

**WHAT DID THEY SAY IN THE HALL OF THE DEAD?
LANGUAGE AND IDENTITY IN THE CERRO MARAVILLA HEARINGS**

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Identity has become a major interest for researchers in the areas of linguistic anthropology and sociolinguistics. Recent understandings of identity emphasize its malleability and fluidity. This conceptualization of identities as malleable comes from the realization that speakers relate strategically to propositions and their interlocutors in order to achieve their communicative goals.

This study is an exploration of the (co-)construction of identities in an institutional context, specifically in the Cerro Maravilla hearings. I examine the interactions between the Senate's main investigator, Héctor Rivera Cruz, and five witnesses in order to explore how identities were created and how speakers managed the interactions.

In chapter 2, I discuss the theoretical framework and the literature. The concepts of identity, linguistic ideologies, power, discourses, indexicalities, and stances are discussed. Chapter 3 is a literature review of studies concerned with language in the legal context, particularly in trials. In chapter 4, I provide a historical background to contextualize the Cerro Maravilla events and the Senate hearings. The next chapter is the methodology. In Chapter 6, I present the analyses of the interactions between Rivera Cruz and five witnesses. In chapter 7, I discuss the findings. Chapter 8 is the conclusion.

The present study supports the notion that power is better understood as emergent in interactions, even when interactional resources are unequally available to speakers. However, it

is not independent of discourses that assign value to ways of speaking and ways of interacting. I claim that speakers combine stances in creative and unexpected ways, constructing memorable identities.

The overarching question that motivated this study was: Why did people talk about Rivera Cruz's performance and way of speaking? I argue that the answer lies in his creative stance taking through which he was able to provoke a clash of linguistic ideologies in an unexpected and unconventional way. I argue that Rivera Cruz's performance attests to the creativity and the immense possibilities that individuals have for creating identities, while this individuality is still connected with discourses that exist in the broad society.

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1.0 INTRODUCTION

When the Cerro Maravilla public hearings began in 1983 I was 17. I had just arrived from Dallas where I lived for a year with my sister, when I began to hear about the Cerro Maravilla. I had never heard of it before.

“Puerto Rico had never seen anything like it” (Suárez, 2003, p.151). A Senate investigator interrogated dozens of witnesses on television about the police killing of two young Puerto Rican activists for the independence of Puerto Rico, Arnaldo Darío Rosado Torres (25) and Carlos Soto Arriví (18). The hearings were held in the capitol building of Puerto Rico in a room called the Hall of the Dead. It was named as such because when important political and national figures die they are laid out in this room for the public to pay their final respects.

The hearings had been suspended before I returned from Dallas because some policemen involved in the case had appealed to the court, questioning the authority of the Senate to investigate the killings in public hearings. I arrived from Dallas at the end of July, and the hearings resumed on September 7. My father was following them on television, as the whole country was, and I watched them at noon, after my classes, and I also watched the summaries that channel 7 offered about the hearings every night.

The Cerro Maravilla hearings were part of a senatorial investigation about the events of July 25, 1978 on Cerro Maravilla, a mountain in the central part of Puerto Rico. That day Rosado Torres and Soto Arriví died at police hands, in what the official version called “a terrorist

attack.” The two men were accompanied to the Cerro Maravilla by an undercover agent and they were awaited by a team of police agents from the Division of Intelligence and the Special Arrests Squad of the Puerto Rico Police Department.

The official version said that they were killed in an act of self defense. Four days later, newspapers (Arrieta, 1978; Stella, 1978, July 29, p. 1) published that the governor of Puerto Rico at that time, Carlos Romero Barceló, of the New Progressive Party, which advocates that Puerto Rico should become the 51st state of the United States, had called the policemen’s acts heroic. That same day in an article in *The San Juan Star* (Stella, 1978, July 29, p.1), a key witness, Julio Ortiz Molina, a *público* driver¹ who was kidnapped by Rosado Torres, Soto Arriví and the undercover agent, Alejandro González Malavé, on their way to Cerro Maravilla, said in an interview that the men surrendered. Also he said that he was attacked by policemen and that Rosado Torres and Soto Arriví interceded for him while they were being beaten by the policemen. According to the driver, the two men said that he (the *público* driver) was innocent and had nothing to do with what they (Soto Arriví and Rosado Torres) were doing. When he left the scene of the events, Soto Arriví and Rosado Torres were alive and in Police custody, although he thought they were wounded. He also said that the undercover agent was “the apparent leader” of the group, although later he would say that all three of them were giving orders.

That same day in an editorial in *The San Juan Star* ("Terrorists and questions", 1978), while emphasizing that they did not sympathize with terrorists, the editorialist demanded answers and questioned Governor Romero Barceló’s “premature” “tone of commendation” for the Police, noticing that it “could aggravate a potentially inflammatory situation.” Two days later, in an article from the Associated Press published by *El Nuevo Día*, it was reported that

¹ A *público* driver is a driver with a license to offer transportation in a determined route.

Ortiz Molina said that when he was taken from the Rikavision tower the two men were in Police custody (Varela, 1978). Moreover, one of them was handcuffed. But the most explosive addition was that, while Ortiz Molina was in a nearby tower, he heard a volley of shots after they were arrested (Varela, 1978), which suggests that the two men were killed after they were in police custody.

The Department of Justice dismissed Molina's allegations, and said that he was not a credible witness because he did not mention this damaging information for the Police in his original testimony, which was transcribed by the Captain in a Police station. Two investigations by the Department of Justice of Puerto Rico accepted the official version of the facts, as well as two investigations by the United States Department of Justice. In 1983, five years after the Cerro Maravilla killings, the case was still alive in the public arena² and political circumstances facilitated the development of the Senate investigation (Suárez, 2003).

The Senate investigation of the Cerro Maravilla events, of which the hearings were part, was a fateful process. It had human, political, social, and constitutional consequences. As direct and indirect result of the Senate hearings, the United States First Court of Appeals decisions concerning the hearings and its proceedings helped to define the powers of the Puerto Rican legislative branch to investigate the executive branch in Puerto Rico; ten policemen went to jail; the laws governing the institution of the undercover agents were changed; the Division of Intelligence was eliminated; the undercover agent that accompanied the two activists to Cerro Maravilla was killed in 1986 and there are reasons to believe that his death was related to his participation in the case (Suárez, 2003); five attorneys were disbarred or suspended; the case opened a discussion in Puerto Rico about illegal activities in the Puerto Rico Police Department,

² In good part because of the job of journalists Manny Suárez, Tomás Stella, Carmen Jovet, columnists Juan Manuel García Passalacqua and Juan Mari Bras, lawyer Enrique González and historian Lydia Cruz Monclova.

particularly against the independence movement; it also generated a discussion about the role of the United States' agencies in the persecution of the independence movement that is still present in Puerto Rican political life.

Besides these consequences, the New Progressive Party lost the governorship and the two legislative chambers in the next election. According to Bayrón Toro (2000), the Cerro Maravilla played a role in these losses, although he also concedes that there were other important factors involved, including a later backlash against the Popular Democratic Party.

Nina Estrella (2001) considers that the people of Puerto Rico have not recognized that we were all part of a process of exclusion (of independence supporters) that requires a healing process. Nina Estrella argues that the legal resolution of the case has not led to a process of acknowledgement, reconciliation, and resolution of the social dispute. Every year on July 25, people gather in the Cerro Maravilla –which they call “El Cerro de los Mártires” (The Martyr’s Hill) to commemorate the killings.

In addition to the human, social, political and constitutional importance of the Cerro Maravilla hearings there was also an impact on the media. The hearings were a media event without precedent in Puerto Rico. It was a unique opportunity for the people to see the legislative branch function and a groundbreaking legislative investigation as it unfolded with its achievement and shortcomings.

The use of language during the hearings drew attention from many observers. Columnists, editorials, and letters to the editors commenting on it were common. Books and essays published about the case almost invariably dedicated at least few paragraphs to the use of language in the hearings. Of particular interest to the present study were the comments about the main investigator Héctor Rivera Cruz and the undercover agent Alejandro González Malavé.

Héctor Rivera Cruz, the investigator who interrogated all the witnesses in the public hearings, reached such popularity that a show business magazine compared him with a leading actor in a soap opera, an extremely popular genre in Puerto Rico (Ribera-Chevremont, 1983). Rivera Cruz was a 32-year-old lawyer who had been a public attorney at the Puerto Rico Department of Justice and who was little known before the case. When I arrived in Puerto Rico, everybody in the country knew him. He was a 5'3" man of rural origin. He had a big mustache, and he was described as having a high-pitched voice (Rodríguez Juliá, 1986) and as having an adolescent voice (Suárez 1987: 176). Rivera Cruz used a mix of standard Puerto Rican Spanish, non-standard Puerto Rican Spanish and legal Spanish (assuming that such a thing exists). He was described as a *jíbaro*. The *jíbaro* was the Puerto Rican peasant, which became (particularly in literature and politics) a symbol of Puerto Rican identity during a great part of the 20th century.

Rodríguez Juliá (1986), in his chronicle-essay *El Cerro Maravilla*, commented on Rivera Cruz's way of speaking and offered an interpretation of what it meant:

Don Héctor still says *haiga y habíanos*; but we are speaking about an avenging populist chosen by the populares (the leaders of the PDP). Correcting his Spanish would be like taking away his *charm*, the superblanquitas [very high class young women] would say. For the people of the NPP, he is a “*jíbaro tapón*” (a short peasant) that has committed the sin... of being intelligent. They make fun of him because of his high pitched voice... (p. 72). (My translation)

This quote bears closer analysis because it illustrates the issues that concern us. *Haiga y habíanos* are two stigmatized non-standard forms. *Haiga* is the present subjunctive form of the verb *haber* ('to have'). The standard form is *haya*. Alvarez Nazario (1957, p. 90) identifies *haiga* as a non-standard archaism that comes from an analogy with other verbs that have the same ending, like *caiga*, the present subjunctive of the verb *caer* ('to fall'). The standard form of *habíanos* is *habíamos*. Alvarez Nazario again (1957: 84) points out that this form can be heard in the rural speech and in the non-educated speech of urban areas of Puerto Rico.

Los *populares* -the members and the leadership of the Popular Democratic Party that were the majority in the Senate during the hearings- led a populist movement during part of the twentieth-century. Luis Muñoz Marín was the first elected governor of Puerto Rico, and he became the almost mythical leader of that populist movement. The Popular Senate appointed Rivera Cruz as senior investigator, while Governor Romero Barceló –from the New Progressive Party- opposed the hearings, calling them “a political circus” (Ortiz Tellechea, 1983).

Muñoz Marín identified the *jíbaros* as the source of his mandate and as the moral authority behind him. Referring to the support he received from the rural areas, Muñoz says (1982, p. 4): “The faith of those *jíbaros* in the democratic doctrine had moved the mountains of Puerto Rico; it had transferred the moral authority of the public power to the most helpless class in the colony.”

Rodríguez Juliá is, therefore, proposing a relationship among linguistic forms, their social meanings and identity. From a semiotic point of view, linguistic forms (*haiga, habíanos*) index social groups and identity. This relationship that, in fact, is a relationship between language and the social context, has been called social meaning (Ochs, 1992), or indexical meaning (Silverstein, 1996a), or simply indexicalities. The term *jíbaro*, as any term that refers to any group of people (real or imagined), also has negative associations. *Jíbaro* is also used to refer to an unsophisticated person of rural origin who lacks social skills. I remember a debate at that time about Rivera Cruz’s use of the word *contentura* ‘happiness’. Someone remarked that it was a blunder, although it is reasonable to think that everybody understood what he meant. Someone did his or her homework and explained publicly that the word ‘existed’ (it was in the dictionaries!), and that it was an archaism. One of the features of peasant speech is the use of such archaisms. I remember a relative of mine saying about Rivera Cruz at some point in the

hearings, “It’s a shame, he is so intelligent and he speaks like that.” Thus, people were aware of his non-standard features and commented about it.

While some people were lamenting Rivera Cruz’s way of speaking, as Suárez (1987, p. 207) points out, Rivera Cruz became an instant folk hero: “Entrepreneurs sold thousands of T-shirts imprinted with sketches of Rivera Cruz and his catchphrase, “Tell me if it is true or not” (*Dígame si es o no cierto*)³. An artisan made woodcarvings of Rivera Cruz and all the committee members. The figures sold well in arts and crafts shops.”

According to Francisco Aponte Pérez, the Chairman of the Judiciary Committee that investigated the Cerro Maravilla hearings, the “popular culture was fueled with a new vocabulary that was a product of the language and expressions of the deponents, the investigator (Rivera Cruz) and the senators” (Aponte Pérez, 1995, p. 107). He points out that this was the case particularly in humorous contexts. One example was the use of the vocative ‘witness’, which Rivera Cruz used when addressing the witnesses normally with high pitch. People used the expression jokingly when asking questions to a friend about his or her whereabouts. The expression was associated with though questioning and the intonation conveyed suspicion. The vocative, with the imitation of Rivera Cruz’s intonation, framed the question as (jokingly) adversarial. The expression became an index of (mock) suspicion and the mere use of it created a jocular context.

The mere existence of a metadiscourse about the hearings makes the case interesting by itself. Why did people talk about the language in the hearings? Indeed, the *content* was revealing and fateful for the people involved and the whole country. But, what made *language* so

³ Rosario Núñez de Ortega (1996: 32) identifies this morphosyntactical construction as a common error in Puerto Rican Spanish. Instead, she says, should be ‘Dígame si es cierto o no’. Washington Lloréns, a linguistic purists, a member of the Puerto Rican Academy of Language, also considered the construction defective, while Salvador Tió, president of the same academy considered its use a matter of style.

noticeable that it became a topic by itself? The answer lies in the tension between content and language use and the semiotic property of linguistic forms and language use that makes possible the connections between actual speech and the broader context –social, cultural, political, historical.

This study is a qualitative analysis of the interaction of Rivera Cruz and four witnesses. The interrogations were recorded from television. I use the close reading technique, which consists of repeatedly listening to the recordings of the hearings and reading the transcripts line by line. The emphasis of the present work is twofold. First, I am interested in the creativity of speakers in the construction of identities. Speakers are able to combine different elements from different sources in order to create both different meanings and also different identities. The combination of these identities does not yield a chaotic picture or a continuously unconnected series of identities, which brings me to the second point of this work: I am also interested in the apparently uncomfortable relationship between the malleability of identity and the fact that speakers seem to have a uniqueness that can be recognized and even imitated. It is possible to understand this apparent incongruence if we concentrate our analysis in stances. Stances, according to Johnstone (2000a, p. 3), “have to do with the methods by which speakers create and signal relationships with the propositions they utter and with the people they interact with.” Kiesling (2006) and Johnstone (2009), among others, have proposed that stances are central to the understanding of the relationship between language and identity. Kiesling argues that we tend to think of the identity of speakers based on the stances that they habitually take. This study has led me to a reflection and a discussion of the mechanisms that speakers have to create identities and for ascribing social meanings to linguistic forms.

Accordingly to my interests, my research questions are:

Specific

How identities were created during the hearings?

How were the participants' performances related to the broader social and historical context?

What stances were at play?

Why Rivera Cruz and González Malavé were particularly effective?

General

Can indexicalities explain the fluid dimension of identity?

Can stances explain apparently disparate indexicalities?

Can stances explain the stable dimension of identity?

How can a fluid identity also be stable?

In the following chapter, I describe the framework of identity. This description includes the notions of identity, discourses, power, indexicalities, and stances, and I discuss literature relevant to these areas. In chapter 3, I discuss literature related to language in institutional context, particularly in legal context. Chapter 4 is a historical background where I pay special attention to the historically problematic relationship between the Police Department and the independence movements in Puerto Rico. I also talk about influential notions of national identity in Puerto Rico prior to the events. Chapter 5 is the methodology used. Chapter 6, 7, and 8 are the analyses of the interactions. In chapter 6, I present the analyses of the interactions between Rivera Cruz and each of the witnesses separately. On the other hand, Chapter 7 is the analysis of the interactions across witnesses in order to see patterns and differences. The last chapter is the

discussion of the findings and the conclusions, and I also discuss the limitations of the study and possible related areas of study.

2.0 FRAMEWORK

In this research I study the way in which identities were created in an institutional setting, specifically during the Cerro Maravilla hearings that were part of an investigation of the Senate of Puerto Rico regarding the killing of two young men by the police. The way in which language was used to create identities in the Cerro Maravilla is the main focus of this research.

Since the focus of this study is the creation of identities, I have to explicate the notions that inform my understanding of the concept. In this chapter I explain the concept of identity, how it is understood in scholarly literature, and the relationship between language and identity from the perspectives of sociolinguistics and linguistic anthropology. Before I discuss in detail the ideas that inform my understanding of identity, I will describe the general tenets of this research.

The majority consensus among researchers emphasizes the malleability and fluidity of identities. That is, people do not have fixed identities, but they can, and in fact, they do change identities depending on many factors such as the context, the task at hand, interest, and so on.

These identity changes are achieved mainly through indexical mechanisms. By indexical I mean here that linguistic forms and uses point to the social context. Among the indexical means that speakers have are the explicit mention of categories or groups as well as

...implicatures and presuppositions regarding one's own or others' identity position; displayed evaluation and epistemic orientation to ongoing talk; as well as interactional footings and participant roles; the use of linguistic structures and systems that are

ideologically associated with specific personas and groups. (Bucholtz and Hall, 2005, p. 594)

For example, a linguistic form can be used to index membership or approximation to a particular group that is ideologically associated with certain characteristics, or conversely, certain linguistic forms that are ideologically associated with certain group can be used to by speakers to ascribe themselves characteristics also ideologically associated with that group.

The link between linguistic forms and whatever they index are linguistic ideologies. Linguistic ideologies are “any sets of beliefs about languages articulated by the users as rationalizations or justification of perceived language structure and use” (Silverstein, 1979, p. 193). Linguistic ideologies are not neutral. They involve frameworks of cultural agenda that include human interests that are a part of social-institutional processes (Silverstein, [1996] 2003, p. 196). These linguistic ideologies shape and bias our verbal and interactional behavior. At the same time they are shaped and biased by our interests, experiences.

Speakers have ideas about how language should be used in different situations, about who use it in a determined way, in what occasions it is used in a determined way, why it is used in a determined way. These ideas are based on experiences that inform the speakers’ expectations. Since different groups and individuals have different experiences, ideologies (linguistic and otherwise) are necessarily multiple (Kroskrity, 2000). Based on these different experiences, speakers have different notions of “what is ‘true’, ‘correct’, ‘morally good’, or ‘aesthetically pleasing’ about language and discourse” (Kroskrity, 2000, p.8). Precisely because there are different groups and different experiences, there are different interests (Kroskrity, 2000, p. 12). Therefore language ideologies are political and tied to interests.

In recent literature, the concept of stance has become central. Kiesling (2006) defines stances as “relationships of the moment”, while Johnstone (2000a, p. 3) points out that stances

“have to do with the methods by which speakers create and signal relationships with the propositions they utter and with the people they interact with.” I define stances provisionally more broadly as relationships of the moment created by speakers with propositions –their own and others’ - and people –interactans and others.

Johnstone (1996) calls attention to what she considers a gap in the literature about identity. She finds that in the present understanding of identity the individual is lost. She claims that speakers seem to carry something from one interaction to another and this must be taken in consideration. In this study I hope to help to understand how malleability and continuity in identity can be achieved by speakers.

In this chapter I summarize the evolution of the concept of identity as presented by Mendoza-Denton (2002), the mechanisms that speakers have to create their identities, paying particular attention to the concepts of modality, evidentiality and indexicalities as presented by Bucholtz and Hall (2005). Also I discuss the concept of stances and their centrality in the creation of identities. Finally, I address the notions of linguistic ideologies and power.

2.1 IDENTITY

Both the concept of identity and the way it has been studied by those concerned with the relationship between language and identity have evolved significantly since the colonial period of European countries (Gal and Irvine, 1995; Mendoza-Denton, 2002). Brubaker and Cooper (2002), in a critique of the concept of identity, explain that it has been conceptualized as static, as more or less stable, as changeable and malleable (therefore, as ever-changing), as individual, as

group, from an essentialist point of view, from a constructivist point of view, as a psychological process, and as a social process⁴. The present understandings emphasize the malleable and fluid character of identity. This conceptualization of identities as malleable comes from the realization that speakers relate strategically to propositions and their interlocutors in different ways in order to achieve their communicative goals.

From a variationist point of view, researchers have pointed to different directions when studying the relationship between language and identity. The diversity of approaches has helped researchers to develop a better understanding of different dimensions of identity as well as the mechanisms employed by speakers to create and negotiate their identities.

Scholars concerned with the relationship between language and society, and more specifically between language and identity, have been narrowing the focus of attention from the way in which language -or a variety- as a whole unifies -or differentiates- groups of people, to the study of the mechanisms through which individual speakers craft their identities on a moment by moment basis. In this section, I summarize some conceptualizations of identity and describe how the relationship between language and identity has been conceived and studied.

In one line of studies the relevance of socio-demographic categories is presupposed. That is, socio-demographic categories such as sex, age, race, social class and so on, are presumed to be relevant for understanding the relationship between language and identity. Individuals in these studies are sorted according to these pre-established categories, and the variation found in different groups (e.g. working class, middle class, men, women, etc.) is explained in terms of the individuals' membership into these groups. Therefore, the agency of individuals is ignored. At

⁴ Brubaker and Cooper (2000) have questioned the usefulness of the concept. They claim that the term has come to mean contradictory things. They also criticize that the term identity explains everything and nothing. They compare the term with 'race,' which has public circulation, but that does not mean that social sciences have to use it. They propose a set of terms to convey the different and often contradictory meanings ascribed to identity.

the heart of this approach is the notion of essentialism. Mendoza Denton (2002, p. 476) defines essentialism as “a reductive tendency to designate a particular aspect of a person or group as explanations of their behavior.”

As noted by Mendoza-Denton the conflict between an observer’s and a participant’s point of view is intimately related to this conceptualization. Socio-demographic category-based identity is rooted on the premise that census-like socio-demographic characteristics are relevant to the understanding of how linguistic forms are used. The question then arises: Are these socio-demographic categories as important or as relevant to speakers as researchers assume? Or, are they important in the same way that researchers assume they are? This type of studies has been and still is particularly important because it has allowed researchers to understand large scale sociolinguistic trends (Bucholtz and Hall, 2005, p. 591). However, its major drawback is that it ignores the role of agency and how people deal with complex social constructs.

In order to benefit from the participants’ point of view, and in order to understand what categories are more useful to understand the relationship between language and identity, researchers have introduced ethnography. However, although categories have been refined, the imposition of socio-demographic categories as relevant is still central to this understanding of how language is used (Mendoza-Denton, 2002). Due to the essentialist point of view of this type of study, the agency of individuals is ignored and their practices, interests, goals, and motivations are out of consideration.

In a second approach to identity that Mendoza-Denton calls *category based identity*, the attention shifted to these practices, interests, goals, and motivation. Identities are seen as something “accomplished in the shared practice of particular activities, like participation in community activities or in voluntary affiliation around activities and enterprises” (p. 486). This

kind of study pays central attention to the practice-shaping processes, their reification (i.e. relationships and context are treated as objects with concrete manifestations) and the linguistic consequences of these processes (p. 487).

LePage and Tabouret-Keller (1985) have been particularly influential in the “category based identity” approach. They argue that speakers use language variation strategically as a way to affiliate themselves with the groups to which they hope to be associated, or to be distinguished from groups with whom they do not want to be associated. They propose four conditions that have to be met by a speaker in order to be able to identify with a group. The first is that the speaker has to be able to identify the groups to which he or she wants to be affiliated. Second, the speaker needs to have access to those groups and the ability to analyze their behavior. Third, there must be a powerful motivation for wanting to be affiliated with a group, and this desire is motivated or reversed by feedback from those groups. The last condition is that the speaker has to be able to modify his or her behavior (LePage and Tabouret-Keller, 1985, p. 182).

Identity is thus seen as a process. In fact, LePage and Tabouret-Keller do not offer a definition for identity. Instead they speak about *identification*. According to them, *to identify* has at least two meanings. The first is “to pick as a particular person, category or example” (p. 2). They give the example of a person who can identify a child as her own in a crowd by some idiosyncratic feature. A second meaning is “to recognize some entity as part of some larger entity” (p. 2). They call these two acts of recognition ‘acts of identity’. They propose that these two acts are symbiotically related. That is, idiosyncratic behavior reflects attitudes toward groups, causes, and traditions, but in turn, this behavior is constrained by identifiable factors. These acts are also related because the identity of a group is in part the result of the projections that individuals make of their concepts about the group.

Variation, thus, is located in the agency of individuals with respect to larger groups. People's identity is actively accomplished given the identification of the groups and the motivation to be affiliated with them or to be differentiated from them. In this sense people can change their identity given the conditions provided above. Identity is then perceived as affiliations (or disaffiliations) with groups, traditions or causes. LePage and Tabouret-Keller go beyond a classification of individuals given socio-demographic categories and explore the complexities of ethnic identity and agency.

