

# Puerto Rico finds police kept track of private citizens

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SAN JUAN, Puerto Rico — No sooner had Puerto Ricans finished watching the Iran-contra hearings in Washington than a homegrown version of murky intelligence operations began unfolding here.

Recent weeks of testimony in court cases and public hearings — both of which continue — have bared a secret system used by police intelligence agents in this U.S. Commonwealth to track at least 90,000 people for supposed ties to subversive activity.

For decades, apparently, agents have added names to the files without specific reasons or outside supervision. The file contents and exact names are sealed to the public, but insiders say some records have little to do with law enforcement.

"It's the kind of thing you and me wouldn't want anybody to keep on you or me," said Sam Dash, a Georgetown University law professor hired by the island government to help reform intelligence gathering.

"It might be 'X' went to lunch with 'Y,' who is a person of a different political party or sat next to 'Y' on an airplane — all that kind of nonsense," said Dash, who gained national prominence as a corruption-buster when he served as majority counsel to the Senate Watergate Committee. "There's no indication a person did anything wrong. It's just this kind of gossip and rumor."

## Numerous disclosures

Testimony from high-ranking police and justice officials at Civil Rights Commission hearings and a related court case have produced almost daily disclosures.

### A sampling:

• Anti-Castro militant Antonio de la Cova, on parole from federal prison after being convicted in Florida of conspiracy, civil rights violations and explosives charges, apparently had repeated access to police intelligence files.

• Agents have infiltrated unions and have appeared undercover at worker gatherings to stem what a sergeant called "the subversive movement" in organized labor. Bosses frequently act as tipsters, he said, about people who can "cause problems and disturbances."



• Police intelligence officials asked for extra time to turn their records over to a judge because of the volume of information — 16,500 dossiers, 74,000 more names in an electronic file plus 50 file cabinets and four cartons with uninventoried intelligence material.

At the very least, the disclosures indicate that police have spied on some private citizens for political beliefs rather than for alleged criminal activities.

At most, they expose what government critics contend is the rotten core of a system that has persecuted, intimidated and made a mockery of the island's far-reaching democratic constitution.

"I would find it amusing if it were not so painful and if I had not met so many people who had suffered so much for this," said Ruben Berrios Martinez, a leader in the Commonwealth's independence movement. "This is a sad chapter in the history of Puerto Rico."

## Roots of controversy

The spying controversy has its roots in the Cerro Maravilla case, in which police gunned down two young independence advocates in July 1978. Investigations showed evidence of cold-blooded murder and cover-up.

William Colon, a former intelligence agent who recently pleaded guilty to conspiracy and perjury in the Cerro Maravilla case, mentioned in a radio interview in June that the intelligence division maintained a subversives list.

At the request of an Independence Party legislator, the House of Representatives in San Juan petitioned the government to reveal who was listed and why.

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Sam Dash, former counsel,  
Senate Watergate committee

Then Claridad, the Puerto Rican Socialist Party newspaper, published about 1,000 names supposedly from subversive files — among them prominent politicians, journalists, attorneys, even a member of the governing board of the U.S. National Council of Churches.

While the published list was never verified by police, it set off a wave of outrage over political spying.

Calling the list "an earthquake of shame," Graciany Miranda-Marchand, former president of the Puerto Rican Bar Association, sued in Superior Court and won a ruling that declared illegal and unconstitutional the practice of maintaining files if they are not the product of criminal investigations.

## An old custom

"A crime is a crime before being a political crime," Miranda-Marchand said. "If somebody has never committed a crime — like myself — how come I'm on a list? Nobody can challenge or ignore that I love my country very much. They probably don't like my face, but that's another problem."

The judge initially gave the intelligence division 15 days to turn over its records for review. Government attorneys have filed a motion to alter the judge's ruling. The case will resume Monday.

A former chief justice of the Puerto Rican Supreme Court testified to the Civil Rights Commission that he heard about subversive files in 1950. But the practice, he said, began with U.S. military rulers in 1898 after they took the island as booty in the Spanish-American War.

Whatever its roots, the subversives scandal will likely leave behind some fundamental changes.

Already several proposals have emerged to radically alter police intelligence operations, similar to reforms in FBI procedures after Watergate-era disclosures of political spying. For the first time, investigators would have to follow set criteria for opening files and be subject to a system of independent review.

The controversy also has provided fresh momentum for passage of Puerto Rico's first freedom of information law, which would grant public access to government records. A bill has passed the Senate; the House will consider it next session.

"The public mood is different right now," said Francisco Aponte Perez, head of the Senate Judiciary Committee who has fought for disclosure laws since 1980. "There is a general understanding of the importance of such a measure. We still believe in the principle that you have to run a closed government, but this is changing."