interpreter GUS GUTIERREZ, of the Professional Translating Service Company. Before discussing the case with the subject, he was advised of his Constitutional Rights, re Miranda. He then read and signed a rights waiver form, a copy of which is included at the end of this report.

The subject's version of this incident was consistent with that which was provided in the basic case information section. In addition, he gave the following details.

Ortega stated that it was approximately 9:00 in the morning on April 3, 1976 when Ruiz came by his house to pick him up. It was at that time that Ruiz first told Ortega about the planned bombing and invited him to go along. Ortega indicated that he decided to go along to help because of his political beliefs. While Ruiz was there that morning Ortega made up the communique which gave credit for the bombing to the Cuban Liberation Army, and at approximately 9:00 both of them left the house in Ruiz' car.

On the way to the cafeteria they stopped at a gas station (location unknown) and put two dollars worth of gas into the car. Ortega indicated that he was the one who paid for the gas because Ruiz did not have any money with him.

Once they arrived at the cafeteria both men went inside where they had one cup of coffee. Just after finishing Castillo came in and introductions were made. Ortega stated however that he knew Castillo from before and recognized him as soon as he walked into the cafeteria. Following this the men walked out to Castillo's car and were driven to the garbage area where the bomb was constructed. Once this was done, they returned to the cafeteria with Castillo going his way after that and with the two men driving to the University.

Ortega's account of how the bomb was planted and the activities that occurred after that at the University is also consistent with that provided in the Basic Case Information Section. He did state that when the device was to go off, someone would be in the audience and that person would notify Ruiz by telephone that it had detonated as planned. Ortega declined to name this person who was there to make sure the bomb exploded.

Ortega also stated that he felt this particular bombing was possibly arranged by the same persons who placed the bomb beneath the campus police car at the University on the same date. On this particular occasion a similar device was found attached to a police car approximately one and 1/2 blocks from the Student Union Building. The vehicle had been placed there to provide emergency transportation for Angelia Davis in case of trouble during her speech.

With regard to the bombing of Emilio Milian, Ortega stated the following. On April 3rd., while himself, Ruiz and Castillo were driving either to the garbage area or from the garbage area, Castillo made the following remark. He stated that they would see what Milian thinks of the Angelia Davis thing after it occurred, and also that there was a bomb on the way for Emilio Milian. Ortega took it to mean that sooner or later Milian himself would be bombed, but he did not specifically know whether the bomb would be placed by Castillo or whether he would order it done.

VII

THE POLYGRAPH EXAMINATIONS

1. Chart I

39. Regarding whether or not you constructed that bomb for Angelia Davis, do you intend to answer truthfully each question about that?

(A.) Yes.

33. Did you construct that bomb for Angelia Davis?

(A.) No.

35. Did you help construct that bomb for Angelia Davis?

(A.) No.

2. Chart II

All red zone questions and the subject's responses were the same as those in Chart I, except the order of questions 33 and 35 were reversed.

3. Chart III

All red zone questions and the subject's responses were the same as those in Chart I.

4. Chart IV

39. Regarding whether or not you placed that bomb for Angelia Davis in that drainage pipe, do you intend to answer truthfully each question about that?

(A.) Yes.

45.J-Did you place that bomb for Angelia Davis in the drainage pipe?

(A.) No.

45.K-Did Orestes Ruiz place that bomb for Angelia Davis in the drainage pipe?

(A.) Yes.

45.L-Were you insdie the car when that bomb was put in that drainage pipe?

(A.) Yes.

45.M-Did you provide any of the materials for the bomb for Angelia Davis?

(A.) No.

45.N-Did you arm the bomb at the University?

(A.) No.

45.O-Did Gustavo Castillo make the bomb for Angelia Davis?

(A.) Yes.

5. Chart V

All red zone questions and the subject's responses were the same as those in Chart IV, except the order of the questions was changed.

6. Chart VI

39. Regarding whether or not you saw the bomb placed in the drain pipe at the University, do you intend to answer truthfully each question about that?

(A.) Yes.

33. Did you see the bomb being placed in that drain pipe?

(A.) No.

35. Did you help plan the act of bombing Angelia Davis?

(A.) No.

37. Have you been completely truthful about your role in the bombing incident?

(A.) Yes.

7. Chart VII

All red zone questions and the subject's responses were the same as those in Chart VI, except the order of questions 33 and 35 were reversed and question #38 was added.