Related to this approach is Giles and his associates' Communication Accommodation Theory (CAT). One of the main concerns of these researchers is the way in which speakers reduce or increase differences between them (Coupland et. al., 1991) and the creative aspects of listening and interpreting. CAT is fundamentally based on speakers' orientation to their listeners, and it proposes different strategies that are associated with a range of socio-psychological contexts. Speakers select from a range of sociolinguistic strategies paying attention to or anticipating the recipient's own communication characteristics. A key concept of this approach is that of 'communicative attuning', which is a set of adaptive and strategic moves made by interactants to increase and decrease social and sociolinguistic distance; therefore, it is addressee focused. Speakers pay attention to others' productive performance, to others' interpretative competence, to others' conversational needs, and to role-relations. CAT is strongly centered on the individual, but it takes into consideration social aspects that inform individual choices.

Eckert (2000), in her seminal ethnographic study about language variation in a high school in Detroit, demonstrates the importance of looking at the specific practices of groups in order to understand language variation. In her study, she analyzes how identity and language are related to the community of practice (i.e. groups of individuals that engage in shared practices).

She identified two groups clearly delimited in the school which tended to hang out together: ‘jocks’ and ‘burnouts.’ Eckert noticed that there was linguistic variation between those groups. These groups—jocks and burnouts—turned out to be relevant categories for understanding linguistic variation because variation was related to the activities in which these groups were engaged. Eckert demonstrated that it is important to pay attention to local practices in order to understand linguistic variation. She found that supra-local varieties of descriptions (e.g. gender, social class and so on) may not account for language use because relevant identities can be located on a more local level.

Mendoza-Denton identifies a third type of approach to identity called *practice-based variation*. A concern about what individuals do in specific interactions when they mix different varieties and what they can achieve through these uses has become central in this approach. Variation in individual speakers became the place to look for identities. Identities are not given, pre-established or static, but malleable and fluid and regarded as contextually derived, emergent in interaction, and open to transformation. The term identity then changed from singular to plural because identity is deemed as multiple, even in the same individual.

Studies of this type identify the dynamics of moment-by-moment interaction, looking at variation as it unfolds (Mendoza-Denton, 2002, p. 489). These studies emphasize the performative character of interaction and pay great attention to variation in indexicalities (meanings related to the social context) as well as achievement, and the construction of identity. As Kiesling (2006) points out, indexicalities provide information about the speakers because they associate linguistic forms with dimensions of the context as the type of activity in which speakers are involved, the relationship between speakers, and to stances taken by speakers.

This understanding of identity owes much to Goffman's work (1959, 1974, 1981) on performativity and self-representation and to his concepts of *footing* and *framing*. Footing refers to the alignments that people invoke in interactions in order to achieve communicative goals. Framing refers to the definition of the activity type, that is, a definition of what is going on in interaction. According to Goffman, when speakers interact, they define the ongoing activity in which they are participating. This definition of the speech event is what he called the frame. The frame, which is based on previous experiences, creates expectations in the interactants in terms of what they are supposed to do. But these frames can be changed. *Contextualization cues*, which were described by Gumperz (1982a), are particularly useful for understanding how frames are changed. A contextualization cue "is any linguistic or paralinguistic feature that contributes to the signaling of contextual presuppositions" (Gumperz, 1982a, p. 131). Some examples are the code used, dialect and style switching, formulaic expressions, selection of lexical and syntactic options, intonation, volume, pitch and others.

Tannen and Wallat (1993) demonstrate how contextualization cues can be used to reframe the speech event, that is, to redefine what is going on in the interaction. They show how a physician reframed an interaction while examining a girl with cerebral palsy in the presence of the girl's mother while the visit was being recorded for a university class. Thus, the physician had to talk to the child, the mother, the camera person and the class that would see the video in the future. Tannen and Wallat observed that the physician used 'contextualization cues' to let the other interactants know what role she was assuming (i.e. physician, professor) and who the addressee was (i.e. the child, the mother, the camera person, the students). Prosodic features and linguistic forms (register and stylistic variations) served to cue the other participants about how her participation should be understood and who was the intended recipient of it.

But speakers do not only reframe the speech activity; they also change the stances towards what they are discussing and their interlocutors and, therefore, their identities, because identity is seen as dependent on the relationship between speakers.

Researchers in this type of studies pay close attention to indexicalities –the social meaning of linguistic forms. They explore how people use linguistic forms, styles and strategies associated stereotypically with social groups (men, women, working class, middle class, lawyers, mothers, and so on) that in turn are associated with particular social dimensions or stereotypes in situated interactions. As Chesire (2002, p. 437) points out in regards to phonological variation, this type of studies depends on the idea that although sounds are meaningless, they can derive social meaning by their association with culturally recognized groups. If certain forms are used more by women, they become associated with women and can be used to construct a stereotypically ‘female’ identity. In this way it is possible to explore how people create and negotiate their identities (Holmes, 1997, p. 204).

Holmes (1997), in a study that includes characteristics of practice-based identity and practice-based variation, investigates the creation of masculine identities in an advertisement, showing how different masculine identities were constructed in an interaction between two men. One man assumed a self-confident, authoritative, and laconic identity through a variety of discourse devices. He used syntactic minimal forms compared to the other speaker. The other man’s exhibited features associated with a lack of confidence and a need for reassurance, features that have been associated with feminine identity. He used tag questions, hedges, agreement, and repetition in order to appeal to the other man. He also attempted to elicit approval. He was responsive rather than aggressive, appealing rather than assertive.

Holmes also analyzes how a woman constructed a stereotypical identity in a conversation narrative. She paralleled the content of the narrative (a caring mother) with the stances she took using diminutives, attenuators, pragmatic particles like *you know* and *sort of*, and repetition of phrases that have the effect of creating an affective picture of her daughter. This woman also used phonological variants which are more associated with women's speech in New Zealand, such as (-ing), and a conservative aspirated variant of intervocalic /t/. This study helps to understand how the tension between content and stance taking help to create an identity.

Podesva, Roberts, and Campbell-Kibler (2001) emphasize the importance of the study of variation in terms of discourse (i.e. language in use) and not in terms of predefined variables. They studied the speaking style of an openly gay rights activist lawyer during the discussion about the right of private voluntary organizations to ban gays. The debate was between this lawyer and a libertarian, who was opposed to any government intervention in the lives of citizens. The authors examined the use of five features stereotypically related to gays' ways of speaking: durations of /æ/, /eI/, durations of onset /s/, /l/, fundamental frequency (f0) properties of stressed vowels (max, min, range, and value at vowel midpoint), voice onset time (VOT) of voiceless aspirated stops and release of final-word stops. They found that many of these features were not present in the lawyer's speech. They propose that the lawyer was trying to convey competence as a professional, and his identity as gay was back-grounded. According to these authors, it is common among activists to background stereotypical gay speech in order to appeal to the mainstream audience.

Podesva et al. (2001) underscore the importance of being cautious about the predefined features that are ascribed to speakers and warn about the reductionism of a dichotomous division of gay and straight demonstrating the complexity, malleability and fluidity of identity as well as

they stress the importance of the context of communication and culture in the creation of identity. Thus, the use of different varieties -or rather, elements of different varieties- by the same speaker challenges the direct connection between the use of a linguistic feature or variety and the group which is believed to use it, as Le Page and Tabouret-Keller (1985) had proposed. Kiesling (2006, p. 495-496) offers a definition of identity that considers the implications of these studies. He defines identities (in plural) as:

...named relationships in cultures and interactions, and the labels for identities are shorthand for identifying a person's myriad ways they relate to others in socially relevant ways (....) Because identities are relational, a person has no fixed identity, only identities are constructed in contextualized interaction (and to the extent that an identity is psychologically real, it is based on the self's conception of its place in psychologically idealized models of interaction).

Kiesling (1998) integrates quantitative and qualitative analysis of the variable (-ing, e.g. *talking* vs. *talkin*) in fraternity men discourse. He explores the different identities that men construct during a meeting in which different candidates were campaigning for the position of vice-president of the fraternity. Kiesling argues that the variant (-in) is a sociolinguistic marker that can be associated with work ethic, conflict, and casualness. He integrates the concept of cultural models from cognitive psychology (D'Andrade, 1987; Holland and Quinn, 1987). The cultural models framework is a model about how the human mind works. In this model human beings manage themselves in life using certain models that are culture specific. Gee (1999) explains a distinction between cultural models and scripts. These models are more general than "scripts" that tend to be focused in specific activities and depend upon previous experiences. Cultural models can be applied to new experiences and underlying the scripts. In few words, they are folk theories. The men in his study used these variants (-ing, -in) to construct different identities. Kiesling explains that the variable alone has no meaning, but that meaning is produced "when an identity is constructed through the tension between text and content and the

negotiation between speakers” (1998, p. 94). One man, for example, assumed the identity of the rebel. Another man uses the (-in) form to index a strong work ethic. Another man uses a corporate lawyer cultural models approach to index competence. This association between sound and cultural models is not gratuitous. The use of certain linguistic forms helps them to index certain cultural model and then to claim for themselves the attributes that are associated with that cultural model that made them deserving candidates for the vice-president position.

Eckert (2002) has paid attention to personal styles that individual speakers craft as a way of making sense of their linguistic and social behavior. According to her, “the meaning of variables is located not in the categories of people who employ them, but in the performance of identities that populate categories” (2002, p. 4). She conceives performances as stylistic enterprises and the linguistic variables as the resources for constructing styles that are associated with individual and group personae; as a consequence, it is necessary to pay attention to all variation rather than stable known variables or popular sounds (p. 5).

Kiesling (2005a) incorporates a focus on the performances of stances –relationships of the moment- in interaction with Eckert’s view of personal styles. He proposes that personal styles are repertoires of stances, and “the variables used habitually by speakers to create these styles are primarily concerned with creating stances.” In his study of an all male college fraternity, Kiesling (1998) found that the variable ‘-ing’ was used (combined with other factors) at different rates by different speakers because they wanted to take a particular stance at specific times, and not only because they were from a certain class or ethnic background (p. 14). This focus on stances, according to Kiesling, helps us to understand why certain speakers use certain forms and what these forms mean in interaction. In the present study, this insight is central because they pay attention to the agency of the speaker and also offer an understanding of how

people manage themselves in situated interaction, while providing an explanation of individual variation. Another advantage is that these studies also pay attention to the ideological dimension of language variation.

Bucholtz and Hall (2005) propose a deliberately broad and open-ended definition of identity: “Identity is the social positioning of self and others.” This is a definition conceived for an interdisciplinary approach to language, culture, and society. Although the definition is very broad, they propose five fundamental principles that should be considered in the study of identity. These are the Emergence Principle, the Positionality Principle, the Indexicality Principle, the Relationality Principle, and the Partialness Principle. They propose these five principles as a framework for studying identity.

The Emergence Principle says that “identity is best viewed as the emergent product rather than the preexisting source of linguistic and other semiotic practices, and therefore is fundamentally a social and cultural phenomenon” (2005, p. 588).

With this principle, the authors underscore the fact that it is more illuminating to conceive identity as created through language and other semiotic practices. This goes in contraposition to an essentialist point of view in which identity preexists language and semiotic practices. In the essentialist point of view, an inherent essence –that is, inherent characteristics of a group- is assumed to exist and is perceived as the explanation for the use of language and other semiotic practices. As explained by Mendoza-Denton (2002), if this were the case, then we would have to understand semiotic practices as the result of the speakers’ membership in a certain group to which a certain ‘essence’ is ascribed. Therefore, the socioculturally mediated capacity to act and the complexity of identities escape the analysis.

The second principle that Bucholtz and Hall state, the Positionality Principle, says that “identities encompass (a) macro level demographic categories, (b) local, ethnographically specific cultural positions, and (c) temporary and interactionally specific stances and particular roles” (p. 592).

With this principle the authors want to underscore that identity is not limited to macro level demographic categories, but also includes more local levels categories, and even transitional ones, as discussed above. With this principle, Bucholz and Hall call attention to the need to go beyond broad social categories in order to understand the “more nuanced kinds of identity relations that arise in local contexts.” As Eckert (2000) demonstrated, broad social categories do not always help us to understand what the meaning of language and other semiotic practices is. Membership in a particular social class, gender, ethnicity, and so on, may not be enough. The meaning can be found in more local practices or even in specific roles that are taken in interaction for various reasons.

The assumption that broad social categories (i.e. census based categories) will explain these practices may not be warranted because the categories that may prove relevant to understand identity construction seem to be located at a more local level, as for example the community related groups or even temporal roles that are only relevant in specific situations (Eckert, 2000; Kiesling, 2006; Matoesian, 2001).

Indexicality Principle has to do with the mechanisms by which identities are constructed. Indexical processes are identified as such mechanisms. The term indexicality has -as unfortunately many terms in many disciplines- at least two meanings. It is a semiotic property of language that adds contextual meaning to linguistic forms. In this broad definition it includes referential and non-referential meanings. Referential meanings have to do with “the meanings

that depends on the context of utterance” (Johnstone et al., 2006, p. 81). These is the case of demonstratives *this*, *that*, adverbs of place, *here* and *there*, adverbs of time like *now*, personal pronouns, *I*, *you*. The meaning of *here* depends on the context in which it is uttered (i.e. where is the speaker).

Non-referential meanings, on the other hand, are social meanings, that is, meanings related to the register used by speaker, the stances taken by her, and the social identity of the speaker (Johnstone et al. 2006, p. 81). The concept of indexicality is also used in literature in this latter sense. That is, referring to the non-referential meanings of linguistic forms. The principle stated by Bucholz and Hall refer to these latter meaning. It states that:

...identity relations emerge through several indexical processes that include: (a) overt mention of identity categories and labels; (b) implicatures and presuppositions regarding one’s own or others’ identity position; (c) displayed evaluation and epistemic orientation to ongoing talk; as well as interactional footings and participant roles; (d) the use of linguistic structures and systems that are ideologically associated with specific personas and groups. (2005, p.594)

Thus, the mechanisms include different phenomena that all has the effect of signaling to identities, by overt mention of identity categories or by presupposing or implying an identity, or by evaluating the ongoing talk or by adopting and epistemic stance that indexes the position of the speaker toward her interlocutors and propositions and finally through the utilization of linguistic forms that are ideologically associated with personas or groups.

The overt mention of identity categories and labels is the most obvious mechanism in which identity relations emerge. However, as Kiesling (2006, p. 496) points out, probably it is not the most common of the mechanisms. Other mechanisms seem to be more frequent –and more nuanced. Another mechanism is the employment of propositions that presuppose or imply the identities of the speaker and her interlocutors. The third mechanism mentioned in this principle is related to evaluation and epistemic orientation of the ongoing talk. This includes

modality and evidentiality. Modality refers to the commitment that a speakers have to propositions and the evidentiality has to do with the evidence that the speaker offer for a proposition. It also includes the interactional footing and the interactional roles (Goffman, 1981). In other words, the alignments speakers take toward their interlocutors and their utterances.

The fourth mechanism that they identify is the use of linguistic structures and systems that are ideologically associated with specific personas and groups. The next section is devoted to these mechanisms.

The fourth principle, the Relationality Principle, asserts that: “identities are intersubjectively constructed through several, often overlapping complementary relations, including similarity/difference, genuineness/artifice, and authority/delegitimacy.” (2005, p. 598)

With this principle, Hall and Bucholtz underscore that identities are never autonomous or independent because they emerge in relation to other available identities. They also want to stress that identity relations cannot be understood simply in terms of sameness and difference (i.e. a speaker tries to position herself as pertaining to one group or to differentiate from it). Instead, several relations are at play, sometimes simultaneously. They propose a non-exhaustive list of these relations. The relationship proposed by them that most resemble the ‘sameness/difference’ relation is adequation/distinction, which it is more nuanced than the former. They point that for groups “to be positioned as alike, they need not –and in any case cannot- be identical, but must merely be understood as sufficiently similar for interactional purposes” (p. 599).

Finally, the Partialness Principle is related to the multiple dimensions of identity construction and the relationship between them. It states that:

Any given construction of identity may be in part deliberate and intentional, in part habitual and hence often less than fully conscious, in part an outcome of interactional negotiation and contestation, in part an outcome of other's perceptions and representations, and in part an effect of larger ideological processes and material structures that may become relevant to interaction. It is therefore constantly shifting both as interaction unfolds and across discourse contexts. (2005, p. 606)

If identities are relational and related to ideology, they are necessarily partial. Since identities emerge in interaction, they can be viewed as accomplishments of social action, even if they are unconscious. Moreover, if identities are negotiated and contested, the speaker is not in total control of whatever identity she wants to create. Others' interpretations and representations have a role in the creation of identities.

In this principle, the authors address the intersubjective dimension of identity, the role of others as well as the role of social structure in creating identities. Bucholtz and Hall claim that this principle nullifies the dichotomy between structure and agency because social structures come into being through discursive interaction and because ideological and material constructs related to power are present in every conversation. They agree with Whitehead (2002) in that the power/resistance relationship makes the distinction between agency and social structure unnecessary because the dynamic between power and resistance "precludes totality and predictability." (Whitehead, 2002, p. 106).

Bucholtz and Hall point out that they are describing the principles behind different approaches to the study of identity, but they wisely warn the reader that "identity in all its complexity can never be contained within a single analysis" (p. 607). Researchers necessarily will emphasize some aspects more than others, although they are interrelated.

2.1.1 The Public and the Personal: Malleability and Continuity in Identity Creation

Irvine (2001) distinguishes between positional and personal identities. She says that formal occasions invoke positional and public rather than personal identities. According to her, “positional identities are part of a structured set likely to be labeled and widely recognized in a society”, while personal identities “are individualized and depend more on the individual’s particular history of an individual’s interactions” (2001, p. 194). Individual identities are perhaps less likely to be explicitly recognized or labeled and less likely to be common knowledge in the community at large. Johnstone (1999), on the other hand, makes this distinction, but she argues that personal identities can be also explicitly recognized and makes the point that personal identity is also present in formal occasions.

Johnstone (2007, 1999) notices that, although there has also been an acknowledgement by scholars (Sapir, Hymes, Friedman) of the importance of the individual, there has been a preference in linguistic studies to pay attention to groups and how people are related to those groups (1999). According to her, the role of the individual has been neglected in part because of the powerful influence of Saussure and his distinction between *langue* and *parole* and later by the Chomskyan distinction of competence and performance. The result, according to Johnstone, has been that idiosyncrasy in the creation of identity has been ignored.

Johnstone (2000a) proposes an approach to identity in which the individual is central. She is concerned with the way in which speakers are always necessarily connected to discourse and language. In fact, if we look at how identity has been studied, we find that as sociolinguistics and related disciplines develop, they paid more attention to the particular looking for answers: from the idea of one language-one nation, to the category based analysis in which socio-

demographic categories are the identities against which linguistic forms were mapped, to community of practice in which identities are constructed and identified (Johnstone, 1999).

From her perspective, “persuasiveness emerges from the individual that is capable of creating a style of speaking more or less stable.” She argues that this approach to identity -which is a little bit at odds with the dominant current approaches to identity-, is a gap in the study of the relationship between language and identity.

According to Johnstone, the understandings based on conventions and rules can be helpful, but they do not offer a clear explanation of how language works in the construction of identity (Johnstone, 2000, p. 419). She points out that a pragmatic theory should give an account of the unconventional noting that in most theories the unconventional is absent because speakers are conceived as following rules and conventions.

She is concerned with the creation of individual styles that people construct through stance taking and with how these styles come into being. She points out that stance taking strategies that prove repeatedly relevant and useful for particular speakers in particular kinds of interactions produce repeatable linguistic styles. The relevance and the usefulness of these stance takings for a particular speaker enable repeated patterns of these stance takings that can come together as a style associated with that individual (2000, p.1).

According to Johnstone (2009), although people can change stances depending on the context, people seem to have a linguistic identity that, although drawn from different life experiences, is sometimes crafted in stable styles that are sustained even in different contexts and genres. She suggests that rhetoric can help us to understand how this happens. The concept of *ethos* is particularly helpful to understand what she means. In classical rhetoric *ethos* is the rhetor’s character, his or her reputation. In combination with *logos* (the logic of an argument)

and the *pathos* (the emotional appeal to the audience), these three rhetorical categories have been considered central to persuasion.

Johnstone (2009) explains that Western rhetoricians and literary critics have looked to the individual human being as the locus of style. She defines *ethos* broadly as the speaker's identity as it is constructed in discourse and explicates the conceptualizations of *ethos* from the perspectives of Plato's idealism and Aristotle's pragmatism. From the perspective of Plato's idealism, the character of the rhetor is central rather than social; therefore this character pre-exists discourse. Thus, the credibility of a discourse would depend on a pre-existing moral and epistemic authority. Johnstone calls this '*ethos of self*', in which "the projection of knowledge and moral authority is derived from one's unique history". The other conceptualization of *ethos* comes from Aristotle's pragmatic rhetoric. In this conceptualization of *ethos* personas can be adopted from more or less dramatic roles. Effectiveness is understood as speaking in such a way that seems credible, and credibility is linked with skill in adapting to the situation at hand. Johnstone calls this Aristotelian conception '*ethos of persona*'.

She explains that although popular language ideologies in the United States are based on the Platonic understanding of *ethos*, the scholarly discourse tend to account for human behavior from an Aristotelian point of view. That is, individuals are described in terms of roles and adaptations to situation, rather than in the character of the speaker.

In her study, Johnstone (2009) analyzes different texts from the late congresswoman Barbara Jordan. Jordan was an African American woman and the daughter of a minister in Texas. She participated in debate clubs in school and later went on to law school. She became an attorney and later became the first African American woman from the South in Congress. She became known for her interventions in Nixon's impeachment, but she also had other national

appearances as a key speaker in the 1976 and 1992 Democratic Party conventions. Johnstone analyzes Jordan's public appearances as well as personal interviews with Johnstone and her associates. This author notices that Jordan maintained a strikingly stable style in different contexts, which has been noted by others and called 'Barbara Jordan style.' Jordan's style had stances of epistemological authority and was rooted in her life experiences. Johnstone points out that people can draw on their life experiences, which include different ways of using language (that in turn are related to different identities) and combine them in unique styles that can be stable. Johnstone points out that the stance taking choices made by Barbara Jordan –non-interactivity, markers of moral and epistemic authority, consistency across genres and overt references to personal biography- project a “consistent personal identity rather than a transient social identity” (p. 12). So Jordan's stance taking choices are rooted in self and not in persona.

Johnstone proposes a supplementary look at identity that incorporates rhetoric and cognitive understandings of the individual, one that considers the relationship of an individual with particular utterances and ways of speaking and thinking. This approach is substantially different from a social identities approach, but it supplements a conceptualization of the human being in which individuals almost seem to have only a very abstract continuity and in which continuity seems to be considered -if at all- as result of a human ability to continuously adapt to the task at hand.

An implication for sociolinguistics is that these unique styles in turn can influence other speakers, providing more fertile ground for further variation because there is a new unique form in the combinatory possibilities of styles. People can draw not only on stances but on whole styles (Johnstone, 1999).

Besides relating stances to life experiences and lingual biographies, Johnstone proposes the integration of rhetoric and cognitive approaches to our understanding of how speakers achieve their communicative goals and how social facts, linguistic facts, ideologies and ways of speaking are mediated by individual speakers.

2.2 INDEXICALITIES

The American philosopher Charles Sanders Peirce described the indexical dimension of signs. He classified signs as icons, symbols, and indexes. From a psychological point of view, he defined icons as signs (linguistic or otherwise) that stand in a relation of similarity (resemblance) to the object to which they are referring. Symbols are related to their objects by convention alone, while indexes are related to their objects through association by contiguity (Peirce, 1960 [1932], p. 172). An index is thus a sign which is related to its object “by the dynamical (including spatial) connection both with the individual object, on the one hand, and with senses or memory of the person for whom it serves as a sign, on the other” (Peirce, (1960 [1932], p. 170). Some of the examples of indexes offered by Peirce are a man with a rolling gait, a clock indicating the time, letters in a diagram, a weathercock, a pointing finger, demonstrative pronouns, relative pronouns -he called these last ones degenerated indexes-; adverbs of place and time, prepositions and prepositional phrases. According to Peirce the indexical quality of signs is so pervasive that it is “difficult if not impossible to find a sign without (it).” (Peirce, (1960 [1932], p. 170)

Indexes have referential and non-referential meanings. Referential meanings have to do with “the meanings that depends on the context of utterance” (Johnston et al., 2006, p. 81). Non-

referential functions of language comprise everything that language can do besides referring (i.e. denotating). In terms of referential meanings Bar-Hillel (1954) paid attention to the implicit reference to the speaker, hearer, time and space of an utterance. He identified certain linguistic elements whose referents were impossible to determine without appealing to context. The most prototypical deictics –how these indexicals with referential meanings are called- and the ones that received the most attention were personal pronouns and adverbs of time and space. Bar-Hillel considered verbs as also indexical because we cannot determine the reference of a verb tense unless we know the context in which it was uttered. In other words, if I say *I went*, the only way to have a point of reference against which the past can be understood is to know when the expression *I went* was used. In Spanish, the verb can also be considered deictic because it indexes the grammatical category of person (Negrón Rivera, 1997).

In pragmatics, the non-referential dimension of context began to receive attention. Personal deixis then was not only concerned with the reference of speakers and hearers, but also with the relationship between them (Brown and Gilman, 1962), that is, the relative social status of speakers (Yule, 1996, p. 134) or social deixis (Fillmore, 1975, p. 76).

The Russian literary critic Mikhail Bakhtin described beautifully the non-referential dimension of indexes in the 1930s (although he did not call them indexes):

“All words have the ‘taste’ of a profession, a genre, a tendency, a party, a particular work, a particular person, a generation, an age group, the day and hour. Each word tastes of the context and contexts in which it has lived its socially charged life.” (quoted in Ahearn, 2001, p. 111)

All words -and by extension all linguistic forms and language uses- are related to previous contexts, to previous speakers, to previous times. As he puts it, “the word does not forget where it has been.” (Bakhtin, 1973, p. 167) He is concerned with the internal dialogue

that exists between words and present, past and future audiences (Bakhtin, 1981, p. 279-280; Skinner, Valsnier and Holland, 2001).

For Bakhtin, the linguistic constructed persona or voice (Duranti, 1997, p. 75; Keane, 2001, p. 268) is “the consciousness of a person as expressed in his word” (Bakhtin, 1973, p. 71). But since this expression only has meaning in a dialogical relationship with other voices, it is at the same time idiosyncratic and social. As he puts it, “an idea lives only when it enters into a dialogical relationship with other ideas.” (1973, p. 71)

Holquist (1981, p. xx) points out that what distinguishes Bakhtin from other scholars concerned with language in his time is his “sensibility to the immense plurality of experience.” Bakhtin captured this plurality with the concepts of heteroglossia, polyphony, voice, dialogism. A key concept that has been highly influential is heteroglossia, which refers to the socio-ideological stratified speech varieties that coexist in any language. These speech varieties are in tension with the norm, or as Bakhtin call it, the unitary language. Polyphony refers also to speech varieties, but as opposed to heteroglossia, these variations are not in tension with each other.

According to Bakhtin, every language is internally stratified into different socio-ideological languages. Language is unitary only as an abstract grammatical system à la Saussure. This unitary language that constitutes the norm is in tension with many social speech varieties that coexist. He called these “languages of heteroglossia.” Among Bakhtin’s examples of those languages of heteroglossia are “social dialects, group behavior, professional jargons, generic languages, languages of generations and age groups, tendentious languages, languages of the authorities, of various circles and of passing fashions.” (1981, pp. 262-3)

The Russian critic emphasized the ideological dimension of language. For him language is never neutral; rather it is “ideologically saturated” (Bakhtin, 1981, p.271). The languages of heteroglossia are “specific world views, each characterized by its own objects, meanings and values.” (Bakhtin, 1981, p. 292) They are different ways to convey meanings and different ways to express belief systems that intersect in real speech. Various social institutions and individuals are capable of stratifying language and appropriate words according to their intentions (Bakhtin, 1981, p. 290). In other words, Bakhtin is referring to the strategic use of socially meaningful linguistic forms.

In linguistic anthropology, sociolinguistics and other disciplines concerned with the relationship among language and social practices, indexical signs are linguistic forms that index some dimension of the communicative context (Bucholtz and Hall, 2004, p. 475). Indexicality, thus, has to do with the pervasive interrelationship between language and its context of use. It is concerned with these meanings that depend on the context and the meanings that create context. In Kiesling words (personal communication), “indexicality draws on the property of language that adds contextual meanings to linguistic forms through use.”

These non-referential meanings are also known as social meanings (Ochs, 1992, p. 338) because they refer to the social dimensions of language use: Who are the speakers? What is the relationship between them? What acts are they doing? How are they doing it? Therefore, they have to do with the identities of the speakers.

2.2.1 Direct and Indirect Indexicality

The relationship between a linguistic form and its social meanings proved to be more complex than originally thought. Concerned with the relationship between language and socialization,

Ochs (1992) noticed that few features of language directly and exclusively index gender, and that the same linguistic features associated with one gender were also associated with other social information as “the marking of a stance and social action,” like baby talk that is culturally associated with and care giving and femaleness (1992, p. 340). Thus, she argues convincingly that the relation between language and any social meaning is not necessarily straightforward; rather, it is “constituted and mediated by the relation of language and stances, social acts, social activities, and other social constructs.” (Ochs, 1992, p. 336)

Ochs (1992) then differentiates between direct and indirect indexicality. Direct indexicality is a contextual relationship between language and the indexed (e.g., stances, social acts, social activities, and other social constructs). Indirect indexicality is a second relationship between the indexed (a stance, an act, an activity) and a social group or construct. For example, baby-talk in the United States is associated with caregivers, and caregivers are in turn associated with females.

Kiesling (2006) makes the case that the relationship between language and socio-cultural things is bidirectional. A linguistic form can index some characteristics associated with a group and therefore to the group (that would imply solidarity) or they may index directly to a group and then indirectly associate the speakers with characteristics associated to that group. Kiesling (2001) offers the example of men members of a mostly white fraternity used linguistic forms associated with African American men to index the athletic prowess that has been associated with this group.

The distinction between direct and indirect indexicality provides a valuable tool for understanding how expectations, norms, and so on are related to the way in which speakers perform pragmatic work. It also provides a tool to give account to the non-exclusive relation

between language and social constructs or groups, and offers a more nuanced approach to the understanding of the creation of identities. Ochs (1996) identifies situational dimensions or indexical meanings that are conveyed through indexicalities: social identities, social acts, activity, affective stance, and epistemic stance.

Silverstein (1996a [2003], 1998a), drawing on Peirce, Bakhtin and Goffman, has articulated a model for understanding not only what indexicalities are, but more importantly, the mechanisms by which indexicalities come to exist. His insights have been useful, not only to explain the ways in which interactants employ indexicalities in interaction, but also to understand the relationship between linguistic ideologies and linguistic change.

2.2.2 Indexical Orders and Interior and Exterior Indexical Meanings

We have seen that linguistic forms can index to social groups directly or indirectly. But indexicalities can index different things at the same time, that is, they can index meanings at different levels of abstraction. A classic example is the second person addressing terms that several languages like French and Spanish have. Silverstein calls these different levels of abstraction indexical orders.

These levels of abstraction are dependent on the level of enregisterment of a variety. Enregisterment refers to the recognition of a distinctive language variety that is associated with certain group (Agha, 2005). A linguistic form is a first order of indexicality when it can be “scientifically” correlated with the certain group, but native speakers are not aware of this correlation or do not ascribe any social meaning to it. The first order is thus a potential indexicality. Once people recognize the linguistic forms, their pragmatic understandings create another level or order that takes the place of the first order -a second level or order. In the

second order of indexicality speakers are able to manipulate these forms in order to achieve their communicative goals. Orders of indexicalities are not limited to two. Speakers, based on new experiences or circumstances, can create a new discourse about that second level indexicality. In this sense, there is no limit to the order of indexicalities because evolving understandings can create new social meanings that in turn can be ascribed to a linguistic form (Johnstone *et al.*, 2006). These understandings are linguistic ideologies. As Silverstein puts it,

Ideologies present invokable schemata in which to explain/interpret the meaningful flow of indexicals.” Ideology, thus, constitutes the meta-pragmatics of indexicality. The consequence of this is that speakers’ or analysts’ meta-pragmatics understanding of an indexical factuality create another order of potential indexicality. (Silverstein, 1998, p. 129)

Silverstein (2003) remarks upon the similarities between the orders of indexicality and the understandings of dialect proposed by Gumperz (1968), and the concepts of indicators, markers, and stereotypes developed by Labov (1972). Following Silverstein (1976 [1995], 2003), Johnstone, Andrus and Danielson (2006) paralleled the levels of indexicality to the concepts of indicators, markers, and stereotypes. They analyzed five interviews in which residents of Pittsburgh comment about “Pittsburghese”. Pittsburghese is a cluster of features that were associated by speakers in the area as markers of working class and lack of formal education. The monophthongization of [aw] is one of those features. They explain that in the past, social groups in that area interacted mainly within themselves; speakers did not confer any special meaning to this feature. Once interactions among groups became more prevalent and Pittsburghers interacted more with other people, they began to notice the feature. The association between language and social class evolved, responding to the history of the area and of its residents in such a way that what has been seen as features characteristic of working class is now seen by younger generations as a resource for creating a regional identity. They explain that a set

of features, although not exclusive to Pittsburgh were claimed to be characteristic of Pittsburghers suggesting that even geographical spaces are imagined, similar to the concept of ‘imagined communities’ developed by Anderson (2006). Eberhardt (2009) has demonstrated that, at least one feature of Pittsburghese (monoptongization of [-aw]) is used by White Pittsburghers and not by African American Pittsburghers, which suggests that the feature, although perceived as a mark of local identity, seems to be a mark of local white identity. This study adds a more nuanced understanding to the social meaning of this feature and of the history of racial relationship.

Silverstein’s levels or orders of indexicality seem to imply levels of ideologically driven understandings of language use. In the broad society linguistic forms have different levels of meaning at the same time because changes are dynamic processes and individuals (or groups) do not always conform to a dominant understanding. From a variationist point of view, the patterns of those understandings in terms of sociolinguistic variables are important at a macro social level. Questions like: Who ascribes certain meanings? What are the conditions that favored those understandings? are central to the variationist approach.

When analyzing social change -in part because of the goals of variationist studies- competing understandings are emphasized, while when analyzing speech events different meanings seem to be at play at the same time, without necessarily displacement of one meaning for the other. When the researcher is working with speech events he or she has to consider the nuances in meaning in the actual social practice of specific speakers. The result is that linguistic forms frequently have different indexical meanings even at the same time.

Silverstein points out that in terms of the macro-context of linguistic signals, we think of “things that perdure in one or another intuitive sense beyond any particular token interactional

moment, and which semiotic material in such interactional moment may index” (p. 201). Individuals in the roles of sender, receiver, audience, and so on, become identified or assigned to positions according to conventional qualitative and perhaps quantitative frameworks of social differentiation that are presupposed/entailed in-and-by the specific instantiated in micro-context as it develops in interaction (p. 202).

Kiesling (2009) following Silverstein (1998) proposes a distinction between interior and exterior indexicality. He explains that linguistic forms have meanings that perdure across speech events (or at least change slowly), while certain indexical meanings vary from one speech event to the other depending on the situation. He exemplifies this distinction with the case of the word *dude*. *Dude* seems generally to communicate certain kind of masculine solidarity devoid of intimacy, but depending on kinesics, intonation, the situation and so on, it also has other meanings for example in a confrontational situation could diffuse the situation –a conciliatory stance- or meaning that the speaker means no harm.

Exterior indexicality, refers to the meanings that seem to perdure across specific instances of uses or at least change slowly. Interior indexicality, on the other hand, is the indexical meaning that is specific to the speech event. In his words “interior indexicality is indexical meaning created within, and particular to, the speech event.”

In the example offered by Kiesling (*dude*), the solidarity devoid of intimacy is the exterior indexicality, because its meaning is transportable from one situation to the next. The other meanings (diffusing confrontation, conveying harmlessness) are the interior indexicality because they hold only during a specific speech event. Since interior indexicality is a meaning that signal to the social context and change from one situation to another, that is that serve to create relationships of a moment, interior indexicalities are stances.

He further explicates that these two indexical meanings are connected and the interior meaning can flow to exterior meanings and vice versa. Kiesling shows that the indexicalities do not always index social groups, but rather stances (e.g. authority), that in turn, index certain groups (the group of men). But also Kiesling shows that the relationship between stances and social groups is bidirectional. A speaker can index certain group and then be associated with certain traits, or the speaker can invoke certain stances that are associated to certain types of speakers in the community.

Morford (1997) explores the way in which indexical signs may point to different aspects of their context of use (p. 15). The first order indexicality refers to the immediate context and the second order refers to beyond the immediate context, or more precisely to the perdurable meaning of a linguistic form. She explains that the singular second-person address “*tu*” and “*vous*” are understood to include the nature of the relationship between the speakers who use them, the nature of the circumstances and the place of individual speakers in the wider social order (1997, p. 3). She defines orders of indexicality (following Silverstein 1996) as complex, overlapping “structures of values” that mediate between the linguistic forms and the contextual dimensions. The first order refers to the capacity of signs to point to relevant aspects of the immediate context of use. She explains that in the *tu/vous* system this first order of indexicality points to the nature of the relationship between speakers and the nature of the setting (formal, private, public). In Kiesling terms this would be the exterior indexicality. The second order of indexicality reflects the status of those who use them based on a folk order of beliefs about who uses them in different ways (1997, p. 16). In Morford’s study, a man used the “*vous*” form to index that he was “rigorous,” “classy,” and “professional” (Morford, 1997, p. 26). These indexed meanings are the interior indexicalities in Kiesling terms (i.e. stances).

Morford explains that the significance of the use of one form or the other is not inherent to any one instance of use, but derives from the way in which those uses are interpreted. These two forms (*tu/vous*) are capable of generating multiple significations about the context in which they occur and thus may either presuppose or entail the existence and relevance of certain dimensions through their utterance. She concludes that the pronominal address system is characterized by the existence of distinct orders of indexicality (both immediate and beyond the immediate context), and native speakers are aware of the indexical value of this pronominal.

The concept of indexical order is important because it helps us to understand: first, how different meanings can be communicated at the same time; second, how to connect the micro-social and the macro-social frames of analysis; and third, the mechanisms of linguistic variation and change (Johnstone et al., 2006; Silverstein, 2003).

2.2.3 Indexical Presupposition and Indexical Entailment

Speakers (consciously or not) have ideas that inform their communicative behavior and use them creatively to achieve their communicative goals because context is not a set of variables that precede or surround a stretch of talk; rather, it is seen as being in a dialectical, mutually reflexive, relationship with language (Goodwin and Duranti, 1992, p. 31). Context is thus deemed as dynamic.

Silverstein (2003) proposes that the indexical meaning is composed of two aspects that are dialectically balanced: indexical presuppositions and indexical entailment. Indexical presupposition refers to the “appropriateness-to,” that is, what is already established between speakers, at least implicitly, as context to which the propriety of their use is judged. Indexical entailment refers to the “effectiveness-in” context or how the contextual parameters seem to be

brought into being (i.e. how the context is entailed by the usage of the indexical itself) (pp. 193-4). In short, indexical presupposition maintains the present context, while indexical entailments create a new context.

The relationship between these two meanings is complex and mediated by the ethno-metapragmatic function which is ideologically saturated. This function refers to the cultural or group specific understandings that people have about language use. These understandings shape and bias the verbal and interactional behavior, but they also are shaped with verbal and interactional behavior. The indexical meaning comes from this ideologically informed metapragmatic (Silverstein, 2003).

Sometimes the context is transparent because the speakers make use of explicit metapragmatic discourse. Sometimes it is made explicit by performative constructions as ‘moves,’ framing devices, deictics, evaluatives, adjectives, adverbials, etc; but generally, the metapragmatic function is implicit and it is based on the contextual organization itself (Silverstein, 2003, p.196).

Taking one example from Levinson (1983) Silverstein (2003, pp. 199-200) presents an example of an interaction between a would-be customer and a store clerk in England. Silverstein points out that it is necessary to consider the ideologically-driven presupposable asymmetries of the relationship as it might develop in the micro-contextual real-time. In the case of the clerk and the potential client (the institutional context of small business) the ideology that states that “the customer is always right,” and the power relation presupposed from this have to be considered.

The idea of a distinction between indexical presuppositions and indexical entailment has had circulation, although sometimes under other glosses. They can be closely related with the

concept of framing -the definition of what is going on in an interaction- in the Goffman tradition, and also with studies of code switching.

Tannen and Wallat distinguish between frame and knowledge schema. For them, frame is the type of activity. Knowledge schema refers to “participants’ expectations about people, objects, events and settings in the world, as distinguished from alignments being negotiated in a particular interaction.” (1993, p. 60) Those knowledge schemas are culturally dependent and are based on people’s experiences and social position.

Knowledge schemas are independent of the interaction. They precede the interaction and can be affected by it because interactions constitute new experiences. The knowledge schemas are based on previous interaction and they are necessary to make sense of the world. These experiences can include the socialization process, exposure to education and to media, interaction with different people, and so on. Tannen and Wallat call both, knowledge schemas and frames, structures of expectations. Speakers can change the alignments that they take toward their interlocutors and their utterances. This is what Goffman (1981) called the footing. A change in footing implies a change in alignment, and therefore a change in the frame.

Changing the footing, speakers can redefine the speech activity or the framing. A redefinition of what is going on in an interaction (in what activity the interactants are involved, that is the frame) in turn can redefine what the relationship between interactants is. This redefinition is accomplished through contextualization cues (Gumperz, 1982). A contextualization cue is any linguistic or paralinguistic feature that contributes to the signaling of contextual presuppositions.

Code switching can also create new contexts. Myers-Scotton (1993) demonstrates how code switching changes the context in such a way that new sets of rights and obligations for the

speakers are implied. Rights and obligations are “the attitudes and expectations of participants towards one another” (p. 85). In her markedness model, the code choices are understood as indexing rights and obligations. In this sense all varieties are indexical because the use of each variety in a community’s repertoires points to a somewhat different rights and obligations set within the interaction. These varieties are linked with particular types of relationships because they are regularly used in conversations that involve different relationships. A code, thus, indexes a set of rights and obligations.

Myers-Scotton explains that speaking English in a white collar office in a Nairobi community implicates a set of rights and obligations in which higher education and authority have saliency. The use of ethnic language in the same setting indexes a different set of rights and obligations that are based on ethnic solidarity and perhaps especially to the socio-cultural values and accomplishments of that ethnic group (1993, p. 86).

Kiesling (2006) cites Blom and Gumperz’s (1972) study in Norway, where a diglossic situation exists. Charles Ferguson (1959) defines diglossia as:

...a relatively stable language situation in which, in addition to the primary dialects of the language (which may include a standard or regional standards), there is a very divergent, highly codified (often grammatically more complex) superimposed variety, the vehicle of a large and respected body of written literature, either of an early period or in another speech community, which is learned by formal education and is used for most written and formal spoken purposes but is not used by any sector of the community for ordinary conversation. (cited in Hudson, 1996, pp. 49-50)

Blom and Gumperz explain that one variety (Bokmal) is the official language used for business and another variety (Ranamal) is used in less formal situations. One speaker that went to an office spoke with the clerk in Bokmal, but once the transaction was finished, this speaker talked to the clerk in Ranamal and asked him to step aside to have a less formal conversation. The selection of a variety indexes the relationship between speakers and the kind of task at hand.

Matoesian (1999a), in his study of the William Kennedy Smith rape case, describes how Smith -who studied medicine-, while being the defendant, took the stand and his lawyer and he co-constructed Smith's an identity as an expert witness -which he was not. Smith answered medical questions as a physician, employing medical terms, and thus blurring the distinction between defendant and expert witness. By taking the stand Smith had already begun to change his identity. Once on the stand he and his lawyer managed to construct him as an expert witness giving expert opinions in medical terms. This participation, as an expert witness, instead than as a defendant (e.g. taking the stand, speaking like a physician, offering medical opinions) changed the context because what was established as a context was that he (Smith) was the defendant and therefore to participate in the process as such.

The main differences -important indeed- between Silverstein approach to expectations and new contexts and the approaches to framing and codeswitching is the prominent role of metapragmatics and the inherent ideological dimension that it entails.

2.2.4 Problem with the Distinction between Indexical Presupposition and Entailment

The distinction between indexical presupposition and indexical entailment has been criticized because it is not always clear and it seems that indexes always have a presupposing and a creative dimension (Kiesling, 2005). Contextual factors make the distinction blurry.

Kiesling cites Sidnell (2003), who describes how a male in a rum shop in Guyana creates through language the male space. Although these rum shops are considered male spaces, women are often present. Sidnell describes how in the presence of a woman, a male designed his talk to preserve that male space. The question then is, is the context presupposed or created? Is the indexical presupposition (the expected) creating a new context? It seems to me that the presence

of women in the rum shop and the expectations that their presence generates activate ideologies that have to be considered. If in this case the expected was -based on previous experiences- that men should modify in certain way their way of speaking or speak in a certain way or to refrain from certain behaviors, and the man did not do it and demarcated the space that normally is not preserved, then the context was created. In other words, what was the ideologically driven meta-pragmatic that mediated (based on previous instances in which women were present in the rum shop) between the indexical presupposition and the entailment? If the space was generally preserved, then the context is still the same. If the context was not generally preserved, then the context was changed.

The concept of indexicality with its emphasis in the ideological dimension is central to this study because it allows the researcher to connect linguistic forms and uses not only to the immediate context in which a situation occurs, but also to a broader social context. This theoretical tool enables the connections between language use and culture and society.

To summarize, indexicality is the property of language to connect linguistic forms with the context. The connection can be with the spatio-temporal context on an utterance (i.e. deixis) or with the social context (also called indexicality). Indexicalities (in this latter sense) are employed by speakers to create identities because speakers can index social information as identities, they can perform acts, engage in activities, and so on. The connection between linguistic forms and identities is not necessarily straightforward. A linguistic feature can signal directly to stances, acts, activities, and because stances, acts and activities are stereotypically associated with people, they signal to identities. The indexicalities can also go in the opposite direction, that is, they can signal an identity (membership or similarity to a group) and therefore a speaker can claim the attributes associated with the those features.

Linguistic forms seem to have meanings that perdure in time and meanings that hold only in specific actions. The meanings that perdure are called exterior indexicality. The meanings that only hold in specific interactions are called interior indexicalities. Thus, these interior indexicalities are relationships between linguistic forms and the context that hold for a specific moment, therefore they are stances.

Finally, an indexicality can be in accordance to the expected in a context that has been established (indexical presupposition), or an indexicality can change the context, because by a speaker using an unexpected indexicality, he or she can change the relationship between participants, the activity in which he or she is engaged, or can perform an act that is not expected.

2.3 DISCOURSE AND POWER

Discourse is used in three different ways. In the first tradition, discourse is understood as language beyond the sentence. In a second conceptualization, discourse is language as it is used by speakers (Levinson, 1983). A third understanding views discourse as conventional social practices that include language, behavior and ways of thinking (Johnstone, 2002). These last two understandings of discourse inform this research.

2.3.1 Foucault and the Elusiveness of Power

The idea of discourse as conventional social practices comes from Michel Foucault who was concerned with the history of ideas and the way in which knowledge is employed to exercise

power. Foucault defines power succinctly as “actions upon actions” (Foucault, 1972). Foucault does not see power as something that a person or a group can possess, lose or conserve; neither does he see it as a superstructure. Rather, it is something that circulates through discourses, that is, as conventional ways of thinking, acting and speaking (Johnstone, 2002, p. 3). Individuals are always exercising power and undergoing it simultaneously through a net-like organization (Foucault, 1980, p. 98). As Jaworski and Coupland (1999, p. 500) put it, power is seen as “an emergent interactional quality (between equals and non-equals) through the strategic deployment of strategies of language and other symbolic systems.”

Foucault emphasizes the role of discourse in the normalization of the individual through discourses. In his view, power and knowledge are closely related. According to him, power is exercised (and resisted) through language and other symbolic practices. Power is an irreducible dimension of discourses, but discourses are not the product of free human minds (Smith, 2001, p. 122). The relationship between power and knowledge was one of implication as up to the point that Foucault asserts that there is “no power relation without the correlative constitution of a field of knowledge” (quoted in Smith, 2001, p. 123). He considers that the constitution of fields about any kind of knowledge, or the appropriation of any area of knowledge, is power; for example, the inclusion of sex in the institutional discourse of the church or of the hospital has the effect of normalizing the sexual behavior of individuals.

As Leezenberg (2002, p. 906) points out, in Foucault’s view power is an irreducible aspect of all communication. As result, it is not exterior with respect to other relationships like family, sexual relationships, and knowledge. Power, thus, is everywhere, and anybody can exercise it or resist it.

Power in Foucault's view is not necessarily negative because it allows people to shape positive ideas about selves, desires, and institutional goals. As he (1980, p. 119) points out, "If power were only repressive, people would not be brought to obey it." Power instead is seen as a structure of possibilities (Hutchby, 1996, p. 586) that allows group action and the creation of the self.

One crucial point in Foucault's conception of power is that it should not be studied from a center from which it could be exercised into the base. That is, power should not be studied taking the state, or any institution, as a center from which power is exercised. Instead, the researcher should "conduct an ascending analysis of power." (Foucault, 1980, p. 99) The analysis of the exercise of power at the most basic levels should help us to explain how its exercise is "invested and annexed by more global phenomena and the subtle fashion in which more general powers or economic interests are able to engage in these technologies that are at one both relatively autonomous of power and act as its infinitesimal elements." (Foucault, 1980, p. 99)

The problem of Foucault's conception of power is that it does not explain how social reproduction becomes social transformation (Ahearn, 2001, p. 118). If discourses have a normalizing effect and individuals are positioned by discourses, how can we transform social practices?

Ahearn (2001) analyzes different concepts of agency and power from Giddens, Bourdieu, and Sahlins, and concludes that the problem of social transformation has not been solved. She suggests that Ortner's (1986) approach is promising for the understanding of agency. Ortner notes that hegemonic ideologies are loosely structured, having inherent contradictions, and these contradictions allow social transformation.

Leezenberg, after analyzing notions of power from Wolf, Bourdieu and Foucault, concludes that a more elaborated conceptualization of power is needed, but it may be unfeasible because as Foucault points out, it is pervasive and it is everywhere. Leezenberg instead proposes some features, or at least desirable features, that a notion of power should include.

First, she states that power is not an individual property because power is rarely, if ever, given unproblematically to any individual actor. Second, “it cannot be characterized in isolation from the beliefs, aims, and goals involved in social action. Concomitantly, it is not simply or ever primarily economic in character, but has an irreducibly intentional and even symbolic, dimension.” (p. 906) Third, “it should not be simply characterized as an opposition between domination and subordination; it is pervasive in all social action and interaction, and may well itself produce such options.” (p. 906) However, she underscores that power differences can be expressed in terms of privileges, economical status, and social and cultural differences. And fourth, power is not necessarily a negative force because it may be productive, if not constitutive, of institutional facts (p. 906).