38. At the time the bomb was put in the drain pipe, did you help to do it?

(A.) No.

8. Chart VIII

39. Regarding whether or not Castillo told you and Orestes that a bomb was on the way for Milian, do you intend to answer truthfully each question about that?

(A.) Yes.

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33. Was it your understanding from Castillo that a bomb was on the way for Emilio Milian?

(A.) Yes.

35. From Castillo's conversation with you and Orestes, do you believe he meant that Emilio Milian would be bombed?

(A.) Yes.

9. Chart IX

All red zone questions and the subject's responses were the same as those in Chart VIII, except the order of questions 33 and 35 were reversed.

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VIII

RESULTS AND CONCLUSIONS

Based upon a careful analysis of Ortega's polygrams, it is the opinion of this examiner that there were physiological reactions indicative of deception to question 45L on charts IV and V; and questions 33, 37, and 38 on charts VI and VII. It is also this examiner's opinion that there were no physiological reactions indicative of deception to questions 33 and 35 on Charts I, II and III; questions 45J,K,M, N,O on charts IV and V; question 35 on charts VI and VII; and questions 33 and 35 on charts VIII and IX.

Therefore it is the opinion of this examiner that 1) Ortega did not plan the act of bombing Angelia Davis; 2) that he did not provide the materials for the explosive device; 3) that he did not construct or help to construct that bomb for Angelia Davis; 4) that it was Castillo who made the bomb for Angelia Davis; 5) that Ortega did not arm the bomb at the University; 6) and that it was Orestes Ruiz and not Oretga who placed the bomb in the drainage pipe below the planter.

It is also this examiner's opinion that 1) Ortega was not completely truthful about his role in this particular incident; 2) that he was not in the car when Ruiz placed the bomb in the drain pipe; 3) that Oretga saw the bomb being planted in the drain pipe; and 4) that in some way Oretga helped in the placing of that bomb.

Furthermore, it is this examiner's opinion that Oretga was being truthful when he stated that it was his understanding from Castillo's conversation with Ortega and Ruiz that a bomb was on the way for Emilio Milian, and by that comment Castillo meant that Milian would be bombed.

A V I S O

POR FAVOR LEASE CUIDADOSAMENTE ANTES DE FIRMAR

M.O.

1. Usted se encuentra presente en esta oficina para someterse al examen poligráfico (detector de mentira).

M.O.

2. A usted no se le puede forzar a someterse al examen poligráfico. Se debe tomar el examen de manera voluntaria y de su propia voluntad. Usted queda en libertad de irse de esta oficina o de terminar el examen en cualquier momento.

M.O.

3. El examinador hará un informe con opiniones y resultados a los patrocinadores. Quien sabe usted no este de acuerdo con este informe, el cual puede indicar que usted no ha respondido con veracidad a las preguntas durante el examen poligráfico o la entrevista poligráfica.

M.O.

4. El informe se hará para los patrocinadores, quienes lo usarán según lo estimen conveniente.

M.O.

5. Al firmar los documentos anteriores y posteriores al examen usted cede cualquier y todo derecho a cualquier demanda que resulte de los exámenes, de toda la entrevista poligráfica y de las opiniones verbales y/o escritas del examinador.

M.O.

6. Nosotros recomendamos que no se someta usted al examen poligráfico a menos que tenga usted intenciones de decir toda la verdad concerniente a los hechos que estan bajo consideración.

M.O.

7. Si usted tuviera alguna pregunta durante el curso de la entrevista poligráfica, por favor no dude en hacersela al examinador.

HABIENDO ENTENDIDO ESTE AVISO, ESTÁ USTED TOMANDO EL EXAMEN POLIGRAFICO VOLUNTARIAMENTE? Yes

[Signature]

3:34 P.M. 10/21/76

HORA

FECHA

TESTIGOS:

[Signature]
[Signature]

A. ERDO Y DESCARGO DE RESPON. BILIDAD

ANTERIOR AL EXAMEN PARA ENTREVISTA Y

EXAMEN POLIGRÁFICO

Yo, MANUEL ORTEGA, edad 30, por este medio autorizo a que se me someta a un examen poligráfico (detector de mentiras) por un representante de SLATTERY ASSOCIATES, INC. Yo me someto a este examen voluntariamente, sin que me fuercen a ello, sin coerción, amenaza o promesa de recompensa o de inmunidad. Autorizo que se me ponga en mi persona ciertos componentes del polígrafo y que se preparen actas por medio de esos instrumentos, y/u otro instrumento de grabación o chequeo de acuerdo con la ley.