Leezenberg presents the problem of “power differences,” but there is no further consideration of what those differences represent in terms of the exercise of power. The question remains: What role do these inequalities have in a face-to-face interaction? If we accept that inequalities can be the result of discourses, then we have to ask if in turn those inequalities have any role in the exercise of power. This question poses a serious problem for the researcher because it forces him or her to consider the idea of power as something that some people have. As Cameron *et al.* (1992) point out I think that power is something that some people have in specific circumstances or relations (e.g. a working class man can be a racist, or a high class woman can be the victim of sexual harassment).

Foucault was not totally oblivious to the problem that his emphasis on the normalization of individuals posed for agency, at least to individual agency. Later in his life, he tried to focus on what he called the technologies of the self (Foucault, 1988). He pointed out that he was "... more and more interested in the interaction between oneself and others and in the technologies of individual domination, the history of how an individual acts upon himself (sic), in the technology of the self ." (p. 22) He goes on and says that the technologies of the self

...permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality. (Foucault, 1988, p.18)

In these quotes, he considers that individuals create a self as a "work of art." This concept of power as a desire to create a self, better explains the role of agency, which Ahearn (2001, p. 112) defines loosely as "the socioculturally mediated capacity to act." The affirmation of the self, thus, is a motivation for agency. Thus, resistance to discourses is purposeful. Stanley Crouch (in Ward, 2001), talking about certain elements of chaos that he perceives as part of African-Americans, illustrates this with this hypothetical dialogue:

No! So, somebody telling you over and over, "You got to do this..." You know, "I'm not doing that! Just 'cause you said that?" Say, "Yes, but it's right." "I don't care. So what if it's right. I ain't doing it anyway. Why am I not doing it? For the same reason that Dostoyevsky said I'm not going to do it. So I'll tell you that I exist."

Discourses, therefore, can be seen as a means by which individuals can create their individuality.

Critics have pointed out that there was a change in Foucault's view of human agency, or at least a contradiction. Smith (2001) considers that it is not possible to know this because this interest surfaced at the end of his life, and the treatment of this topic was sketchy. In any case, the relationship between agency and social structures was not solved.

2.3.2 The Uncomfortable Relationship between Agency and Social Structures

On one hand we have discourses that constitute truths and through which power circulates and serves to control the individual; on the other hand, we have a person with a desire to create a self as a work of art. In the heart of this approach to discourse is the uncomfortable relationship between social structures and agency.

This contradiction has been addressed by Whitehead (2002). He considers that the power/resistance relationship makes the distinction between agency and social structure unnecessary because the dynamic between power and resistance “precludes totality and predictability” (p. 106). The result between these two elements is not predictable. We cannot know *a priori* what the outcome of the process will be.

To demonstrate this point, Whitehead describes how Asian-British women have been removing themselves from oppressive patriarchal families and cultural backgrounds despite the resistance from their families and wider community. They have been able to do this because they have discursive opportunities available to them through education, cultural pluralism and other experiences. Notwithstanding, discursively, these women are ascribed to the political category of Asian British women. They are more constrained to remove themselves completely from their Asian culture than white women of the same age and social class. Whitehead explains that the creation of their new selves is not totally voluntary but emerges through the engagement with other discourses and their openness to the possibilities of creating new ways of being women. Whitehead concludes that, “Any discursive identity shift is undertaken in part in negotiation with, and in resistance to, dominant discourses.” (p. 106)

Whitehead argues that the different ways in which every woman deals with the discursive possibilities and political categories reveals her degree of agency (Whitehead, 2002,

pp. 106-7). In this sense the result of the relationship between power and resistance is not predictable and there is no absolute structure; there is no absolute agency either (p. 107).

For Whitehead, the key to understanding the relationship between the individual and power is to see the individual as “immanently connected to discourse, as embodied and inculcated through it, but with the capacity to (discursively) reflect on this condition.” The discourses available to individuals and their disposal in any setting are the limits of their reflection (2002, p. 105).

As demonstrated by the example given by Whitehead about Asian British women, people have different histories and experiences that are related to the groups to which they identify themselves. People are exposed to different kinds of discourses (familiar, religion, knowledge, gender, class, etc.). Access to different discourses is related to the the resources available to individuals’ (education, economical means) openness to explore other discourses (including creativity), and in the case of institutional settings, to their position in the institutional structure.

Whitehead (2002) considers that the material consequences of discourses can create inequalities and these inequalities can have an impact on the access to discourses. The same happens with social position. Gender inequality, for example, is manifested in different ways, from the likeliness of a woman to receive less pay than a man for the same work to the difficulty for women to access positions of leadership to the submission of women to torture for unacceptable behavior. In the case of Asian British women, discourses are imposed upon them, and that imposition is related to their bodies (as women and their physical traits as Asians).

Hall and Donovan (1996) demonstrate the way in which discourses constrain and offer resources to individuals. They study the *hijras* in India. Most of the *hijras*, which have been described as ‘eunuchs,’ transvestites,’ ‘a third gender,’ and other terms, were raised as boys.

However, their livelihood defies the social conventions of gender. They create a new identity that defies the dichotomous convention of gender by using women's dress and women's language; but the use of women's clothes or the use of feminine or masculine language depends on the circumstances in which they find themselves. The *hijras* change the way they speak depending on to whom they are speaking, the situation, and the way they are dressed. For example, they speak with other *hijras* using feminine markers in the verbs, but they use masculine forms when speaking to someone they consider superior or inferior. The use of feminine or masculine forms is related to solidarity and power: female language is solidarity and masculine language is power.

The *hijras* recognize the social meanings of linguistic forms and are able to use that knowledge to subvert gender conventions. But as Hall and Donovan explain, this subversion is constrained by a traditional dichotomous notion of gender. They combine in an original way the traditional discourses of gender that exist in their society and create a new identity, although confronting negative consequences as result of this identity like the rejection of their families and society.

2.3.3 The Limitations in the Search of Power

There is a linguistic construction of persona that can be studied, but some of the conditions in which interactions take place have to be taken as given, for no other reason than because they are hegemonic discourses (social practices) at a given moment. There are many dimensions of power and many kinds of power relations that run along the axes of social class, ethnicity, gender, sexual orientation, and so forth, as well along many cultural, institutional or even community specific power relations. For example, a working class man can be a racist, and an upper-class schoolgirl can be sexually or psychologically abused (Cameron, et al., 1992). For this reason, I

do believe that some people have more power than others in specific contexts, although this power is not something that is kept indefinitely or without difficulty across different positions. Moreover, authority and power are at stake in interactions. In this sense I think that power flows in interaction.

It seems to me that speakers have agency and are creative; they can do things with language and they can make things happen, not as free will, but constrained and endowed by social structures and their personal histories, which include access to discourses, resources valued by the society, creativity, and so on. I am concerned with what people can do effectively during a speech event, but I do not claim to provide an exhaustive investigation of all aspects of power.

I assume that there are hegemonic discourses. That means that there are discourses that are dominant in society because they are accepted by wide sections of it, but there are also competing discourses that struggle with those hegemonic discourses. People draw on these discourses, reinforcing and challenging them. In this sense discourses are vehicles of power. These discourses are invoked or evoked, sometimes explicitly and sometimes implicitly. People sometimes articulate discourses in very specific terms—linguistic or otherwise. But speakers strategically use the knowledge they have about discourses and their relationships to social groups or conditions or qualities to invoke or evoke discourses in order to achieve different kinds of goals: from creating a self-representation to convincing others about any issue, thereby creating social action.

I understand that social structures partially position us pre-discursively, and we can partially co-construct our identities in interaction. Social structures are significant in this interplay of factors, but they are not omnipotent. Every time we interact we do it in a context

which includes materiality -our bodies and living conditions among other aspects- and this materiality has implications on the discourses that we will have at our disposal. In institutional settings, the institutional role is also relevant to the resources and constraints that speakers have.

2.4 LINGUISTIC IDEOLOGIES

2.4.1 Definitions

Linguistic ideologies have been defined in multiple ways by scholars concerned by the relationship between language and social structures. Irvine (1989, p. 255) defines a language ideology as “the cultural system of ideas about social and linguistic relationships, together with their loading of moral and political interests.” Johnstone (2002, p. 55) explains that “language ideology has to do with the ways in which language is conceived of and thought to articulate with other aspects of social life.” Woolard (1998, p. 3) defines language ideologies as “representations, whether explicit or implicit, that construe the intersection of language and human beings in a social world.” All of them refer to some kind of idea, conception or belief about language and its relationship with society.

In the present study I adopt Silverstein’s understanding of linguistic ideologies, which are attributes of language’s presupposed context of utterance (p. 130). For him, they are “any sets of beliefs about languages articulated by the users as rationalizations or justification of perceived language structure and use.” (Silverstein, 1979, p. 193)

2.4.2 Mediating between Linguistic Forms and Social Meanings

Speakers have ideas about how language should be used in different situations; who uses it in a determined way; on what occasions it is used in a determined way; what is the right way of saying something –including pronunciation, syntax, register, vocabulary, tone, and so on- who says it well and who doesn't; and why it is used in a determined way by us and by others. These ideologies are employed to contextualize interpretations. For the indexical processes -that add contextual meaning and are fundamental mechanisms for the creation of identities- these ideologies inform those meanings and constitute their metapragmatics.

These ideologies are not only about language. Kulick (1998, p.100) says that “language ideologies seem never to be solely about language—they are always about entangled clusters of phenomena, and they encompass and are bound up with aspects of culture like gender, and expression, and being ‘civilized’.”

From these ideas, it follows, as Ahearn (2001, pp. 110-111) points out, that language ideologies shape and are shaped by sociocultural factors and power dynamics. Woolard and Schieffelin (1994) capture this political dimension of linguistic ideologies when they point out that:

Ideologies of language envision and enact links of language to group and personal identity, to aesthetics, to morality, and to epistemology. Through such linkages, they often underpin fundamental social institutions. Inequality among groups of speakers, and colonial encounters *par excellence*, throw language ideology into high relief. (p. 56)

Woolard and Schieffelin (1994) explain that a division among researchers interested in language ideology is about how to identify linguistic ideologies. Some researchers think that linguistic ideology can be read directly from the linguistic use. Others state that it is not the case (Woolard and Schieffelin, 1994, p. 57). In their review about these two positions, Woolard and

Schieffelin point out that some theorists think that metalinguistic and metapragmatic discourse are sufficient conditions to identify ideology, while others think that there are unstated assumptions about language use that are difficult to elicit directly (1994, pp. 57-58). In other words, the disagreement is between those who think that ideology is conscious, and those who think that language is behavioral or structural, and therefore, “an organization of signifying practices not in consciousness but in living practices.” (Woolard and Schieffelin, 1994, pp. 58) In other words, some researchers think that in order to identify linguistic ideologies they need explicit talk about language and language use (i.e. metalinguistic and metapragmatic discourse), while other researchers think that speakers are not always aware of these ideologies that inform their language use and, therefore, these ideologies are very difficult to elicit. These researchers think that we can infer speakers’ linguistic ideologies from their language use.

According to researchers like Silverstein, ideology is circulated and can be discovered in linguistic practices (Woolard, 1998, p. 9) in two ways: through meta-linguistic and meta-pragmatic discourse, and through implicit meta-pragmatics. Meta-linguistic and meta-pragmatic discourses are comments and talks about language. Implicit meta-pragmatics is a means of linguistic signaling that is part of the stream of language use in process, which simultaneously indicates how to interpret that language in use (Woolard, 1998, p. 9). Examples of this implicit meta-pragmatics include taking on a voice quality that indexes a particular speaker, contextualization cues (Gumperz, 1982), and indexicalities (Kiesling, 2003, 2006; Ochs, 1992; Silverstein, 1996, 2003). In this study I adopt the view that language ideologies can be discovered in linguistic practices and in explicit meta-linguistics and meta-pragmatics.

The relationship between a linguistic form and its social meaning is mediated by linguistic ideologies, that is, by rationalizations of language structure and use, but these

rationalizations are biased. Kroskrity (2000) points out that self-interest is an important component in understanding language ideologies. Although Kroskrity is more concerned with the self-interests of groups within a society, he recognizes the partialness of cultural conceptions, and acknowledges intragroup variation.

Irvine and Gal (2000, pp. 37-38) describe three semiotic processes through which linguistic differences are ideologically constructed: iconization, fractal recursivity and erasure. Iconization refers to the process in which the ideological relationship between linguistic features and a social group is transformed in such a way that the linguistic features appear to be an iconic representation of the group. The linguistic feature or variety is taken as a depiction of an inherent essence of the group. As Kiesling (2006) points out, Hill's (1998) study of the use of mock Spanish among Anglo-Americans is an example of this process. In her study, she demonstrates how mock Spanish is used to convey characteristics that are ideologically associated with Spanish speakers, like laziness and disorder. This is the case of the expression "No problemo", which seems to ascribe carelessness and slackness. These ideas are iconically depicted because it is assumed that laziness and disorder are characteristics of Spanish speakers.

Fractal recursivity refers to the projection of one opposition from one level to another. The process by which an opposition is established as the dichotomization of human groups (e.g. men and women) is also applied to establish an opposition at another level (e.g. at the level of language). It could be described as a recursive ideologically saturated opposition. A process of dichotomization at one level can be applied to even the same members of that original dichotomy. From here comes its recursive character. Kiesling (2001) offers the example of the differences between black and white men's stereotyped characters (i.e., athletic prowess) in the United States that are recreated in speech.

Erasure is the process of simplifying the sociolinguistic field in such a way that the result is an ideologically driven rendering of a group or an activity as invisible. Irvine and Gal (2000) explain that the colonial interests of European nations and the previous development of nation states in Europe galvanized the idea of a one-to-one relationship between language and nation. Nations were identified by their languages, and ethnic boundaries were traced following linguistic groups, treating language as something natural, as an essence that was out of human will.

During the colonial period, according to these authors, these three processes (iconization, fractal recursivity, and erasure) were involved in the imposition of European ideologies on studies of language and society. These three processes enabled an ideological equation between language and nation at the cost of ignoring variation (or overemphasizing it). Linguistic atlases in Africa in the nineteenth century seemed to represent a non problematic correspondence between language and territory and therefore between language and nation.

In a study of situated interaction, Kiesling (2001) again describes how white men in a fraternity use two meta-strategies to mark the black men as others. The other, non-white, is then marked and whiteness is the unmarked and therefore invisible category.

2.4.3 Ideologies and Interest

Inoue (2004) explores how linguistic ideologies are used selectively and creatively by interested groups and individuals. She analyzes information from various sources regarding Japanese *teyo-dawa*, a type of language used by Japanese young women at the end of the nineteen-century and beginning of the twentieth-century. The *teyo-dawa*, identified as ‘school girl speech’ was

criticized predominantly by male writers for being ‘inappropriate’ speech for young women. They characterized it as *mimizawarina* or ‘unpleasant to the ear.’

Three features of *teyo-dawa* were verb-ending forms, lack of honorifics, and use of words of foreign origin. There was no previous discourse associated with these forms. According to observers, these features did not sound elegant. Writers in different media articulated a linguistic ideology about the linguistic features that characterized this ‘schoolgirl speech.’ Among the associations with *teyo-dawa* expressed by commentators were sloppiness, bad bodily posture, and laziness.

This happened during a period when Japan was embracing different influences from Western cultures. Japanese society was ambivalent to that influence. There was speculation about the origin of these and other linguistic features, but most of the commentators explained that the origin of this way of speaking was the working class who had contact with foreigners. As mentioned above, one of the features associated with this way of speaking was the use of words of foreign origin -particularly English. Young women began speaking in this way. Inoue explains that young women were seen as leading a process of modernization that threatened the traditional values of Japanese society. The ambivalent attitude toward this modernization, in conjunction with the fact that women were the ones directing change, fleshed up the linguistic forms with social meanings. For Inoue, the use of English words was characterized as “‘unpleasant to the ear’ because it disrupted the male modern temporality, which positions men and not women as the agents of social progress” (2004, p. 49).

In the 1980s and 1990s, a new concern about the way high school girls spoke surfaced in the press. Writers complained that girls’ way of speaking was not feminine or appropriate for them. Ironically, linguistic features used by young women in the beginning of the twentieth-

century that were criticized then as being inappropriate and unfeminine were identified by the above writers and models for femininity in the 1980's and 1990's.

Inoue calls this process “indexical inversion” because the forms that once were deemed inappropriate for girls in the 1910s became the model of femininity in the 1980s and 1990s.⁵ Inoue explains that this change in perception reflected the changes in Japanese society and the reaction of men to the threat perceived as posed by women to the male hegemonic role in Japanese society. In both cases, the effect is that of casting what young women were doing as inappropriate.

In the 1980s and 1990s, the concern was the lack of differentiation between men's and women's speech. This concern paralleled claims for the historical continuity of women's language. An imagined past was invoked in which a pure women's language existed against which the present women's speech could be mapped (and judged) (Inoue, 2004, p. 51).

The title of Inoue's article begins with the question, “What does language remember?” She concludes that language's memory is selective, or creative, and that “historical causality is not only suspended, but it is lost and then inverted.” (Inoue, 2004, p. 53) Some linguistic features are identified in the schoolgirls' way of speaking. Then social meanings are ascribed to those forms. Those social meanings then become norms, and the stigmatized linguistic forms become the idealized forms against which the present forms acquire new meanings.

Inoue interprets this case as one of linguistic ideologies, or as rationalizations in the service of interested individuals or groups. Linguistic ideologies are not only ideas about the interconnections of language and society, but they are also resources—or weapons—used to exercise power and social action.

⁵ This could be seen as a third order of indexicality.

2.4.4 Stances

The centrality of stances in the creation of identities has been recognized by many scholars (Du Bois, 2007; Englebretson, 2007b; Johnstone, 2007; Kiesling 2001, 2006; Ochs, 1992). From the discussion presented it is clear that the performative dimension of identities can be created by indexing relationships with propositions, indexing relationship with other speakers and performing certain act, and engaging in certain activities (Johnstone, 2009; Kiesling, 2006; Ochs, 1992). Stances, therefore, are central in the creation of identities because, they are relationships of the moment with people and propositions. Signaling and creating relationships to propositions and people is called stance taking.

2.4.5 Indexical Processes in Stance Taking

Bucholtz and Hall (2005) describe the indexical processes through which identities are created. These processes include explicit mention of identity categories and labels, implicatures and presuppositions, evaluation, epistemic orientation to talk, interactional footing, participant roles, and the use of linguistic features that are ideologically associated with specific personas or groups.

Speakers can establish relationships with their propositions by conveying epistemic modality. Epistemic modality is the expression of the commitment to a proposition or the belief in it. For example, speaker can convey possibility, probability, certainty, belief, disbelief and so on.

Epistemic modality has to do with the possibility or necessity of the truth of propositions and is, therefore, related to knowledge and belief. Epistemic markers convey the speaker's

commitment to the truth of a proposition. According to Saeed (2003, p.135), who is more concerned with language than with social action, modality is “a cover term for devices which allow speakers to express varying degrees of commitment to, or belief in, a proposition.”

The commitment of the speaker to what she is saying can be conveyed in different ways. Modality can be expressed via morphological, syntactical, lexical, and paralinguistic devices (Bybee and Fleischman, 1995, p. 2).

Some examples offered by Saeed (2003) are the use of the past indicative because it is assumed to imply certain commitment to its truth. The use of the indicative mood makes us assume that the speaker of the utterance is committed to the truth of it.

Another way to convey a degree of commitment is embedding a sentence under a higher clause with an adjective or adverb of modality. Some adjectives and adverbs that can serve this function are *certain*, *probable*, *likely*, *possible*, *doubtful* and so on. Instead of an adjective or adverb of modality, the speaker can use a verb which describes the extent of the speaker’s belief. Verbs like *believe*, *know*, *think*, *don’t know*, *doubt* can accomplish this function.

Auxiliary verbs also can express modality. When these auxiliary verbs serve this function, they are called modal verbs. The conditional tense can work as a marker of modality because it sets up hypothetical situations, which therefore are not real situations.

Finally, the subjunctive mood also can express modality because unlike the indicative, which describes factual or real situations, the subjunctive describes hypothetical, unreal situations, or situations with special meanings.

In Spanish, for example some of these devices are modal verbs (like *poder*, *deber*, *osar*, *querer*, *soler*, *saber*, *dudar*). Morphologically, the subjunctive and the conditional can convey the commitment of the speaker to the content of the proposition. The presence of one way of

expressing modality does not preclude redundancy. Bybee and Fleischman (1995, p. 2) offer the following example from Spanish:

- (1) Dudo que haya ganado el premio.
'I doubt that he won the prize.'

These authors explain that the dubitative modality of this example is conveyed redundantly by the meaning of the verb *dudar* (to doubt) and by the subjunctive mood of the subordinated clause⁶.

But modality communicates more than the speaker's commitment toward a proposition. While modality has been seen as relating language and knowledge or belief (Saeed, 2003), its social dimension has also been considered (Fox, 2001; Givón, 2005). Givón (2005) explains that there are social dimensions associated with different modalities. He identifies certainty, authority and epistemic deference, politeness, negation, modesty, knowledge, responsibility, and blame. Givón (2005, p.173) proposes the following series of culturally specific one-way pragmatic inferences.

Truth \supset knowledge
knowledge \supset certainty
certainty \supset status
status \supset power

Instead of speaking of culturally specific pragmatic inferences, we can think of these relationships as ideologically driven associations. Although Givón presents these pragmatic inferences as one-way, it is possible that they flow in both directions as Kiesling (2009) points out because power can confer status, and knowledge can be ascribed to certainty. Nevertheless, modalities can serve as resources to create identities. Indexicalities can help us to explain these

⁶ See Hummel (2004, pp. 180-183) for a different viewpoint related to this redundancy, at least in French.

social dimensions associated with modalities. An epistemic modality of certainty (or uncertainty) in a specific context may index certain groups associated with those stances (certainty and uncertainty) or certain persona. In other words, these ideological associations can be associated to groups or personas.

An epistemic modality of certainty, for example, can be associated with authority, which in turn, can have a meaning particular to a speech event because authority can be oppositional or confrontational. Moreover, the distinction between a stance toward a proposition and the interlocutor can be less than clear. The sarcastive modality (Haiman, 1995) does not only convey a relationship with a proposition, but also with the interlocutor.

As up to this moment, all that I have mentioned is related to epistemic modality, but traditionally, there has been a distinction between epistemic modality and deontic modality. Generally, deontic modality is not considered as a resource for creating identities, although the closely related concept of evaluation is described as a mechanism for stance taking. Deontic modality has to do with judgments of desirability, preference, intent, ability, obligation, and/or manipulation of power. Judgments can signal and create relationships towards interlocutors or people not present. Furthermore, judgments can presuppose some kind of authority that entitles the speaker to produce such a judgment. Therefore, there is can be an implicit claim of a certain kind of authority.

Deontic modality is associated not with knowledge and belief but rather with social functions of permission and obligation. Its concern is the necessity or possibility of acts performed by morally responsible agents (Bybee and Fleischman, 1995, p. 4). While epistemic modality is concerned with the proposition, deontic modality is concerned with acts.

These examples, which express deontic modality, are taken from Saeed (2003):

- (2) You can drive this car.
- (3) You must take these books back.

In (2) the speaker is granting permit, and in (3) the speaker is referring to the necessity of an obligation. The deontic modality presupposes certain authority to judge and permit acts.

Evidentiality is closely related to modality. It refers to stating the existence of a source of evidence for some information; this includes stating that there is some evidence and also specifying what type of evidence there is (Aikhenvald, 2003, p. 1). Squartini (2004) warns us that modality and evidentiality are frequently confused, and says that they should be kept apart. Givón agrees with Squartini in the distinction, but he points out that they overlap at least partially because evidential markers code primarily the source of evidence and indirectly (via inference in Givón's terms) the strength of the evidence (Givón, 2005, pp. 167-8).

Although a major concern for researchers has been the relationship between evidentiality and knowledge, reliability and the conception of truth, in the 1990's the attention shifted to the social, cultural and political dimensions of evidentiality, as happened with modality (Fox, 2001). Evidentiality can help, for example, to create credibility and therefore authority –or lack thereof.

Fox (2001) describes a turn in the way in which evidentiality in general and evidential markings specifically have been conceptualized and studied. The main concern of scholars was the relationship between evidentiality and knowledge (i.e., the coding of the source, how a proposition became known to the speaker). But in the 1980s and 1990s, researchers became more interested in the relationship between evidentiality, certainty of knowledge, reliability, or conception of truth (2001, pp. 168-9). The focus on the relationship between the speaker's knowledge and the outside world shifted toward a concern with the social, cultural, and political dimensions of evidentiality. This was a consequence of the conceptualization of meaning as dialogically constructed in interactions.

One important hypothesis that Fox proposes is that zero-evidential marking represents a claim to greater authority, responsibility, and entitlement than overt evidential marking. She relates this to Du Bois' (1986) claim that "no utterance is accepted without authority."

Fox notices that all languages make use of evidential markings, although they are not necessarily obligatory elements of the verb structure. In some languages, like Wintu, the evidential markings are obligatory because they are a necessary part of the verbal structure. But in other languages, like English –and Spanish-, they are not obligatory, although speakers have the resources to code that knowledge (Fox, 2001, pp. 168-9).

Fox identifies two approaches to the evidential markings in the mid-1990s. One was the relationship between evidentiality and responsibility. Hill and Irvine (1993) emphasized the connection between knowledge and agency because

To interpret events, to establish facts, to convey opinion, and to constitute interpretation as knowledge—all these are activities involving socially situated participants, who are agents in the construction of knowledge as well as being agents when they act on what have come to know, believe, suspect, or opine. (Hill and Irvine, quoted in Fox, 2001, p. 169)

A second approach identified by Fox was put forward by Kamio (1997). Kamio proposes that the selection between direct and indirect grammatical forms in Japanese is not dependent in the speaker's knowledge *per se*; rather, the form is selected by what she calls "territory of information." This territory of information is socially determined. Evidential markings, then, are resources that speakers have to accomplish goals, such as distancing themselves from a misdeed or a person (Fox, 2001).

Fox (2001) claims that evidence marking in English indexes social meanings. She recorded the phone conversations of a man who communicated the same information to two different interlocutors. The evidential markings that he used were different depending on the

speaker and the circumstances around the interlocutor. She provides evidence to support her claim and shows that evidential markings are sensitive to the relationship between speakers. Specifically, Fox demonstrates that evidential markings in English can index social meanings of authority, responsibility, and entitlement. She notices that speakers can choose between using an overt evidential marking or a zero-evidential marking. She argues that “the speaker’s choice displays an understanding of and a shaping for the precise sequential location in which the utterance is produced, where that understanding and shaping are tied to notions of authority, responsibility, and entitlement.” (Fox, 2001, p. 170)

Presuppositions are also involved in stance taking. Presupposition refers to what the speaker takes for granted and assumes that the addressee will also take for granted as part of the contextual background (Lyons, 1983). An implicature is roughly, what a speaker intends to convey by means of a message. Presuppositions and implicatures regarding one’s own or others’ identity position also have the potential for signaling and creating relationships.

At the interactional level, speakers can adopt or assign participant roles to interactants. For example, a speaker can exclude a ratified participant, assign a next turn, intrude in a conversation or invite a previously unrated participant or bystander.

Finally, speakers can use linguistic features that are ideologically associated with specific personas or groups a claim that has been discussed in the previous sections (Bucholtz and Hall, 2005) as we have discussed in the previous section.

In fact, all of these mechanisms –not only the use of linguistic forms- serve to create identities because whatever they convey can be –and most likely is- ideologically associated with a specific group or persona. The performance of certain activities also is ideologically associated with certain people or certain attributes. We associate identities with attitudes and actions toward

human groups, property, gender relations, work, religion, Star Trek, and so on, and these attitudes can be conveyed through these indexical mechanisms.

As discussed in a previous section, these mechanisms are not necessarily used to claim membership in a group, but to take stances, that is, to signal and create relationships toward propositions and interlocutors (Johnstone, 2007; Kiesling, 2001, 2006).

2.4.6 Making Sense of Stances

Kiesling (2006, p. 500) proposes that personal styles are repertoires of stances, and “the variables used habitually by speakers to create these styles are primarily concerned with creating stances – relationships of the moment” He incorporates a focus on the performances of stances in interaction with Eckert’s (2000, 2002) view of personal styles. Kiesling (1998) explicates that the variable ‘-ing’ in his study in an all male college fraternity was used (combined with other factors) at different rates by different speakers because they wanted to take particular stances at specific times (p.14). This focus on stances, according to Kiesling, helps us to understand why certain speakers use certain forms and what these forms mean in interaction.

According to Johnstone (2007) stance taking strategies that prove repeatedly relevant and useful for particular speakers in particular kinds of interactions produce repeatable linguistic styles. The relevance and the usefulness of these stance takings for a particular speaker enable repeated patterns of these stance takings that can come together as a style associated with that individual (Johnstone, 2000, p.1).

Kiesling (2001, 2006) hypothesizes that people think of identities in terms of the stances that speakers habitually take. Stances could be deemed as building blocks of social identities and personal identities. Identities could be seen as the configurations of those building blocks.

Since stances refer to the relationship between people and between people and propositions, speakers rely on the mechanisms that languages have to signal those relationships. Modality and the related notion of evidentiality are resources that speakers have to craft their identities. Groups are not only associated with certain pronunciations, certain syntaxes, certain morphologies, certain words. They are also associated with certain qualities and relationships with other people, knowledge and beliefs. Because languages have different mechanisms to communicate stances groups can be associated not only with certain stances but also with the way in which those stances are taken (via syntax, intonation, lexical items, and even gestures).

If stances are the central tools and building blocks to create identities, whatever remains constant of a speaker's identity is related to stances. As Kiesling (2009, p. 175) points out, people think of identities in terms of "the stances that people habitually take." It could be the kind of stances that speakers use to take or the mechanisms employed to take those stances.

At a broader level, in order to make sense of these aggregate of stances or configurations of stances, people resort to their previous experiences. Kiesling (2001) and Gee (1999) suggest that the concept of cultural models is a helpful theoretical tool for understanding how this is done.

Gee (1999) proposes that a psychological aspect should be added to understand what happens in a text because discourses do not only exist in society but also in people's minds. In cognitive anthropology, a model of how the human mind works, called a cultural model, has been used for understanding how discourses are used and for exploring why different discourses appeal to different people. The cultural model framework is a useful tool to understand how people perform throughout their lives. One of the advantages of this model is that, although it is a model of the mind, it also considers the social dimension.

D'Andrade (1987, p.112) defines the cultural model as “a cognitive schema that is intersubjectively shared by a social group.” Two consequences of this intersubjectivity are that interpretations about the world based in these models are considered as obvious facts of the world (as common sense) and that a great deal of information does not have to be stated because, after all, the information is shared (D'Andrade, 1987, p. 112).

Cultural models, in brief, are folk theories. These folk theories are not necessarily scientific, but they are useful for people to understand the world, and people use them to organize their everyday life. These models are culturally specific shared narratives that constitute norms and expectations (Kiesling, 2001). As result, they are recognizable consciously or unconsciously. Therefore, much information can be considered as presupposed and does not have to be explicitly stated. The information that is not stated has to be completed by the hearers. One interesting aspect of these models is that the same individual can have contradictory cultural models.

Holland and Quinn (1987) point out that the fact that these cultural models are consciously or unconsciously known by speakers implies that some information can be omitted in interactions. In other words, it is not necessary to make explicit all the steps of an argument, for example, because speakers share them. But different studies have demonstrated that there are different cultural models that can be at play at any given moment. In fact, Holland (1987) analyzes romantic ideals and how they are internalized by different young women. She illustrates the variation in individual experiences despite the great exposure to stereotypes.

Gee (1999) establishes a distinction between cultural models and scripts. These models are more general than “scripts” that tend to be focused on specific activities and depend upon

previous experiences. Cultural models can be applied to new experiences, and they underlie the scripts.

Kiesling (2003) claims that speakers can index shared narratives, that is, cultural models. In his study of the use of the variation –ing / –in in an all male fraternity, he found that speakers employed these cultural models to index two models of masculinity. He discussed a meeting in which several students were making the case for their suitability for the position of Vice-President. One he called the corporate lawyer or CEO model. The other is the Rocky model. This last model comes from the movie character Rocky Balboa who, coming from a working class background, succeeded through hard work, stamina and determination. The corporate lawyer model or CEO model is based in “technical, intellectual and the eventual structural attainment of expertise.” (Kiesling, 2003) Both models include desirable qualities which could potentially help them to attain the position. In short, people can index to these cultural models and thereby claim at least similarity with the model.

2.4.6.1 Collective memory

There are other elements that help us to understand the relationship between language in use and the broader society, as for example the use of lexical items that activate a whole discourse. Kryzanowski (2002) demonstrates how the lexical item Hitler activates discourses of the past that are present in the collective memory of Poland.

When a symbolic figure is an imagined person with certain speech characteristics, it is possible to activate the schemata associated with it, and then the collective memory through indexicalities, given that certain forms of speaking are associated with certain groups. In other words, many linguistic forms could be indirect indexes that can create the conditions of “schema transfer.”

Kryzanowski (2002) studied the Polish press coverage of the rise of Jorg Haider to the Austrian government. Haider is an Austrian nationalist with ties to fascists groups. Kryzanowski's study draws on van Dijk's (1984) socio-cognitive model and concepts as collective memory, discourse of the past, symbolic figures (the symbolic figure can be a person, a flag or anything else) and the outsider observer.

He points out that "symbolic features... may serve in a certain nation as a kind of general 'entry' to subbranches of memory about more specific groups of events, set of attitudes which would be associated with the symbol" (Kryzanowski, 2002, p.135). He sees the symbols as "doors to memory." He also proposes that symbolic elements can be seen as factors active in collective memories of various nations and that they can serve as triggers of certain memories, and therefore attitudes (2002, p.135). His analysis about the rise of Jorg Haider, a strong nationalist in Austria is, as he recognizes at a very abstract level. He considers that symbolic elements are linguistically represented mostly as lexical items (for example, the name 'Hitler') and definite descriptions. However, he also recognizes that social attitudes may be detected among linguistic features of everyday speech in the form of sayings "which are loaded with certain sets of beliefs about an event, person, etc." (Kryzanowski, 2002, p. 135)

Kryzanowski proposes that a discourse about Haider (in a Foucauldian sense) provokes what van Dijk calls "schema transfer" and therefore a link between the present and the past that is active in the collective memory.

He argues that Jorg Haider has become a new symbolic element in the Polish press and that this can be seen not only as an element of linguistic representations, but as an element present in the collective national memory of Poland.

Although Kryzanowski suggests that symbolic figures are evoked mostly through lexical items, I would like to insist that this does not have to be the case. Other linguistic features can evoke the symbolic feature, such as intonation, phonetic and syntactic features, sayings, and lexical items associated. This is possible through indexicalities. The way of speaking can index a certain group or certain symbol representative of the nation (real or imagined). It can activate the collective memory and a discourse of the past.

In other words, I am proposing that through indexicalities it is possible to activate a collective memory and therefore relate forms of speaking to a symbolic figure (real or imagined). In the case of Puerto Rico, this symbolic element is “*el jíbaro*” (the Puerto Rican peasant” that was promoted by intellectuals and the Puerto Rican government as the quintessential Puerto Rican.

3.0 LANGUAGE IN THE LEGAL CONTEXT

3.1 INTRODUCTION

The legal system is adversarial in both the United States and Puerto Rico. That means that the parties involved in legal procedures want to advance different agendas and both parties call witnesses and confront the witnesses of the other party. Normally, the parties are represented by lawyers who present their versions of the facts, and a judge or a jury has the responsibility of rendering a verdict.

Lawyers of the parties involved call witnesses to the stand. If we assume that the case involves some governmental authority, there will be ‘prosecution witnesses’ and ‘defense witnesses.’ These witnesses are submitted to interrogation by the lawyers of both parties. When a lawyer interrogates his/her own witness, it is called examination or direct examination. When she interrogates the opposing witness, it is called cross-examination. The lawyer can then call his/her witness again to be re-examined. After one lawyer calls his/her witness (examination), the opposing council has an opportunity to interrogate (cross-examine) the witness. The lawyer can again call his/her witness to clarify or to “rehabilitate” the witness, or try to control any damage created in cross-examination. During examinations the interaction between the lawyers and the witness is normally free of conflict; the cross-examination of witnesses, however, is considered hostile by the cross-examining lawyer. In fact, there are different rules for examination and

cross-examination. In an examination, a lawyer cannot ask leading questions; while in cross-examination, lawyers are allowed to include presuppositions in their questions, which can be dangerous for the witness's credibility.

The Cerro Maravilla hearings were not a legal process, but the criminal nature of the events and the format of the investigation shared many characteristics with one. As Suárez (1987, p. 235) points out, the Senate took the rules that prevailed in grand jury investigations and adapted many of them to the Senate investigations of Cerro Maravilla. Some of the differences between Cerro Maravilla case and a legal process were that the grand jury met in secret, and the Senate investigation was televised. Another difference was that the witnesses were allowed to have a lawyer with them in the Senate hearings. Witnesses could consult the lawyers, but lawyers could not speak to the court during the hearings. Usually, in grand jury investigations, the lawyers have to wait outside of the room and they are called only if the witness needed to consult them. The other important difference was that the investigator was able to use *careo*, which literally means 'facing.' Suárez explains that this is a practice in which two witnesses telling contradictory stories are put on the stand to face each other. This is a valid practice in the Hispanic system of justice and it is used in much of Latin America. The American system does not use this method, and it is not used in Puerto Ricans courts (Suárez, 1987, p. 235).

In the next sections I discuss studies focused on interactions in the legal settings and one study in the legislative setting. I will also discuss studies that explore the ideological dimension of the legal procedures in Puerto Rico and the U.S., and the relationship of those procedures with ideologies, linguistic and otherwise.

3.2 LANGUAGE IN THE LEGAL CONTEXT AND ITS FORM AND FUNCTION

Speaking about the Anglo-American legal system, Peter Tiersma (1999, p. 1) says, “Our law is a law of words,” pointing out that by definition law comes into being through language. Scholars interested in language in institutional contexts have paid attention to all levels of legal language: phonological, prosodic, morphological, lexical, syntactical, interactional, and discursive. Some researchers are interested in the form of legal language; others are more interested in the interrelationship between language and other social phenomena.

The role that linguistic ideologies play in the legal practice has been addressed by many authors, although not always explicitly. When Tiersma (1999), Phillips (1993), Danet (1980), and Sales et al. (1977), among many others, explain the rationale behind certain linguistic forms characteristic of legal language, they are explicating a series of beliefs about how language functions and how legal practitioners think that they can achieve their goals more efficiently through language. Rules and procedures in legal settings are based on ideas about language and how language is used by different categories of people. In other words, they are speaking about linguistic ideologies.

Alfred Phillips (2003), a legal practitioner himself, says that many characteristics of legal language are related to a desire to achieve precision, to avoid ambiguity and to cover all possible contingencies. He explains that this requires a great amount of technicality and very detailed accounts, definitions, and descriptions.

Tiersma (1999) agrees that in many instances, this is the case as in any profession. Among the reasons that he offers to explain the use of different features of legal English are the avoidance of ambiguity; the desire to place all information about a particular topic into one self-contained unit; the fear that some lawyer will later be free to argue that a condition does not

apply; the lawyers' desire to anticipate and deal with every possible future contingency; precision; the desire to be as broad as possible; to cover anyone who infringes; flexibility; economy. Other reasons offered by Tiersma are that linguistic forms help to frame a situation: a formal, serious situation reminds us that the context is an adversarial setting, and it serves to create a frame around a document, marking its beginning and its end. All these reasons can be related to the goals of legal activities and to the structural resources utilized to achieve those goals. They are in a sense practical. Legal language has a particular form because people who practice law believe that conformity is the best way to achieve goals.

However, Tiersma also points out that some characteristics of legal discourse are ambiguous, and their effects are counterproductive if clarity is indeed the goal. This is the case with conjoined phrases or redundant idioms, such as *give, devise* and *bequeath*, which sometimes lead a listener to think that they are referring to different things. Also problematic, and more interesting from the discourse analysis point of view, is nominalization, which is the use of nouns instead of verbs, adjectives or adverbs, which tends to obscure the actor and reduce precision (Tiersma, 1999, p.74). These features can be used to achieve what Tiersma calls strategic imprecision (1999, p. 74). He also explains that these forms are used to appeal to the sympathy or even the prejudices of the jurors, which, he points out, raises ethical questions; to construct ethos; to achieve persuasiveness; to show respect to judges; to appear maximally objective; to give them the greatest possible rhetorical force; to create a majestic flair (p. 97).

The strategic use of language is crucial in the legal context because, as Johnstone (2002, p. 30) points out, "... discourse is both shaped by and helps to shape the human lifeworld, or the world as we experience it." The representation of the world that a lawyer develops through language in a trial helps to shape the audience's experience and its world. Ideologies are at the

heart of discursive constraints imposed upon speakers' rights, and they have effect in creating "the interpretative framework that imbued the events and participants with meaning" (Ehrlich, 2001, p. 2).

Susan Phillips (1993), discussing the evidentiary standards on American trials, points out that the origin of evidentiary law is rooted in a distrust of the jury because it is believed that the jury cannot distinguish between reliable and non-reliable information, or between biased and unbiased language (pp. 250-1). The idea of evidentiary standards is to control the sources of evidence. This control should be exercised by judges because some sources of evidence are more reliable than others, and judges are more prepared to make this distinction than juries.

The solution is that the evidence is constrained in order to achieve reliability. Since evidence has to be presented orally (the facts do not speak by themselves), many of these constraints are related to language. There are constraints regarding the form in which the evidence is presented and about who can present what kind of evidence. There are also constraints on the way in which the evidence will be interpreted. Rules and procedures have a controlling function, but they are based on ideas about language and social groups, and they are consequential.

In the next sections, I summarize some studies that have examined interactions in court from different perspectives. Some of them are from the perspective of Conversation Analysis. Although the methodological constraints of this approach (e.g. the researcher should ignore the context beyond the interaction) does not offer much space to explore ideology, these studies help us to understand organization in institutional talk and some of the mechanisms that speakers use to achieve their communicative goals.

3.3 THE BOUNTY OF PRE-ALLOCATION

A major concern for researchers has been the interactional asymmetry between lawyers and witnesses in the rigid organization of talk in trials where the turns are pre-allocated and it is pre-discursively determined that lawyers will ask the questions and witnesses answer them. This is the case particularly in cross-examination. That means as Hutchby (1996) points out, that some speakers (i.e. lawyers) have resources at their disposal that others do not have. The asymmetry between lawyers and witnesses has been conceptualized in terms of the power of certain participants to engage in communicative actions not available -or not available in the same way- to others (Hutchby, 1996, p. 577). As Berk-Seligson points out:

Whereas witnesses have some degree of control over how they present testimony, clearly linguistic power in the courtroom lies primarily with attorneys and judges. Perhaps the most crucial way in which attorneys and judges hold linguistic control over witness and defendants is through the interrogation process. Analyses of question/answer sequences have shown that questions are used as weapons for the purpose of testing or challenging claims, and as mechanisms for making accusations (2002, p. 22).

Lawyers in trials, by virtue of the organization of speech and legal practices, have the opportunity of setting the topics, pulling topics together, limiting the answers, interrupting the witness, asking prosodic questions (i.e., a semantic statement inflected with a question intonation), making declarative statements plus a ‘tag’ (Woodbury, 1984, pp. 202-203), transforming the witness’ hypothetical opinions into a present belief (Hobbs, 2003), reframing ‘incorrect’ answers, incorrect because they do not help the lawyers’ case, juxtaposing and contrasting items of discrepant information or information from which certain damaging inferences might be drawn about the witness’ version of events (contrast devices), taking third turns, repeating, recontextualizing, and establishing damaging (Hobbs, 2003; Drew, 1992; Matoesian, 1993). All this is facilitated by their institutional position.

Lawyers are not oblivious to this interactional advantage. Litigant manuals explicitly instruct lawyers to take advantage of the opportunities that they have to advance their agendas. Jacquemet (1996, p. 7) says that lawyers recognize that courtroom questioning techniques are primarily used to win. He cites a quote from a litigant manual (Bergman, 1982, p. 227) that I find disturbing because:

The process of reducing human events to structure, vocabulary and detail is to inevitably distort those events. As long as they will be distorted anyway, you might as well try to distort them in favor of your client. All of this may seem very far from the notion of trial as a search of truth. But your job is to advocate for your client; let the fact finder discover where the truth lies.

In a similar vein, Hobbs (2003) quotes Younger (1976, p. 23):

“The whole idea of cross-examination is that you take the witness by the collar and make him go where you want him to go. You put words in his mouth. You make him say what you want him to say. The way you do this is by leading questions.”

Mauet (1980, p. 247) notices that the role of lawyers in examination and cross-examination is different. In direct examination lawyers want to center the attention on the witness' testimony, while in cross examination, the lawyer is the center of attention. Conley, O'Barr and Lind (1978) found that lawyers use different strategies to elicit the information depending on the status of the witness as either friendly or hostile. He observes that, at times, it appears that the examining lawyer wants the witness to speak at length. In other situations, it seems that he or she wants to elicit brief, incisive, non-elaborative responses. He calls these two styles “Narrative” and “Fragmented” (Conley et al., 1978; O'Barr, 1982), complementing this finding, notices that witnesses who testify in a Narrative style are perceived as more competent and more dynamic than witnesses who testify in Fragmented style.

Matoesian (1993, p. 150) points out that the syntax of the questions influences and restricts the way of answering. Some of the attorneys' advantages are based on the syntactic

possibilities that a lawyer has when he is asking questions. One of these advantages is that syntax restricts the witness' options to answer. If there is a yes or no question, the witness will be required to answer yes or no, limiting the possibilities of a narrative and maximizing the interests of the lawyer because the question can presuppose or suggest an answer. That is, the lawyer can select the presuppositional framework of the question. In other words, there could be presuppositions in the question that could be harmful for the witness.

The rigid structure of legal procedures, in which lawyers ask the questions, allows lawyers to juxtapose parts of what a witness has attested, creating a contrast in order to make a point. Drew (1992) demonstrates how a lawyer in a rape case was able to do this. In a rape case that he analyzes, the lawyer and the witness differently characterized the casual encounter between the victim and the defendant. The lawyer tried to imply that the defendant was interested in the victim and the victim knew it. Drew says that *interested* works as a gloss for some details of what was said the day of the alleged rape. He explains that because a gloss may be unpackaged in different constituents, the witness can focus on one of the components of the gloss as a challenge for the gloss (1992, p. 493). It is useful to reproduce Drew's transcription of a fragment of the interrogation:

(4)

- 23 A: Well you kne:w at that ti:me that the
24 defendant was. Interested (.) in you (.)
25 did'n you?
26 (1.3)
27 W: He: asked me how I'd bin: en
28 (1.1)
29 A: J-just stuff like that
30 Just asked yuh how (0.5) yud bi:n (0.3) but
31 he kissed yuh goodnigh:t (0.5) izzat righ:t=

Drew argues that when the witness said that the defendant just asked how she had been and said “just stuff like that,” the witness was implying that that was the most that happened in terms of interest. This is what Drew calls the ‘maximal property of descriptions.’ Then the lawyer had the opportunity to pull together the greeting and the farewell of the encounter creating a contrast that undermined the witness’ version. Drew calls this resource ‘contrast device.’ (1992, p. 512)

Hobbs (2003) points out that, although lawyers technically are not allowed to comment upon a witness’ testimony, they routinely circumvent this institutional constraint. She comments that a common technique in cross-examining expert witnesses is that the attorney states a principle specific to the field at issue, obtaining a confirmation that the principle is correct, and then the attorney tries to demonstrate that the expert opinions are contradictory the principle he or she has just accepted. She demonstrates how a lawyer was able to circumvent the institutional constraints that are meant to separate evidence from interpretation, allowing him to present an alternative version of what the witness has said. The attorney did this recontextualizing of the witness’ testimony through prosodic questions. Recontextualization refers to removing the

testimony from its original context -the specific malpractice case- and then contextualizing it in a different more general and abstract context.

She explores ways that different professions think and confront data have an impact in the legal context on how lawyers can pragmatically exploit these ways of thinking. In a case of medical malpractice, a lawyer decontextualized a medical expert witness' testimony. Hobbs explains that "medical analysis entails an initial move from the particular case, in order to consult the abstract principle according to which an analysis of the present problem is undertaken" (p. 505). According to her, the expert's internalization of the medicine's causal model requires decontextualization and then recontextualization. It would be reasonable to predict that the witness will view the context of the examination as medical rather than legal, interpreting the questions as requiring a display of medical knowledge. The witness we can assume will recognize and confirm as correct statements of standard medical principles and will generally ignore the context (i.e., the case) of decontextualized medical questions. The lawyer in the case that she analyzes "thinks as a doctor" in order to predict what the jury will hear, and he deprives the expert witness' testimony of much of its weight.

3.4 MANIPULATION OF THE LINGUISTIC RESOURCES AND THE INTERACTION WITH CULTURAL IDEOLOGIES

Conley and O'Barr (2005) emphasize the importance of linguistic ideologies in the legal context. They say that although, according to Woolard (1998), there are some conceptions of ideology that are neutral and others that have negative values. Their experience is that the prevailing definitions seem to be neutral, and studies begin with a neutral stance but are drawn inevitably to

questions of power (p. 144). They conclude that a linguistic ideology is understood as a body of ideas about language with a particular focus on political contexts (p. 141).

According to Harris (1994), all legal procedure is ideological because concepts such as justice and equality are ideological. Social and political ideologies are reproduced, reinforced, and legitimized in courts even when they are denied (Phillips, 1992). Who can speak and how evidence is presented are based in ideologies that are not independent of the broader culture (Phillips, 1998).

As Kulick (1998, p. 100) puts it, “linguistic ideologies seem never to be solely about language.” The ideas that speakers have about language use are not just ideas about linguistic forms. They are also ideas about those who use language. Thus, linguistic ideas interact with all kind of ideologies. This continuous interaction makes difficult the task of to disentangling linguistic ideologies and other kinds of ideologies. This is so because linguistic ideologies inform and are informed by social practices that in many cases come into life through language.