Yo autorizo a SLATTERY ASSOCIATES, INC., a que divulguen a STATE ATTORNEY'S OFFICE/DADE CO. PUBLIC SAFETY DEPT. ya sea oralmente o por escrito los resultados de, y opiniones concernientes a, este examen y entrevista.

En consideración de lo antes mencionado por este medio descargo de responsabilidad y por siempre libero a SLATTERY ASSOCIATES, INC. S. C. JOHNSON y a STATE ATTORNEY'S OFFICE/DADE CO. PUBLIC SAFETY DEPT. cualesquiera de sus oficiales, agentes, ayudantes y empleados, de cualquier pleito, reclamación o demanda legal, que tenga yo ahora, o que pueda en algún momento yo tener, como resultado directo o indirecto de que yo me someta a este examen, del acta escrita u oral, y del informe del examen o entrevista.

Además reconozco que se me ha asesorado de que nadie puede forzarme a tomar este examen. A mi mejor conocimiento no sé de ningún problema físico o mental que pudiera impedirme tomar este examen.

He leído cuidadosamente y entendido todo lo precedente, y firmo este documento libre y voluntariamente.

Fechado en 7140 NW 125 MIAMI Estado de FLORIDA, este 21 día de OCTUBER, 1976.

Manuel Ortega
(La Persona Examinada)

TESTIGOS:

[Signature]
[Signature]

3:34 A.M.
P.M.
(Hora)

10/21/76
(Fecha)

3-91-65814

CONSTITUTIONAL RIGHTS WARNING

BEFORE YOU ARE ASKED ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

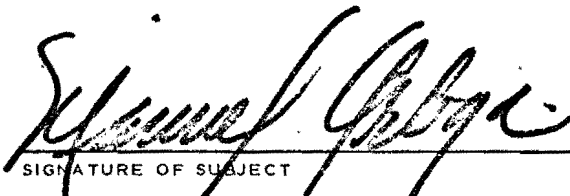
- (1) You have the right to remain silent. You need not talk to me or answer any questions if you do not wish to do so.
- (2) Should you talk to me, anything which you say can and will be introduced into evidence in court against you.
- (3) If you want an attorney to represent you at this time or at any time during questioning, you are entitled to such counsel.
- (4) If you cannot afford an attorney and so desire, one will be provided without charge.

I HAVE READ THE ABOVE STATEMENT OF MY RIGHTS AND AM FULLY AWARE OF THE SAID RIGHTS.

I AM WILLING TO ANSWER ANY QUESTIONS ASKED OF ME.

I DO NOT DESIRE THE PRESENCE OF AN ATTORNEY AT THIS TIME.

THIS STATEMENT IS SIGNED OF MY OWN FREE WILL WITHOUT ANY THREATS OR PROMISES HAVING BEEN MADE TO ME.



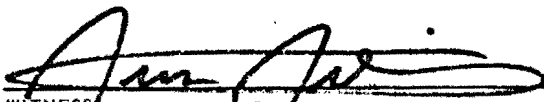
SIGNATURE OF SUBJECT

10/21/76

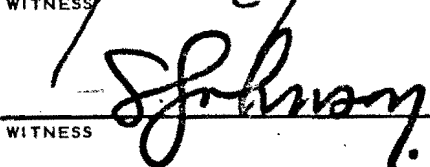
DATE

3:25 P.M.

TIME



WITNESS



WITNESS

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DESCARGO DE RESPONSABILIDAD
POSTERIOR AL EXAMEN Y CONFIRMACION
DEL ACUERDO ANTERIOR AL EXAMEN

Una vez terminado este Examen Poligráfico y Entrevista certifico que me sometí a ellos voluntariamente y que me quedé bajo mi propia voluntad, sabiendo que me podía retirar en cualquier momento.

Además certifico que me trataron bien, que no hubieron amenazas hacia mí ni se me hizo ningún daño, ni se me hizo ninguna promesa, durante la entrevista o el examen, ya sea en conexión con el examen o con la firma mía en este documento. No se me hizo ninguna pregunta que yo considerara impropia, personal o de naturaleza íntima.

Stanley Proga

9:43 P.M. 10/21/76
(Hora) (Fecha)

TESTIGOS:

Neil D. B...
J. Henry

Comentarios: _____