There is a great leap from a linguistic form to the rationalizations about language use. That leap is charged with ideas about individuals, groups, social constructs, and so on. If we consider that the appropriateness of language use is considered as contingent to many factors, such as the situation, the task at hand, the degree of privacy, the relationship between speakers, the age, gender, race, and social class of the speakers, or any relevant identity, and many others, we can see that the political dimension permeates any rationalization of language use. Therefore, linguistic ideologies will always have a political dimension. The political dimension is not necessarily about material things -although they may be part of it. It could be symbolic and manifested as status, prestige, or in Bourdieu’s terms, as cultural capital.

Linguistic practices can be used to reinforce or resist social practices and what people do with language can inform us about linguistic ideologies. This is what Silverstein calls implicit metapragmatics.

Conley and O'Barr (2005) explain that the interest in language ideologies has had two significant effects on linguistics: the respect for linguistic awareness and the attention to the non-referential functions of language. The first one refers to what people think about their language. These local models, Kroskrity argues, are real to members of the group in question and can provide resources for members to deliberately change their linguistic and discourse forms. Non-referential functions of language comprise everything that language can do besides referring (i.e. denotating). Thus, the concept of indexicality is central to these functions.

Researchers have studied the way in which cultural and political ideologies interact with linguistic ideologies and how attorneys use the linguistic resources available to them to bring those ideologies into a trial. Harris (1994) explains that ideological processes in court are expressed in ways that operate on the propositional and pragmatic level (Harris, 1994). Susan Phillips (1992) argues that political ideologies have a direct impact on the establishment and implementation of court procedures through practices in court. Phillips (1998) studies how different –although related- ideological aspects (from ideologies of control to political ideologies) are at play sometimes simultaneously and presented as legal procedures or as personal decisions. Her analysis is based on the observations of trial judges in plea bargains and interviews of judges in Tucson in the 1970s. The existence of political ideologies in legal procedures is denied by all the judges in her study.

Phillips draws on the Marxist and Gramscian tradition that conceptualizes power as domination, and on anthropological linguistics, which considers culture as located in social

practices. Central to the Marxist tradition is a relationship of domination in which one group dominates the other, but discourse is often presented in ways that seem to pay attention to the needs of the dominated. In this tradition the endeavor of the analyst is to uncover how these discourses are codified. Phillips borrows the idea of hegemony from Gramsci. Hegemony, that is, a form of consensus, is never total because there are always struggles that are not dualistic. There is ideological diversity beyond the dualistic opposition proposed by Marx. From anthropological linguistics Philips adopts the idea, informed by Bourdieu and Foucault, that culture is located in social practices. In this conceptualization, culture is seen as a whole that is constantly changing in terms of its processes through discursive practices.

The internal sequential structuring of speech genres is central to her study. She distinguishes between local structures and global structures. Global structures refer to the idea that speech genres involve an abstract schema or a script entailing a predictable sequence of topics or smaller units that, when adhered to, allow the recognition of discourse as a constituent of the form of talk. The local structures refer to the idea that all forms of talk, independently of the awareness of the global structures, is managed in a turn-by-turn basis in such a way that what a speaker says is seen as related to what a previous speaker had said. The way in which speakers relate what is said with the immediate and past contexts create the possibility of systematic variation and individual open-endedness in interpretative practices. Speakers make connections between genres in regular and systematic ways but also in new ways in order to make sense of new texts. Speech genres are socially organized in their intertextual relationships, domains, and institutions of language use.

According to Phillips, ideological diversity can be seen as oppositionally organized in relations of domination/subordination, and those conflicts are concealed and hidden in different ways, contributing to a misleading projection of the law as ideologically monolithic.

In her study of plea bargains, Phillips identifies two kinds of judges, which she labels procedure-oriented judges and record-oriented judges. They are different by the way in which they control legal procedures in plea bargains. Although there are rules about how to carry on these plea bargains, these two kinds of judges give different emphasis to aspects of these rules. For the procedure-oriented judges it is very important to be sure that the defendant present his guilty plea knowingly and voluntarily. They spend more time asking questions to the defendants. They ask questions about social background, while record-oriented judges do not ask these kinds of questions. They ask the defendant to agree with a version that has been written by other people (lawyers and police officers). For the record-oriented judges, it is important that there is evidence of culpability and that the record is clear with this respect in order to reduce the possibility of overturning by a court of appeals.

All the judges say that their ways of carrying out the procedures are based on due process. The judges deny the influence of political ideologies in the way they carry out the procedures. But Phillips finds that there is alignment between these methods of control and the political ideologies of the judges. Liberal judges tend to be procedure-oriented, while conservative judges tend to be record-oriented.

Procedure-oriented judges take risks when they want to elicit answers from the defendants, and they offer them the opportunity to produce narratives. One risk is that the accused can relate more than what is desirable and affect the legal process in such a way that the guilty plea becomes unattainable. Another risk is to lose control of the courtroom. Phillips found

that when defendants have to declare in court that they are guilty and acknowledge it, they tend to use three basic mechanisms to resist the culpability that they are pretending to accept. The first mechanism is the denial of their culpability. Another mechanism is to obscure their declaration by not expressing clear referents and not naming the actions by their name. The third is a mitigation of what they did. Judges are particularly sensible to denials because they can nullify the process. Obscurity is normally clarified with further questioning. Mitigation is generally ignored.

She explains that judges are evaluated yearly by bar associations, and the results of these evaluations are published in newspapers. Judges need to be reelected in order to keep their jobs and people look at these evaluations. With respect to the loss of control in the courtroom, people in general have an idea of control because of their participation in different institutions. For this reason, the loss of control of the courtroom is more salient than other aspects of the legal procedures. This aspect is considered in bar association evaluations, and procedure-oriented judges receive poorer evaluations than record-oriented judges. Due to the fact that the defendants speak more, there is more possibility that they will not comply with the expected behavior. Judges who depend on being reelected can pay a price for this approach to courtroom control. The result is that the system punishes with poorer evaluations some interactional behavior that is related to political positions and encourages others. This punishment is a consequence of courtroom management that is basically carried on through language (Phillips, 1993).

Phillips' study underscores the fact that legal practices are informed not only by legal interpretative practices, but also by other factors of culture. The way in which judges relate themselves to the defendants depends on the conception that they have of the relationship between governments and individuals. They enact the theories of control that are familiar to the

general public because they are rooted in theories that exist through hierarchical relationships in society. Phillips concludes that judges are not only practicing a profession, but also they are practicing politics and exercising power. Judges always represent the state and enact the political authority of the state. The law is neither a coherent nor a separate form of thought in American society. She shows that social and political ideologies play a central role in legal procedures independently of what the people involved say, and that those ideologies are used to exercise control and power.

In the previous section, we discussed Drew's article in which he describes how lawyers can create inconsistencies through what he calls a contrast device. His description follows the tenets of Conversational Analysis. This approach has produced invaluable insights about what speakers do in face-to-face interaction. But one of its limitations is that anything beyond the immediate interaction must be ignored. Matoesian (2001), working in the tradition of linguistic anthropology, can go a step further and explore the ideologies that help to construct inconsistencies like this.

Matoesian (2001) convincingly argues that inconsistencies emerge not just from logical, rational and natural juxtapositions of contradictory issues of evidence, but also from an interaction between cultural ideologies and linguistic resources (p.37). He points out that in any trial there is an expectation that the events and the actions have to fit logic. He poses the following question: What precisely is the logic that the victim must fit? (p. 37). He explicates that lawyers create inconsistencies in testimonies that activate, embody and interact with hegemonic forces of culture.

According to Matoesian, rape trials are not about whether the sex was consented to from gender-neutral criteria of sexual desire. Instead, these trials determine if the female consented to

arbitrary male standards of sexuality (2001, p. 39). Such criteria do not only apply to the woman's actions before the rape, but also to her later behavior and emotions. After the rape, male criteria will provide the standards to evaluate the rationality/irrationality of the woman's behavior, emotions, and motives. The personal experience of the woman is disqualified. This is what Matoesian calls the patriarchal logic of sexual rationality, which he defines more formally as: "the situated practices of discursive interaction through which sexual identities are improvisationally assembled, transformed, and naturalized into a relevant object of legal knowledge to accomplish practical tasks in the rape trial context. (p. 40)

Behind this logic are taken-for-granted cultural beliefs about the role of language structure as it relates to power in the constitution of reality. A way to create inconsistency is to align particular behavior, through linguistic and conversational structures, with the cultural demands of male logic. This is what Matoesian calls a micro-culture of linguistic practice. Therefore, inconsistencies are not mapped against gender-neutral criteria, but against the expectations of patriarchal ideology that govern the victim's identity. According to Phillips (1992), Americans consider inconsistencies to be moral flaws.

Two descriptions that are components of the patriarchal logic of sexual rationality are that the victim behaved irrationally and that there are malicious motives behind her claims because her expectations for a more enduring, romantic relation were not fulfilled. In short, the logic that the narrative of events has to fit is not gender-neutral but a male-centered one. If the woman found the man attractive, if they dated, if they were together until late in the night, if they kissed, then these and many other factors are tantamount to consent. The fact that, for a woman, a relationship is not necessarily sexualized is disqualified. The male logic is what makes the woman's behavior irrational. This logic ascribes sameness in the social construction of sexual

identity to men and women and in the nature of sexual desire between the victim and the defendant.

In a similar vein, Ehrlich (2001) analyzes the cases in which a York University student (whom she calls Matt) was accused of sexual harassment by the university disciplinary tribunal in two cases. He was also accused in a Canadian criminal court for the same two cases, although there he was accused of sexual assault. In both cases, the man was acquainted with the two women.

Ehrlich demonstrates that, since linguistic ideologies are more than ideologies of language, the acceptance of certain language uses in adjudicative procedures help to reinforce certain ideologies. In the case that she presents, the lack of resistance to what she calls the grammar of non-agency implies the reinforcement of certain ideologies about gender and the appropriate behavior –including linguistic behavior- of women.

In the first case, after having dinner with the woman (Connie), they went to her apartment and kissed. The complainant says that she objected to Matt's further advances, but Matt persisted. His actions included taking off her clothes, put his fingers in her vagina, putting his penis between her legs and rubbing it against her, and pushing her face into his lap so that she was forced to perform fellatio on him until orgasm. The second case occurred two days after the first one. A woman (Marg) who had problems with her car asked Matt and her friend Melinda's boyfriend (Bob) to help her with the problem. Because it was late at night, all four spent the night in the woman's university dormitory. Marg and Matt gave each other massages. After that they went to sleep in the same bed, but the woman says that she made clear that she was not interested in anything sexual with him. The man rubbed her, touched her vagina and her breast, and the woman went to her friend looking for help.

In the university tribunal's hearings, Matt draws in what Ehrlich calls the grammar of non- agency in which the agent is obscured or eliminated. The adjudicators recognized that Matt was insensitive and disrespectful to the complainants and that this insensitivity (notice that is not him directly) caused harm to the women in both cases, but the tribunal only forbade him to go to the area where the sexual harassment occurred. They also asserted their belief that this insensitivity was transitory, and the university environment would help him to become more sensitive. The suffering of the two women was not considered in the adjudication.

In the legal case, Matt was found guilty in the second case (Marg) but not in the first (Connie). Matt again constructed his non-agency and the judge accepted it, even exceeding the limits of contextual appropriateness. (At one point he even said that "The shirt came off"). Ehrlich calls attention to the fact that it is not surprising that the accused used this strategy. What is problematic is that the judge fell for it. Ehrlich emphasizes that she is not claiming that Matt's grammar of non-agency 'caused' the adjudicator's decision, but that it fails to challenge and reinforces their understandings of male sexuality and violence against women (p. 61).

The judge attributed the man's behavior to external reasons (hormones). The male sexual drive discourse was invoked as a cause for Matt's behavior. Moreover, the judge lectured the women on how they should avoid seducing men up to the point at which their hormones will be more powerful than their consciences.

Ehrlich pays attention to the presuppositions in the adjudicators' questioning and she finds that it is presupposed or declared that the complainants had options when confronted with the threat of sexual aggression. The complainants were depicted as being unconstrained in their choice of appropriate venues of resistance. Their lack of resistance is established because they

did not present the utmost resistance. The motivation of their inaction is disqualified because the adjudicators discounted the effects of the women's fear.

Matoesian (2001) notices that, despite the importance that reported speech and other intertextual practices have in a legal context, the law ignores the cultural presuppositions and linguistic ideologies underpinning such intertextual practices (pp.106-7). He observes a tendency in studying intertextuality and other recontextualization practices in their grammatical and stylistic connections between utterances, speech acts, and in the way in which a speaker may embody several polyphonic voices. He argues that less attention has been given to the mutual connection "created by co-engaged participants in the sequential coordination of verbal action, how participants influence each other in this intertextuality." (p.107)

Drawing on Bakhtin, Voloshinov and Goffman, Matoesian explains the mechanisms and implications of intertextuality. Goffman's concepts of footing and his structure of participation are central to this research. For Goffman, traditional depictions of speakers and hearers were inadequate because they failed to capture the complexities of speaking practices. He differentiates between animator, author, and principal. The animator is the one who verbally or physically produces the words. The author is the one who composes them. The principal assumes the responsibility of the words. The importance of this distinction is that it offers a tool to understand intertextuality. It is particularly useful in the cases of reported speech.

Matoesian explains that Voloshinov and Bakhtin warned about the inadequacy of divorcing the reported speech from the reporting context, which Voloshinov considered to be in a dynamic interrelationship. Bakhtin pointed out the intertextuality of the transmission of others' speech and the inherent assessment that comes with it. When people talk, they are not only repeating what other speakers have said, but they are also subtly introducing comments on it. He

explains that direct speech is a strategy to connect two speech events: the narrated and the narrating. It appears to be a replica of words spoken. Therefore, it minimizes the intertextual gap between the historical and current speech event, and as consequence it has an aura of objectivity and authority. But it also has the effect of backgrounding the reporter and foregrounding the voice of the reported.

The functions of reported speech are “to construct drama in talk, a method of marking a speaker’s emotional involvement with an issue, and as an evidential device for gauging or constructing the authenticity of the statement.” (p. 111) Reported speech thus indexes the speaker’s footing and moral agenda while appearing to maintain the voices of the reporter and the voice quoted as clearly separated.

Quoting Rumsey (1990), Matoesian explains that direct quotes activate a linguistic ideology that produces a “strongly valorized distinction between wording and meaning.” This has the effect of blurring “the interactional work that direct quotes accomplish in context because grammatical form naturalizes and foregrounds the referential value over strategic meaning.” (p. 112)

Matoesian explores the expression of affect and evidential meanings through reported speech in direct and cross-examination. The data that he analyzes is again part of the William Kennedy Smith rape trial summarized above. This time he examines a segment of the opening statement by defense attorney Roy Black and exchanges between the victim, Patricia Bowman, and the Prosecutor Moira Lasch, and between a key witness, Ann Mercer, and defense attorney Black. In all these segments, reported speech was present. In Black’s opening statements, he utilized a direct quote to report Bowman’s call to Mercer after the alleged rape:

(5) “I’ve been raped (.) come and pick me up.”

Although Mercer had reported that Bowman was hysterical, Black animates Bowman’s words without any distinctive intonational marking, lacking the affective intonation. This animation contrasts with the expected behavior in which she should have displayed her emotional trauma. Matoesian shows how “direct quote, stylistic patterns and linguistic ideologies converge and merger with gender ideology to project a densely layered and intricate dialogue of voices.” (p. 114)

The second segment that he analyzes is part of the prosecutor’s direct examination of Patricia Bowman, the victim. In this segment, the victim was describing what happened during the rape. The segment shows verbal disfluency with several repairs, clause initial interjection (“*God*”) and lack of knowledge of details. It also has an emphatic, prolonged, and loud affective interjection (*No:::*) while reporting what she said during the rape, reproducing a scream. This segment contains a direct quote of what the defendant said:

(6) “Stop it (1.3) b(hhh)itch” ((lowered volume)).

The expletive “bitch” is lowered and preceded by a pause. By doing this, she shift the interpretative frame back to the present moment to make an implicit meta-pragmatic comment about the relationship among taboo words, morality and social identity, thus inserting her own voice and moral identity through the voice of the defendant, juxtaposing her own good voice and social identity with the bad voice of the defendant (pp. 117-118).

In a third segment examined by Matoesian, the victim is describing what happened after the rape. This rather lengthy segment also shows verbal disfluency that iconically reproduces her mental state. She tells how she accused Smith of raping her through direct report. The defendant’s denial is reported without intonational marking. Matoesian explains that, “the

construction of affect thus emerges not only through linguistic and paralinguistic marking, but also through failure to display socially appropriate sentiments.” (2001, p. 121)

In a last segment, Black, the defense lawyer, interrogates Ann Mercer, Bowman’s acquaintance who picked her up after the alleged rape. She had begun her testimony the day before, and she asked permission to complete an answer to a question asked the day before. It was related to the alleged passive participation of Senator Edward Kennedy in the rape. Mercer had stated to the police that Bowman had told her that Senator Kennedy was watching while she was being raped:

(7) Fragment 7

I would like to complete my answer on ah: the question (.) about saying that Senator Kennedy was watching.

This represents an interactional dilemma for Black. On one hand, not letting her complete her answer could be seen as an attempt to deny access to important information. On the other hand, if Black grants her request, she could produce information damaging to his case. Matoesian points out that although the power of witnesses to frame topics is limited, in this instance, it seems that she is able to exercise this power at least momentarily because Black, although allowing her to complete her answer, takes measures to reduce the impact of whatever she was going to say. He did that by suggesting that she had been thinking and planning what to say and by displaying tokens of disbelief in her statement. By this he activated the linguistic ideology that planning is ontologically inferior to spontaneous testimony. In this way, he delineated the epistemological criteria for assessing the legitimacy of claims (2001, p. 130). In other words, he pre-empts the possible damage of her testimony.

Matoesian concludes, “In adversarial cross-examination... participants may focalize the contextualization and recontextualization of discourse, turn it into a topic and manipulate it as an interactional resource to negotiate a moral identity for themselves and others.”

Matoesian demonstrates how inconsistencies in witness testimony are constituted interactionally and culturally through what he calls “a poetic interlacing of grammatical, sequential, and ideological resources.” For example, he presents how a lawyer used incremented repetition to unify and organize otherwise disparate particulars of evidence. Another strategy employed by the lawyer was resumptive repetition, which is a rhythmically fluid repetition in which an element from the main clause of the prior question is employed as a part of the initially positioned syntactic frame for the successive list questions and elaborates and resumes that question through a syntactically continuous and rhythmically balanced parallel structure (p. 64).

Eades (2005) explains how power relations affect legal processes in a way that surpasses the guarantees that legal codes are supposedly attempting to prevent. She explains that she had written a book in which she provided sociolinguistic information for legal professionals about aboriginal Australians. Later she attended a legal case in which three aboriginal Australian boys were taken involuntarily by six Anglo Australian policemen and then left in an industrial wasteland fourteen kilometers from Pinkenba. In that book, she explained that aboriginal speakers tend to use gratuitous concurrence. She found that lawyers defending the policemen were using this linguistic difference to their advantage and nobody seemed to care. The policemen were acquitted in that case and again in an appeal. She concludes that the disadvantaged position of the three boys as aboriginal Australians explained how the outcome of the case was possible, and that her book was used to give more power to the persons who already had it. All these consequences are intimately related to the use of language. Without appealing

to ideology, it is difficult to understand what happens in the legal context. Students of the relationship of language and law have to be aware that once a study is published, it can be used for purposes contrary to those intended.

Solan and Tiersma (2005) argue that in the administration of justice, interaction between linguistic and other ideologies may reinforce power differentials through selective attention to pragmatic information. Solan and Tiersma (2005) discuss that the requirement of direct language to perform certain activities seems to apply differently to suspects and government officials. Speaking about cases of consensual searches (when a person waives his/her right to not to be searched without a warrant), judges are willing to assume that the suspect speaking has indirectly waived that right. In these cases, the court is willing to consider the pragmatic aspect of communication. But when the suspect asks for a lawyer in an indirect manner, on occasions the court is not willing to consider the pragmatic dimension of the interaction.

The fact that people have a tendency to consent to searches -in part because the encounter with a police officer is always more or less coercive and the facility to indirectly waive the right not to be searched -because courts are willing to accept this supposedly indirect waive- creates a situation of inequality in the application of the law and of the rights of different individuals and groups. Solan and Tiersma are not just signaling a need for more sophistication in the consideration of linguistic and pragmatics, but also a need for more fairness in the use of that sophistication.

For example, they describe a case in which a police officer asks a Hispanic man: ‘Does your trunk open?’ The man said yes and opened it. The court interpreted that the man had waived his right. Solan and Tiersma explain that the encounter between a police officer and a person is coercive, and people tend to interpret the question as a command, not a question about the

condition of the trunk. On the other hand, if a suspect says that ‘I think I need a lawyer,’ this is interpreted literally, that is, not as a request for a lawyer. They point out that:

It is hard to avoid the impression that courts have a double standard when it comes to considering pragmatic information. They are more likely to take it into account when it benefits the government, and less so when it helps the accused. Pragmatic information that suggests a defendant consented to a search is generally credited, while pragmatic information that suggests refusal is likely to be. (Solan and Tiersma, 2005, pp. 47-48)

When discussing the problem that poses the suspects’ comprehension of the Miranda rights, they describe the treatment of the courts in terms of sympathies to people with low intelligence, juveniles, deaf people, people from different cultures and people who speak other languages. They say that courts have been somewhat more sympathetic toward people who do not speak English very well (as opposed to juveniles or people with low intelligence) but who receive a Miranda warning only in that language (2005, p. 82). But American courts “have shown scant sympathy for arguments resting on cultural differences.” (2005, p. 89) They explain that one argument that has been presented as a cultural difference is the fact that suspects considered it ‘unthinkable’ not to do what a police officer tells them to do.

Solan and Tiersma, discussing the consequences and uses of the easiness of obtaining search consent, consider that one result of this easiness is racial profiling; that is, people are targeted by their racial characteristics. They discuss the relatively higher proportion of people from minority groups (African-American and Hispanic) stopped on the road and the great number of consensual searches that occur within those groups. They comment that in a study by a journalist in Florida, 80% of all cars searched belonged to African-American or Hispanic drivers. They say that presumably this happens because some police officers believe minorities are more likely to be involved in drug trafficking (Solan and Tiersma, 2005, p. 49).

The social and political climates surrounding a trial have implications in legal processes (Jacquemet, 1996). Jacquemet shows the importance of social context and interest to understanding what happens in a trial and the intersubjective dimension of the creation of identities. He analyzes the testimonies of the *pentiti* (repented) in a famous case in Italy against the Camorra in Naples, Italy. The *pentiti* were former members of the Camorra, a confederated cartel of criminal groups who had ‘repented’ and decided to cooperate with the authorities. The legal system in Italy is inquisitorial. Among other things, this means that a judge, not a lawyer, asks the questions, and the judge also decides the case (not a jury). Lawyers can ask questions too, but the interrogation itself is the judge’s responsibility. In Jacquemet’s study there were two multitudinous trials. In the first one, the *pentiti* cultivated the identity of honorable men (within the parameters of their community values). Their credibility was established by personality, not by facts. The implausibility and cruelty of some testimonies was ignored.

The result was the conviction of thousands of people due to their testimony. Jacquemet explains how the judges helped to co-create these identities of honorability that granted the *pentiti* credibility according to the community values of honorability. Jacquemet describes that a climate of emergency, which the Italian authorities perceived as part of the non sanctioned activities of the Camorra, helped to create the circumstances for the disposition of the judges to help to co-create the credible identity of the *pentiti*.

The case was appealed, and according to Jacquemet, sociopolitical factors played a major role in the outcome of the appeals. After social unrest in Southern Italy, the government was more concerned with upholding civil rights than with fighting crime at any means. Pressured by the government, the approach of the judges involved in the appeals to the testimony of the *pentiti* was more incisive. During the appeal, being a man of honor was not sufficient, and the facts took

preeminence. After much public uproar, it was in the best interests of government stability in the area not to cooperate in the co-construction of credible testimonies. Consequently, the relationship between the Justice Department and the *pentiti* shifted making the *pentiti* less credible. Almost all convictions were overturned.

Jacquemet's study underscores the importance and the role of the broader societal context in understanding what is happening in interactions and the importance of motives. Moreover, it also underscores how external forces play a role in the exercise of power. Jacquemet claims that "the judicial determination of truth is a representational construct imposed by groups in position of dominance to construct control over the production and reproduction of social power." (1996, p. 6)

If the *pentiti* were able to perform their identity as honorable men (and therefore have credibility), it was because their identities had been co-created by the judges because of perceived sociopolitical imperatives. In the appeal, their identity as men of honor was not sufficient because judges did not cooperate in the co-creation of this identity in response to concerns about social unrest.

Sometimes ideologies are assimilated to such degree that they obscure absurdity, as Havilland (2003) shows. He explicates that the state of Oregon treats non-English speakers as disabled persons needing reasonable accommodation. The accommodation is the provision of an interpreter. Havilland describes the case of a Mixtec speaker who did not speak Spanish and was assigned a Cuban American interpreter who did not speak Mixtec. He describes a tragicomic interaction between a witness (also a Mixtec speaker) and the prosecutor in which the witness expressed that he did not understand Spanish, but the prosecutor insisted on questioning him through the interpreter. Havilland explains that the absurdity of the interaction was not brought

to the attention of the jury, at least in a sense that would seem obvious by looking at the interaction. The jury found the defendant guilty even when it was established that neither he nor the witness was able to understand the procedure with or without an interpreter.

Havilland explains that different language assumptions propelled the absurdity of the situation. First, the conception of non-English speakers as disabled was aggravated by the idea that one nation has one language. The fact that on top of being Mexican the speakers were non-Spanish speakers marked the state of the speakers as subnormal. The prosecutor was then the one dealing with an abnormal situation. The fact that the Mixtec speakers were not able to understand what was going on in the court was not important. The defendant was found guilty but later evidence exculpated him.

Matoesian (2005) analyzes the use of a questioning strategy (nailing down) designed to control evasive witnesses. ‘Nailing down’, in his words, “refers to the techniques in which attorneys attempt to control a witness’s testimony, overcome their steadfast resistance and, obtain confirmation for a specific version of ‘the facts.’” (2005, p. 735) But, he adds, “the persuasive power of this strategy is not derived from its syntactic forms, but from the intertextual practices in which they participate.” (2005, p.736)

Three key terms in this Matoesian’s research are linguistic ideologies, legal epistemologies and participation. He defines linguistic ideologies as, “Folk beliefs or rationalizations about language structure and use, and how these beliefs relate to the naturalization of power: the social conditions underpinning the production and reception of discursive action.” (2005, p. 740)

Participation is defined as “the intertextual organization of voicing in which participants position, evaluate and manipulate identity in discursive practice.” (2005, p.740) Legal

epistemologies are defined as the constitution of legally relevant forms of knowledge (2005, p. 735). Through this organization they contextualize the interpretative frames for signaling to one another, “What are we doing now?” That is the frame in Goffman’s terms.

He demonstrates how participants involved in this strategy are in a struggle of identity in which legal linguistic ideologies, legal epistemologies and cultural practices unfold “incrementally, contingently and interactively” in a relative lengthy exchange (2005a, p. 735-6). Matoesian does not only consider verbal production but also gestures.

He examines exchanges between a defense lawyer (Roy Black) and a prosecution witness (Ann Mercer). His data comes from the rape trial against William Kennedy Smith who was the nephew of the late President Kennedy, the late Senator Robert Kennedy and Senator Edward Kennedy. Matoesian explains that Smith was accused by Patricia Bowman, who had departed with him from a nightclub, of rape. When the nightclub closed, she offered to take him to his family estate where the alleged rape occurred. After the rape, Bowman called an acquaintance, Ann Mercer. Ann Mercer picked her up at the estate, but after Mercer arrived, Bowman was able to start her car and drive to Mercer’s home where they discussed the traumatic events. Later, Bowman went to the police.

Matoesian demonstrates how the lawyer manipulated linguistic ideologies, legal epistemologies and cultural practices in order to demonstrate iconically how the witness was controllable and suggesting that she was controlled by the alleged victim. In the exchange there were recontextualizations of conversations between Mercer and Bowman. The lawyer, through complex laminations of participation, was able to impeach the witness’s credibility, demonstrating that Mercer was controllable in the now and here and that control iconically indexed to the control that Bowman exercised over her in a past interaction.

Mercer was a key witness because she was with Bowman before the alleged rape and she went to meet Bowman at the Kennedy estate after the events. Mercer sold the story to *Current Affairs* for \$40,000, some time after another sensationalistic media had offered her \$150,000.

One of the segments examined by Matoesian was about the selling of the story to *Current Affairs*. Matoesian explains that the interrogation was not about the “commodification of utterances;” what was at issue was “the rational maximization of profit and departures from this cultural conviction.” (2005, p.741) He wanted to demonstrate that a more irrational consideration was guiding her behavior: friendship. Matoesian argues that when one looks at a lengthy stretch of dialogue it seems that the purpose of this line of questioning is not to present the witness as an inept capitalist, but instead to introduce a legal epistemology: collaboration between witnesses.

In a part of the interrogation, after opposition from the witness, Black was able to nail down an answer that he was pursuing: Bowman and Mercer had talked about holding the interview for some time. She concedes, “I believe I talked to her about that at one point, yes.” Matoesian points out that “talked to her” does not have an evaluative charge. But next in the interrogation he raises again the issue of evaluation and blame on the witness’ part, asking:

(8) Fragment 8

RB: And you start- and you made a deal with her that you would wait a while before you could cash in your statement, isn’t that right?

AM: I did not make any deals with Patty. What I do is what I decided to do.

The lexical selections “deal” and “cash in” have an evaluative charge that was damaging to the witness’s credibility. Black finally nailed down the answer he was pursuing after nine progressive and regressive movements.

(9) Fragment 9

RB: Was there not an agreement made between the two of you that you would wait awhile before you gave your statement.

(1.7)

AM: I do not recall that, no.

RB: You don't recall having a conversation with Miss Bowman where you said that you would wait (.) at least thirty days till giving a statement.

AM: No, I do not remember that.

[(head shake w/open mouth and eyes rolled)]

RB: You don't recall there being a conversation between the two of you

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waiting until charges were filled for you to give the statement.

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AM: I might have said- (1.3) that I would wait (.) yes=

RB: Because she requested it, isn't that correct.

AM: I believe so yes.

Black finally related the selling of the story to a legally relevant issue: the witness was acting in response to a request from the accuser. Mercer decided to wait until the charges were filled because Bowman asked her to do so. Black manipulated the witness until she said what he wanted her to say despite her resistance. According to Matoesian, Black demonstrated that Mercer was controllable and that control was iconically indexed to the control that Bowman exercised over her. The result is that discourse form and ideologies and epistemologies of legal discourse "mutually elaborate one another." (p. 736) Matoesian (2005) does not discard that the way in which the interaction unfolded did not respond to Black's plan, but an improvisation resulting from the witness's resistance. In any case, the co-construction of the 'truth' was intertextually constructed.

Mendoza-Denton (1995) analyzes the interrogations of Dr. Anita Hill and Justice Clarence Thomas by the senators in Judge Thomas' confirmation to the Supreme Court combining the qualitative and quantitative methods. This study is particularly interesting for the present work because this was not a trial but a Senate hearing, like the Cerro Maravilla hearings, and as in the latter case, aspects related to the legal proceedings permeated the hearings. In the Clarence Thomas confirmation hearings, Senators interrogated Anita Hill in a similar manner to

lawyers' interrogations of witnesses and defendants. Also, Clarence Thomas "spoke like a judge." In fact, the Cerro Maravilla hearings had more in common with legal proceedings because witnesses could not make declarations on their own; a lawyer, the investigator Héctor Rivera Cruz was interrogating them, and rules similar to those of the United States Grand Jury were in place.

In her study, Mendoza-Denton analyzes the following factors: the gap length after Hill's and Thomas's answer; the number of yes/no questions vs. tag questions posed to Hill and Thomas; the number of concise answers offered by both of them; the senators' change of topic after concise questions; and the acknowledgements by the senators after the answers of Hill and Thomas.

She found that the gap lengths after Judge Thomas' answers were longer than those after Hill's. Senators asked more yes/no questions to Judge Thomas, which allowed short answers, while they asked more tag questions to Hill. Mendoza-Denton explains that tag questions have a damaging potential because they can introduce damaging presuppositions. Related to the previous finding, she also found that Thomas offered more concise answers than Hill. Moreover, she found that after a concise answer by Hill, senators changed topics every single time. In contrast to the change of topic after Hill's concise answers, senators gave a response to Thomas' inconcise questions in a way that "legitimized or supported the statements" (Mendoza-Denton, 1995, p. 59) 50 percent of the time, while Hill's answers never received this kind of acknowledgement.

Mendoza-Denton explains that Thomas employed discourse patterns associated with a judge's style and an African American style. She describes Thomas' way of speaking as a judge style, characterized by its slow tempo, rhetorical questioning, and repetitions of arguments. But

also it has elements associated with African American style, as ‘signifyin’, that following Smitherman (1995) she describes as “the verbal art of ceremonial combativeness in which one person puts down, talks about, ‘signifies on’ someone or on something someone has said . . . a rethorical modality . . . characterized by indirection, humor, exploitation of the unexpected, an quick verbal repartee.” (quoted in Mendoza-Denton, 1995, p. 61) Thomas was able to appeal to a majority of African American’s popular opinion while conserving features of the European style through grammar and pronunciation.

Hill did not have the same options. Mendoza-Denton explains how the history of feminism and ideas about how an African American woman should behave, talk and interact left Dr. Anita Hill without an alternative to neutralize the attacks from those who questioned her. Instead, she was constrained by the options that she had as an African American woman. Hill was constrained because patterns that are associated with solidarity by African Americans, like manipulating grammatical structures, employing figurative language, symbolism and gestures, are primarily identified by American mainstream as male, and often as African American. For Hill, acting like a black woman and capitalizing on black speech styles, which are seen as masculine and verbally aggressive, limited her to speak like a white woman, which resulted in sounding suspicious to many African Americans.

According to Mendoza-Denton, two metaphors were at play: the lynched black man and the Jezebel, which the author explains is the black promiscuous woman. Thomas directly addressed the metaphor of the lynched man, calling the accusations against him a “high tech lynching.” Thomas was able to address the issue of race in terms of form and content. Hill, on the other hand, tried to distance herself from the metaphor of the promiscuous woman, resorting to a way of speaking that was associated not with African American women, but with white

women. Her descriptions of explicit situations were in clinical terms, deadening her emotions, affecting her credibility because she did not comply with the stereotype of emotionality and hysteria. She aligned herself with feminists, who according to Mendoza-Denton have a tendency to universalize women's experiences, leaving out the possibility of expressing the particularities of the conjunction of being a woman and an African American.

Mendoza-Denton finds that Dr. Hill was trapped in a double bind created by existing discourses in society: that of the hysterical and fantasious woman and that of white feminism. Neither of them could serve her. She had to resort to an almost clinical language that did not appeal to the African American population.

This author found that none one of these strategies by themselves explained the hostility toward Dr. Hill, but rather the aggregate of all of them led to that hostility. Hill was silenced because her narrative was constrained by sociopolitical forces that had already decided how she must speak.

3.5 CODA

The emphasis in many studies of interaction in the legal setting has been particularly concerned about the asymmetry in resources available to witness and lawyers, particularly in cross-examination. This is understandable because interactionally the lawyer has the advantage that pre-allocation confers to him or her.

The literature is more scant when speaking about witnesses' strategies to resist the lawyers' agendas. I think this is the case because the main concern of researchers in the asymmetrical relationship between lawyers and witnesses and how this asymmetry undermines

the resources available to the latter. Drew (1992) describes two strategies that witnesses have to resist the lawyer's agenda. One strategy is to offer an alternative characterization of the event described. Witnesses can reject or challenge a characterization made by the lawyer. However, the lawyer has an array of available strategies to try to debilitate the witness's rejection as demonstrated by Drew (1992) and Matoesian (2005). Another strategy is "I don't remember." By saying "I don't remember," the witness not only avoids confirming what is proposed in the question but also avoids disconfirming it (Drew, 1992, p. 481). Drew calls this 'strategic avoidance.' But in general, it is understood that lawyers have more opportunities to advance their agendas than witnesses.

Witnesses also have some control in the way in which they present the information, as Berk-Seligson points out (2002). They, for example can make choices about the representation of knowledge status (i.e. epistemic modality and evidentiality). Witnesses can make choices about naming and wording. Danet (1980) offers the example of the selection between the words 'baby' vs 'fetuses'. In the Cerro Maravilla case police agents and some Senators refer to the two men killed as 'terrorists', while the investigator, several senators and other witnesses refer to them as 'young men'.

Witnesses also can make decisions about incorporating and representing other voices. This is the case of reported speech, which is always more than just a report of something said. It is also a comment on what is and an opportunity to express affect. This can be done through prosodic features. Moreover, it is not always expected that the reported speech is completely accurate. For this reason, Tannen (1989) prefers to call it 'constructed dialogue'. However, the problem for witnesses is that these strategies can be questioned by the lawyer because the lawyer

will always have the opportunity of asking further questions. Moreover, these strategies are also available to lawyers.

3.5.1 Four Implications for this Study of the Literature Reviewed

From the literature reviewed we can conclude several things. First, the pre-assigned roles of participants in trials create an asymmetry between lawyers and witnesses in terms of access to resources for advancing a version of events. This asymmetry is exploited by lawyers. Second, identities, even in conditions of interactional disadvantage, are co-constructed. Whatever identities we want to construct for ourselves and others have to be negotiated -although the conditions for the negotiation are unequal-, let them be the interactants or the audience. Third, linguistic ideologies have a direct impact in legal procedures. Fourth, speakers with their load of interests, bring into the legal process different ideologies.

Courts are not the only places where ideologies have an impact, but they are places where ideologies are maintained, reinforced, articulated. Moreover, courts are places where ideologies acquire legitimacy, and social practices of all kinds are reinforced or discouraged. All this is done without a public recognition of the role of ideologies -under the name of due process, laws, personal styles, and so on-, and is primarily done (although not exclusively) through language.

A law will always have an ideological dimension: a conception of what can be done and what cannot be done, what is fair, and what is not. The procedures, the limitations and the possibilities that they impose upon participants of the process are based themselves in ideologies. Their application is also based in ideologies. The ideologies of the judges, the ideologies of the jury, and the effectiveness of lawyers to draw on the ideologies of the jury also find their way into legal procedures through the realities constructed by language.

3.5.2 A Note on the Cerro Maravilla Hearings

The Cerro Maravilla hearings, despite sharing many characteristics with a trial, were not a trial, but a legislative investigation carried on by a political body (i.e. the Senate) about potentially criminal acts. The hybrid nature of the speech event offered resources to the investigator and the witnesses that are not available in the same way in a trial.

4.0 HISTORICAL BACKGROUND

4.1 INTRODUCTION

The Cerro Maravilla events did not occur in a vacuum. They were part of an ongoing struggle between governmental authorities –Puerto Rican and American- and independence supporters. The confrontations between them have a long and bloody history through the 20th century. In order to understand the Cerro Maravilla and the discourses that are juxtaposed in the case, we must look at that troubled history.

The various factors at play during the 20th century history of the Smallest of the Greater Antilles include the following: the early attempts to Americanize the Island; the vast powers exerted by the United States over Puerto Rico; the lack of Puerto Rican sovereignty; the absence of control of the future; the contradictory messages sent by the United States government; the repression of the independence movement; the economic dependence on the United States; local policies of cultural nationalism while permanent union with the United States is claimed; the grant of citizenship without the right to vote; the massive population of Puerto Ricans living in the United States; the large amount of money assigned by the United States authorities to Puerto Rico; the improvement in the material conditions on the Island including health, education, and welfare; the indecision of the Puerto Rican people about the relationship with the United States.

The Cerro Maravilla events were related to many of these circumstances. Nina Estrella (2001) points out that the people of Puerto Rico bears some responsibility for the Cerro Maravilla events because a climate of intolerance was allowed to become a normal state of affairs. The persecution of independentistas was hardly a secret in the country. Parents knew it and tried to discourage ideas of independence at home. They were afraid of the consequences of their children being associated with the pro-independence groups.

In this chapter, I briefly summarize relevant aspects of Puerto Rican history. I begin at the turn of the 20th century with the invasion of Puerto Rico by the United States Army. I include sociopolitical aspects of that history, including the relationship between Puerto Rico and the United States and the struggle for independence on the Island until 1978, the year in which the Cerro Maravilla events took place. Also, I present the police version of the Cerro Maravilla events and the version that resulted from the 1983 Senate investigation, as well as the political climate during the hearings. At the end, I describe the stated purpose of the investigation and its procedural organization.

4.2 BEFORE THE INVASION

Puerto Rico was a colony of Spain from 1493 to 1898. During the 19th century it was a poor colony with an agricultural economy based on cane sugar from 1820 to 1876 and on coffee from 1876 to 1898 (Scarano, 1993, p. 461). The coffee period was productive for the Puerto Rican economy (Scarano, 1993, p. 466), but the benefits of this economic bonanza did not reach the

masses (Scarano, 1993, p. 475). The *hacendados*⁷ took advantage of the system, resulting in the stripping of small landowners of their lands in the mountainous areas of Puerto Rico. The masses were impoverished while the *hacendados* grew rich during this period (Scarano, 1993, pp. 471-477).

By the last quarter of the 19th century, Spain had lost the vast majority of its colonies in America. Cuba and Puerto Rico were its last remaining colonies. The creole elite in Puerto Rico was unhappy with the management of the colony. After more than 350 years of Spanish sovereignty, the rule of law still favored Spanish subjects born in Europe over the Puerto Rican born. It was a strict and arbitrary regime that was intensified after 1876 (Scarano, 1993, p. 515).

While Cuba was decidedly fighting for its independence, in Puerto Rico, the political leadership was mostly inclined toward more autonomy from Spain but without requesting for independence. The independence movement in Puerto Rico had been repressed effectively, but in September 1868 a group of Puerto Ricans took over the town of Lares, in the mountainous area, and declared the Island independent from Spain. Although the revolt failed, it served as a point of reference in the collective imagination. This revolt became known as *El Grito de Lares* (literally ‘The Shout of Lares’ or ‘The Lares Revolt’). Violence erupted in rural zones, first against Spanish born *hacendados* and later against *hacendados* in general (Picó, 2004).

Spain was concerned with the potential loss of its colonies. As an attempt to keep them, they offered a political reform. The Autonomic Charter (1897) offered certain autonomy to the colonies and granted them the same rights as Spanish subjects, including the right to vote to all males 25 years old and older. Cuba rejected the Autonomic Charter, but Puerto Rico accepted it. The autonomous government began on July 17, 1898 (Trías Monge, 1999).

⁷ *Hacendados* were the owners of the *haciendas*.

On July 25, 1898, the United States invaded the Island through the Bay of Guánica, which is on the south coast of Puerto Rico, as part of the Spanish-American War. The United States Navy had already attacked San Juan on May 12. The Spanish Army was not prepared to defend the Island and did not receive strong support from the population. Consequently, the invasion was relatively easy.

4.3 THE FIRST THREE DECADES UNDER AMERICAN FLAG

As a consequence of this war, Puerto Rico was ceded to the United States by Spain. The accord between the two nations (The Treaty of Paris) also ceded Guam and Philippines to the United States and agreed to Cuba's Independence. The Creole elite in Puerto Rico had lost the autonomy that they had just obtained.

After the armistice, Puerto Rico was under military rule for two years. From 1898-1899, violence was common, particularly in the rural areas. Small landowners and landless workers first attacked Spanish landowners and, later, *creoles* landowners. In 1899, a hurricane provoked great devastation, and the people turned to the military authorities for help (Picó, 2004).

Many creole politicians admired the United States, its institutions, and its discourse of liberty and justice. Many thought that the invasion would lead to the admission of Puerto Rico as a state of the union. However, this was not going to be the case.

In 1900, Congress approved the Foraker Act, which provided a civilian government, although the governor was appointed by the President of the United States with the advice and consent of the United States Senate. Under this law, an Executive Council was created. It was composed by the heads of six departments created by the law –and appointed by the President of

the United States- and five citizens who had to be born in Puerto Rico. This Council constituted one of two legislative chambers. The other legislative chamber was the House of Delegates, which had thirty five elected members. These members had to be able to write and read in English or Spanish. They also had to own property subject to taxation. At any moment, United States Congress could annul any law approved by the legislature. There was also an elected Resident Commissioner who represented Puerto Rico before executive departments in the United States. There was no Puerto Rican representation in the Congress (Trías Monge, 1999, p. 42).

In terms of the citizenship, under the Foraker Act, the people became “citizens of Puerto Rico”, and no provision was made about the right to travel to the United States, although later, the courts decided that such a right existed (Trías Monge 1999, p. 43).

The Supreme Court of Puerto Rico exerted the judicial power. Judges were to be appointed by the President with the advice and consent of the United States Senate. Lower court judges were to be appointed by the governor with the advice and consent of the Executive Council. Decisions from this Supreme Court could be appealed in the United States Supreme Court. A Federal Court also existed under this law, and its proceedings had to be conducted in English.

All the United States federal laws were extended to Puerto Rico, including those related to coastal shipping. These laws forced Puerto Rico to employ American cargo ships to transport goods between Puerto Rico and the United States, effectively eliminating the possibility of using cheaper foreign carriers (Trías Monge 1999, p. 43). In his analysis of the meaning of the Foraker Act, Trías Monge’s says that “Puerto Rico lost the right to government by consent of the governed” (p. 43).

The American authorities saw assimilation as a necessary step for the development of the Island (Guerra, 1998; Clampitt-Dunlap 1995; Negrón de Montilla, 1975; Fernández Vanga, 1931). The governor of Puerto Rico, appointed by the President of United States, published a government circular requiring local teachers to learn English. The United States government was interested in facilitating the understanding between Puerto Ricans and the colonial authorities. The imposition of English to the whole population was conceived as a fair way to do this and the government established a preference for Anglophone teachers from the U.S mainland (Barreto, 1998, p. 88).

Victor S. Clark, who established the first language policy under American rule in the early years of occupation, said that “If we Americanize the schools and inspire the American spirit in teachers and students... the Island will in turn show sympathies, points of view and attitudes... essentially American.” (Clampitt-Dunlap, 1995)

The American authorities attempted to use the same mechanisms in Puerto Rico that they applied to Americanize and teach English to immigrants in the mainland and did not considered important factors that made the situation of the Island totally different. The sociolinguistic reality was not taken into account. The decision was imposed unilaterally, in a time when the population did not perceive any need to learn English. There were not enough teachers to teach English, and this language was not used in any context for most of the population. The contradictions between the United States authorities’ desire to Americanize Puerto Rico and the circumstances that surrounded that effort created a chaotic chain of language policies. Clampitt-Dunlap (1995) identifies eight changes in the language policy from 1898 to 1949. The attempts to Americanize created a staunch defense of the Spanish language particularly among intellectuals and teachers.

The control exerted by American authorities and the limitations of the Jones Act caused disillusionment with the government, generating a realignment of the political forces in Puerto Rico. The Autonomist Party abandoned statehood as a desirable agenda and embraced an autonomist agenda. Part of the leadership of this party gravitated toward independence. The Republican Party continued to support the statehood for Puerto Rico.

The United States Congress approved the Jones Act in 1917. This law granted American citizenship collectively to all Puerto Ricans. It was possible to reject individually the citizenship, but rights would be lost if that option was exercised, including the right to vote and to run for public office. The Puerto Rican elected legislative body unanimously opposed the American citizenship without other political rights. In Trías Monge's assessment of the Jones Act, he expresses that it was "a modest step forward on the long road to self-government" (p. 75). Under this law, the Governor was still appointed by the President of the United States. Although the Senate was then elected, the Governor had veto powers, and in the eventuality that the Legislative Assembly was able to override the governor's veto, the President of the United States would decide the matter. Congress could legislate for Puerto Rico and had the authority to annul any law passed by Puerto Ricans. The Supreme Court justices of Puerto Rico were appointed by the President. The decisions of this court could be appealed to the Court of Appeal of the First Circuit. Decisions of this court could then be appealed to the Supreme Court.

The granting of American citizenship strongly suggested that Puerto Rico was not being groomed for independence and obviously not on the route to becoming a state of the Union. In Trías Monge's words "It exacerbated the feelings in favor of independence and, in spite of clear expressions on the contrary, it encouraged those who thought that statehood was Puerto Rico's allotted fate." (p. 76) In any case, the people of Puerto Rico were not consulted. Besides the

granting of citizenship, the Jones Act was silent in terms of the relationship between Puerto Rico and the United States.

The supremacy of agriculture as the main economic activity in Puerto Rico did not change during the first decades of American rule. However, the beneficiaries of the agricultural activities changed. Coffee faced challenges in the American markets. Many countries had access to the American market, and Puerto Rican coffee had to compete with those countries. Sugar and tobacco, on the other hand, had advantages in the American markets. Absentee capital controlled most of the lands and sugar became the most important product of the Puerto Rican economy, displacing coffee growers that were an important part of the creole elite. Despite the great infusion of capital from American companies, the masses continued to be dispossessed.

4.4 THE TURBULENT DECADE OF THE 1930'S

The Nationalist Party (NP) was founded in 1922, and in 1930, a charismatic leader, Pedro Albizu Campos, became president of the party. Albizu was a Harvard graduate who earned several distinctions at that institution. He had also served in the United States Army. The party went to elections in 1932, but only received 5,257 votes out of 452,738 votes. Albizu, as candidate for the Senate obtained more than 10,000 votes. After the poor showing of the Nationalist Party in the election, they decided to reject the electoral process and become more radical. In the 1930's, Albizu's speeches became more combative, denouncing American colonialism. Albizu's nationalism emphasized Hispanic heritage and Catholicism as defining traits of Puerto Rican identity. One of his most famous quotes is *La Patria es valor y sacrificio* (Motherland is valor and sacrifice). By 1935, the party was openly recruiting for the Liberation Army.

According to Fishman (1989, p. 121) social changes create a need of re-establishing group identity. The situation described above created then the conditions for the articulation of a national identity: the U.S. invasion stripped the creole elites of their social and economical prominence, and the policy of Americanization was perceived as a threat to the survival of the Puerto Rican culture, particularly the language.

The elites were crucial catalysts in creating awareness and substance of a broader politico-cultural unity and authenticity. These elites took some preexisting materials and shaped them with their own interests and biases (Fishman, 1989, p. 121). In Barreto's words "They (the Puerto Rican elites) initiated a new process of ethnic boundary articulation, one that defined the parameters of cultural and political discourse in the twentieth century" (2001, p. 7).

The intellectuals in the 1930's initiated a debate about national identity with Antonio S. Pedreira as the most transcendent figure in that debate. In his book *Insularismo: Ensayos de Interpretación Puertorriqueña*, Pedreira (2001) says that the essence of Puerto Rican identity is Hispanic⁸. In order to define Puerto Rican identity, as opposed to the American identity, he recurs to the Iberian heritage. Pedreira and others idealized a Spanish past that was less than happy for the masses but that was useful for the purposes of the creole elites.

Pedreira declares that the *jíbaro* is "la raíz de nuestra cultura" ('the root of our culture') (Pedreira, 2001, p. 159). The *jíbaro* has been represented traditionally as a white male peasant that lives in isolation, rejecting the American influence. Although Pedreira recognizes the heterogeneity of the population, he considers it a problem: "The Spanish element founded our culture, and it merges with the other races –black and taíno. From that fusion comes our confusion." (Pedreira, 2001, p. 45)

⁸ By Hispanic he means coming from Spain.

López-Baralt (2001, pp. 195-8) summarizes Pedreira's account of positive and negative features of our psyche. Pedreira says that Puerto Ricans are docile, indecisive, and fearful, with propensity towards rhetoric. He also says that Puerto Ricans had defended their rights against Spain and that Puerto Ricans were creative and supportive with other Latin Americans. He also mentions that Puerto Ricans have a particular way of speaking, and he identifies some lexical, phonetic and tonal features: the uvular r (similar to the French r), *yeísmo*, *seseo*, velarization of n in final position, aspiration of j ($x > h$), aspiration of s at the end of a syllable ($s > h$), a particular tone, different from that of Spain and other Latin American countries, and many regionalisms.

Pedreira's work was very influential despite his hispanophilia and racism, becoming part of the literary canon of the Island. When I say influential, I am not saying that everybody agreed. He was also influential because he caused reactions from other intellectuals such as Tomás Blanco, Isabelo Zenón Cruz, José Luis González, Juan Flores, and others, who emphasized Puerto Rican black heritage, the popular culture, the influence of Puerto Ricans in the United States and the influence of American culture on Puerto Rico.

Guerra (1998, p. 14) using Florencia Mallon's definition of hegemony, explains how Puerto Rican national identity appropriated the *jíbaro* as its central myth, and she analyzes the survivability of the myth in the hearts of elite and nonelite Puerto Ricans over space and time. According to Mallon's definition, hegemony is "a continuous process through which power and meaning are contested, legitimated, and redefined at all levels of society." But hegemony is also an end point "because (it) is the result of hegemonic process." (Mallon, 1995, quoted on Guerra, 1998, p. 14)

Guerra (1998, p. 15) points out that the *jíbaro* myth was liberating and confining at the same time. It was liberating because it valorized the role of the popular classes (this role is

interpreted in different ways depending on one's position in the social hierarchy). It was confining because it ignored the reality of the Puerto Rican peasantry and marginalized alternative identities (Afro-Latino, female, etc).

Tomás Blanco (1981) also tried to explain Puerto Rican identity. For this author, Puerto Rican identity was in development when the United States invaded the Island. This development was disrupted by the invasion. Albizu Campos narrowed it down. For him, Puerto Ricans had two identity options: Yankees or Puerto Ricans.

The 1930's was a period of social unrest. If the masses were dispossessed during the first three decades of American rule, the Great Depression made things worse. Unemployment reached 65%. The NP became more radical. The first open confrontation between Nationalists and the police occurred in 1935. In this year, Albizu Campos accused the university students of being effeminate snobs and not doing anything about the United States occupation of the Island. The students convoked an assembly to censure Albizu, but the members of the NP went there with the apparent intention to break up the assembly. The police intervened, and four members of the NP were killed as well as a bystander. One Nationalist and one policeman were also seriously wounded.

Albizu Campos and the labor movement attempted to create ties between them. In the 1930's many strikes erupted, but workers were disappointed by the Socialist Party (SP) to which many of them were affiliated. The SP in Puerto Rico has a singular history. The party was founded in 1915 and many labor workers supported it. Since unions were accepted in the United States, the colonial government accepted the Puerto Rican unions. On the other hand, political leaders from the Liberal Party (LP), that supported independence, had defended the landowners' interests rather than the interests of workers. Therefore, workers did not see independence and

social justice as necessarily tied. The SP made alliances with the American Federation of Labor (AFL) and its leader, Samuel Gompers, who became a major influence in the workers movement in Puerto Rico. Like the AFL, unions in Puerto Rico became reformist and abandoned radical strategies, preferring negotiations to strikes. Also, the SP supported Americanization and statehood for Puerto Rico. To add to the particularity of the SP, its most prominent leader, Santiago Iglesias Pantín was not Puerto Rican, but Spanish born. In summary, the SP was reformist and pro-Americanization.

Under these conditions –acceptance by the United States authorities, attack from independence and even autonomy supporters, favorable laws under the American system, association with the American Federation of Law- many workers gravitated towards the SP. However, in the 1930's the reformism of the SP became a source of disillusionment among workers who wished a more radical approach. After the eruption of strikes around the Island, workers invited Pedro Albizu Campos to lead their causes. Albizu went to meetings and rallies, but the relationship between nationalists and socialists never got traction. The Nationalist discourse of the Motherland as valor and sacrifice and the socialist discourse of justice for the workers did not meet. Nationalists and workers would take separate roads (Scarano, 2008, p. 559).

In 1936, the Chief of Police, E. Francis Riggs was killed by Hiram Rosado and Elías Beauchamp, two members of the Nationalist Party. Albizu and other leaders of the party were accused of being involved in a conspiracy to overthrow the United States government by force, insurrection against the authority and the laws of the United States, and conspiring to recruit soldiers to engage in armed confrontation with United States. The grandfather of Arnaldo Darío

Rosado, one of the men killed on Cerro Maravilla, was also incarcerated, accused of recruiting soldiers for the Liberation Army (Suárez, 2003, p. 15-16).

The trial against Albizu Campos began on July 13, 1936. The result was a hung jury divided strictly between Puerto Ricans and Americans. A second trial began two weeks later. The jury was composed of ten Americans and two Puerto Ricans. He was found guilty and sent to a jail in Atlanta.

The NP organized a parade for March 21, 1937 in the city of Ponce. The Cadets of the Republic planned to march, although they did so with wooden rifles. They requested authorization for the parade, and it was granted by the mayor of the city. Minutes before the beginning of the march, the authorization was revoked, but they decided to continue with their plan. Police agents surrounded the protesters and a shooting started. Twenty people died; two of them were policemen. More than 150 people were wounded. This became known as *La Masacre de Ponce* (The Ponce Massacre). The next year, nationalists attempted to kill Governor Blanton Winship, who they regarded as the responsible for the Ponce Massacre. They failed, but they killed the Commander of the National Guard (Suárez, 2003, p. 19).

4.5 THE 1940'S: THE RISE OF THE POPULAR DEMOCRATIC PARTY

The 1940's were characterized by the consolidation of the Popular Democratic Party (PDP) as a party of the masses, a change in the economic structure and the relative quietness of the nationalist movement. The Popular Democratic Party was founded in 1938 after a division in the Liberal Party (LP). The most prominent leader was Luis Muñoz Marín, the charismatic son of one of the most important political leaders at the turn of the century. He was a journalist and

poet who spoke English with the same ease that he spoke Spanish. He studied at Georgetown University and was part of the literary circles in Washington D.C. He spoke clearly with simple phrases that everybody could understand.

Although the Liberal Party had independence in its platform, and Muñoz Marín was a well known independence supporter, the PDP never had independence as a goal, even though many of the leaders of the party were independence supporters. Instead social justice was its main goal. Of particular interest was the possession of large tracts of land by sugar companies owned and controlled by absentee capital.

The PDP began with a populist campaign, and the masses responded. The campaign was directed in its beginnings to the peasantry, and Muñoz was able to captivate their imaginations. The PDP emphasized agrarian laws that created popular support among the rural peasant population (González Díaz, 1999, p. 24). As González Díaz points out, this does not mean that the party was only interested in this population. They also tried to appeal to other sectors, particularly wage earners in rural and urban areas. He used to go around the Island and talk to the people. The flag of the party had (and still has) the profile of a *jíbaro* and the words *Pan, Tierra y Libertad* (Bread, Land, and Freedom). In his *Memorias*, Muñoz Marín identifies the *jíbaros* as the source of his mandate and as the moral authority behind him: “The faith of those *jíbaros* in the democratic doctrine had moved the mountains of Puerto Rico; it had transferred the moral authority of the public power to the most helpless class in the colony.” (1982, p. 4)

The platform of the PDP included the following policies: the application of a law that limited land ownership to 500 acres; the designation of sugarcane companies as public service industries, limiting the absentee proprietorship; the promotion of farmers’ cooperatives; the

distribution of land for housing; the support for labor organizations; and the expansion and modernization of the infrastructure, particularly in the rural areas.

After 1944 the PDP began to change the emphasis towards industrialization and the need to generate industrial employment for the unemployed population. The importance of the peasantry was diminished, although it would maintain its importance as an electoral base until the 1960's and its symbolic importance for ever longer (González Díaz, 1999, p. 26).

As the economical and social reality changed, the programmatic priorities of the PDP changed too, adjusting a populist approach to the new population that was leaving agriculture in favor of industrial employment. The rural areas began to lose importance, but the mystique of that first campaign accompanied the PDP for a long time.

Muñoz Marín's political vision changed during the 1940s, as did his strategy to fight poverty (Scarano, 2008, p. 582). Instead of independence, Muñoz Marín proposed autonomy based in a permanent union with the United States. In terms of the economic development of Puerto Rico, he would promote industries based in imported capital -particularly American-engaged in exportation.

Muñoz Marín's turn to a permanent union with United States provoked disillusionment among many of the pro-independence leaders of the PDP. In 1946, a group of these leaders founded the Puerto Rican Independence Party (PIP) under the leadership of Gilberto Concepción de Gracia. In contrast with the Nationalist Party, the PIP was strictly legalist and participated in elections.

4.6 THE RETURN OF THE NATIONALIST PARTY AND THE CONSTITUTION

Albizu Campos returned to Puerto Rico in 1947 after being imprisoned in Atlanta and living in New York. In 1998, Law 53, also known as *La Ley de la Mordaza* (The Muzzle Law), was approved by the Puerto Rican legislature with Muñoz Marín's approval. Under the Gag Law, it was a felony

to encourage, defend, counsel, or preach, voluntarily or knowingly the need, desirability, or convenience of overturning, destroying or paralyzing the Insular Government, or any of its political subdivisions, by way of force or violence; and to publish, edit, circulate, sell, distribute, or publicly exhibit with the intention to overturn... as well as to organize or help organize any society, group, or assembly of persons who encourage, defend, counsel, or preach any such thing, or for other ends. (quoted on Acosta Lespier 2005, p. 59)

This law effectively dissuaded not only nationalists but also other pro-independence groups from pursuing independence. In 1950, the law would be used against Pedro Albizu Campos.

The United States Congress approved Law 600 in 1950 which provided for the organization of a constitutional government by the people of Puerto Rico. Once written, the constitution then had to be approved and edited by the United States Congress. One particularly problematic line was "this Act is now adopted in the nature of the compact" (Trías Monge, 1999, p. 111). The Popular Democratic Party maintained that this line means that the law had the force of a bilateral agreement, and therefore, it must be respected as such. The PDP hoped to finish the discussion about the relationship between Puerto Rico and the United States once and for all. The United States was interested in removing Puerto Rico from the United Nations' list of non-self-governing territories by allowing Puerto Rico to institute its own self-governing constitution.

Law 600 alarmed the Nationalist movement because it was seen as an attempt to perpetuate the colonial condition of the Motherland. On October 30, 1950, they revolted in seven

towns, taking the town of Jayuya. They burned the police headquarters in that town as well as other buildings, and also killed several policemen. The same day, five Nationalists tried to kill Governor Luis Muñoz Marín in the governor's mansion. Four of the Nationalists were killed and one was injured. Two police officers were wounded. The final death toll of the uprisings was sixteen Nationalists, one National guardsman, seven policemen, and four non-combatants.

Two days later, two Nationalists tried to kill President Harry S. Truman in the Blair House where President Truman was living temporarily because the White House was being remodeled. One of the men, Griselio Torresola, died in the attack. The other, Oscar Collazo, was wounded. A Secret Service agent also died in the attack.

After these events, more than one thousand people were arrested, even if they were not involved in any overt act, under the local *Ley de la Mordaza* (Muzzle Law). Again, the grandfather of Arnaldo Darío Rosado, who was one of the two men killed on Cerro Maravilla, was also incarcerated (Suárez, 2003). Under the Muzzle Law Albizu was sentenced to 54 years in prison for twelve speeches that he gave (Acosta Lespier (1993).

In 1952, Puerto Rico -with the approval and editing of the United States Congress- adopted a constitution that established the Commonwealth of Puerto Rico. Under this arrangement, Puerto Rico could pass its own laws as long as they did not conflict with those of the United States. The Commonwealth would administer health, language, housing, taxation, and other programs, but the United States retained jurisdiction over most state affairs, including defense, immigration, customs, citizenship, currency, transportation, communication and foreign trade (Duany, 2002). In summary, the constitution provided for the internal organization of the local government, but it did not say much about the relationship between Puerto Rico and the United States. The independence supporters and the statehood supporters considered it a “farce.”

Muñoz Marín was re-elected that same year by a landslide and the relatively new Puerto Rican Independence Party became the major opposition party.

In 1953, Albizu was pardoned by Governor Muñoz Marín due to an illness, but on March 1, 1954, four Nationalists attacked the U.S. Congress. Five congressmen were wounded (Scarano, 1993, p. 779), and Albizu Campos was incarcerated again because he was suspected of being the mastermind behind the attack to the Congress. In 1956 he suffered a stroke. He would stay in confinement until shortly before his death in 1965. After the attack on the U.S. Congress, and with Albizu Campos incarcerated, the NP became less active.

During the 1950's, Muñoz Marín called his government efforts to rescue the Island's traditional culture "Operation Serenity." It was the counterpart to Operation Bootstrap, which promoted Puerto Rico's industrialization (Duany, 2002, p. 123). As part of Operation Serenity, Muñoz Marín administration created the Institute of Puerto Rican Culture (IPRC) under the direction of Ricardo Alegría. He was an upper class anthropologist who personally preferred Puerto Rican independence, but who also embraced the PDP's cultural nationalism. The IPRC was devoted to "the conservation, enrichment, and diffusion of national culture" (Alegría, quoted on Duany, 2002, p. 129).

Alegría was the director of the IPRC from 1955 to 1973. He played a pivotal role in the formulation and implementation of cultural policies. For Alegría, the essence of the Puerto Rican culture consisted of a harmonious integration of aboriginal, Spanish and African traditions that existed prior to the U.S. invasion in 1898. Also, he argued that the basic source of Puerto Rican identity was Hispanic and that the Spanish language should be the primary language of instruction in public and private schools (Duany, 2002, p. 130).

From its beginning, the IPRC focused primarily on high culture, although it supported a wide range of popular practices as well (Duany, 2002, p. 130). In the 1970's, the institution began to give more prominence to folklore. In this period, peasant music, folk dances and folk arts became the backbone of IPRC programming. This focus on folklore persists to the present day (Dávila, 1997, p. 64). The contribution of African and Taíno (indigenous) elements are recognized as constituent elements of Puerto Rican culture, but their respective contributions are ultimately downplayed in comparison to those of Spanish origin (Dávila, 1997, p.71).

Dávila points out an overt bias in favor of Spanish heritage as the most salient influence on Puerto Rican culture. The *jíbaro*, although it is represented as the Puerto Rican *par excellence*, is usually portrayed as a white male whose main influence come from his Spanish ancestors. According to Dávila (1997, pp. 71-72) the *jíbaro* exhibits some indigenous characteristics, but African heritage is never acknowledged or emphasized, nor is a female gender identity.

The cultural nationalism exhibited by the PDP did not have independence as a goal, but it had other political goals. Duany (2002) points out the advantages that the PDP obtained from its cultural nationalism:

Cultural nationalism was a politically opportune movement in Puerto Rico during the 1950s. It served to carve out a sphere of cultural autonomy for the newly established Commonwealth, projecting its local and international image as a postcolonial pact with the United States. It served to co-opt pro-independence sympathizers, including much of the Island's intellectual elite, who believed in a distinctive national identity. It served to detach the political from the cultural implications of asserting such an identity and thus to allay the fears of pro-statehood supporters. And it served as an effective discursive practice against cultural and linguistic assimilation should the Island become the fifty-first state of the Union. Thus, the adoption of cultural nationalism by the Commonwealth was a clever political strategy by the new ruling elite, in which members of the Creole intelligentsia played a prominent part. Its popular appeal was undeniable, as a way to undo much of the colonial depreciation of local knowledge during the first half of the twentieth century. (Duany, 2002, p. 134)

Duany (2002, p. 124) points out that although cultural nationalism is usually a small-scale movement, in Puerto Rico this nationalism has acquired a massive following, and this phenomenon still waits for an explanation.

Since 1956, the pro-statehood movement increased its base. The pro-statehood Republican Party –in Puerto Rico- adopted a populist message, and Luis A. Ferré emerged as the new leader of the Party. Scarano (1993, p. 780) explains that the growth of the statehood supporters was a paradox for the PDP. The social forces that were the product of the process of industrialization and modernization, created under the auspices of the PDP, were turning to statehood because they thought that the statehood would be the best guarantee of the style of life that they had acquired. Pro-statehooders claimed that the PDP was trying to separate Puerto Rico from the United States. They maintained that the Commonwealth could not ensure a permanent relationship with the United States and the only political option that would ensure this permanent relation was to become a state of the union.

The PDP administration, with the help of federal funding, constructed housing projects throughout the Island that greatly improved the conditions of the poor people. But the housing project created among the poor a sense of being separated from their roots, which eventually created resentment against the government (Scarano, 1993, pp. 780-1). The statehood movements capitalized that resentment and the NPP could create a party of masses.

Scarano explains that the social transformation experimented by Puerto Rico created new political alignments. Some middle class groups considered statehood as a guarantee for their newly acquired way of life that followed the patterns of consumption and recreation of the United States (p. 636). A new proletariat emerged that was dependent on welfare, and statehood

seemed to be a way to ensure that the poverty experienced during most of the first half of the 20th century would not return.

While pro-statehood sentiments were growing, the independence movement was entering in a phase of weakness and divisions. In the 1956 election, the PDP obtained 63% of the votes, two percent less than in 1952. But the Partido Estadista Republicano (Republican Statehood Party) went from 13% in the 1952 election to 25% in 1956. The Puerto Rican Independence Party (PIP) saw its base diminishing from 19% of the votes in the 1952 election to 12% in 1956.

The independence movement had always lacked cohesion. One important point of friction was the conservatism of some leaders who emphasized traditional values such as Catholicism and Spanish heritage, while others were more concerned with social justice, which they conceived as reachable only through independence. Another issue that divided independence supporters was related to the necessary tactics in order to achieve independence. Some leaders, like Concepción de Gracia, believed that the electoral process was the appropriate approach, while others, like Juan Mari Bras, did not rule out armed activities if necessary.

After the disastrous results of the 1956 election, there was a rift in the PIP and in 1959 the Movimiento Pro-Independencia (Pro-Independence Movement) was founded. This movement adopted a Marxist and anti-colonial stance. It later became the Puerto Rican Socialist Party⁹. Alejandro González Malavé, the undercover agent involved in the Cerro Maravilla case would later infiltrate the PSP as an informer.

The Pro-Independence Movement (MPI) opposed colonial elections, organized support cells for labor unions, published the weekly newspaper *Claridad*, created chapters in the United States, had close ties with student organizations such as the Federación de Estudiantes Universitarios Pro-Independencia (Federation of University Students for Independence), worked

⁹ Do not confuse with the Socialist Party that existed in the first quarter of the 20th century.

to create awareness about the colonial condition of Puerto Rico with the help of Cuba, demanding in the United Nations the Puerto Rican right to self-determination (Scarano, 2008, p. 639).

The world was in the midst of the Cold War and shortly after the Cuban revolution the MPI was adopting a Marxist agenda. The Federal Bureau of Investigations (FBI) closely watched the MPI. Particularly targeted was one of its leaders, Juan Mari Bras. J. Edgar Hoover, the director of the FBI wrote a memorandum in 1960 in which he suggested that the local office in Puerto Rico should adopt ‘dirty tricks’ against the *independentistas* (Suárez, 2003, p. 331).

4.7 THE RISE OF THE PRO-STATEHOOD MOVEMENT AND THE COLD WAR

In 1964, Muñoz Marín did not run for governor, but one of his closest advisors and Secretary of State, Roberto Sánchez Vilella ran with his support. Sánchez Vilella won the 1964 election with 59% of the popular vote. Three years later, a local plebiscite was carried out concerning the relationship between Puerto Rico and the United States. The options given at the plebiscite were statehood, commonwealth, or independence. The pro-statehood Republican Party and the Puerto Rican Independence Party called for abstention, but dissidents in the Republican Party campaigned for statehood. The Commonwealth obtained 60.5% of the votes, while statehood obtained 38.5%. Independence obtained less than 1% of the votes. Far from assuring the position of the commonwealth as a permanent status, the referendum demonstrated the growth of the pro-statehood stance in Puerto Rico.

After the plebiscite, there was a rift in the Republican Party, and Luis A. Ferré and many of the most prominent leaders founded the New Progressive Party (NPP) in 1967. The NPP

turned to a new populism that appealed to the unemployed and the poor. During the 1960's, Luis A. Ferré coined the concept of “*estadidad jíbara*” (“*jíbara* statehood”). The idea was that Puerto Rico, if it became a state of the Union, would not lose its culture and language. The supremacy of the PDP was about to end.

Internal frictions between Muñoz Marín and Sánchez Vilella created a division in the PDP. Muñoz Marín backed another candidate for governor, which meant that Sánchez Vilella would not be the candidate of the PPD. Consequently, Sánchez Vilella abandoned the PDP and ran as the candidate for the newly created People's Party (PP), becoming its candidate for governor. In 1968, the PDP candidate was Luis Negrón López. The PDP obtained 41% of the votes. Sánchez Vilella obtained 12%. The NPP obtained 44%. The PDP lost its first gubernatorial election since its creation.

During the 1960's, although Puerto Rico was becoming more urban and industrialization was gaining momentum in the 1950s with a GDP growth, the inequalities persisted. From 1959 to 1969, 50% of the families had 15% of the wealth, while the top 10% of the families had the 35% of the wealth. Agriculture continued its relative decline against manufacturing. The Puerto Rican government promoted emigration to the United States as a way to deal with the population growth.

The NPP began to remove the Popular Democrats and *independentistas* from the University of Puerto Rico, the Institute of Puerto Rican Culture, the Division of Community Education, the government television station, and other agencies, creating animosity among *independentistas* towards the NPP (p. 24). Violence grew during this period. Suárez describes the situation: “Bombs in the U.S. owned chain stores became more frequent and more potent.

Hardly a month went by that a store was not gutted by fire. The fires were almost always timed to do a maximum of damage to property but when no one was in stores.” (Suárez, 2003, p. 25)

In 1969, a bomb exploded in Juan Mari Bras’ car, and a right wing group claimed responsibility. That same year, Hoover approved a plan to promote the rumor that Mari Bras was having a love affair with the stranded wife of another *independentista* leader.

The end of the 1960s and the beginning of the 1970s were marked by university student protests at the University of Puerto Rico. The main concern of students at that time was the on campus presence of the Reserve Officer Training Corps (ROTC). The statehooders wanted to keep the organization on campus. Clashes between ROTC members and students opposed to the program occurred during this period. On March 4, 1970, a stone-throwing fight began. The police intervened, and a young *independentista*, Antonia Martínez, was killed while she watched the events from a balcony off the campus (p. 25).

The next year, there was a commemoration of that death, and another rock-throwing battle began. One ROTC cadet, Jacinto Gutiérrez Jr., was killed. The police intervened again, and the Riot Squad commander, Juan Birino Mercado, and a policeman, Miguel Rosario, were killed (Suárez, 2003, p. 26). The reaction of the NPP was combative. In Suárez’s words,

The party carried out its struggle on behalf of statehood with the zeal of a holy war, smiting all real or imagined opponents who stood in the way. The real enemies became more combative and some of the imagined opponents . . . became real ones. (Suárez, 2003, p. 26)

In 1972 the PDP regained power with Rafael Hernández Colón as governor. He received the support of Luis Muñoz Marín. During 1972 and 1973 right wing groups placed bombs in the consulates of Venezuela, Peru and Argentina, as well as in the headquarters of the Puerto Rican Socialist Party and the Roberto Clemente Coliseum while the Cuban basketball team was playing. Bombs were also placed in the Puerto Rico Bar Association, in two movie theaters that

showed Cuban films, and in the headquarters of Mexicana de Aviación, an airline that announced tentative plans to travel to Cuba.

It is in this period that the undercover agent that was involved in the Cerro Maravilla case began to work with the police as informant. He was recruited by agent Carmelo Cruz when he was only sixteen years old. Early in 1974, the then informer joined the Federation of High School Students for Independence, a school organization that promoted independence among high school students. The next year, Alejandro González Malavé attended to the University of Puerto Rico where he joined the Federation of University Students for Independence (Suárez, p. 13).

On January 11, 1975 a bomb exploded in a restaurant one block away from the PSP headquarters where a manifestation was taking place. Two independence supporters were killed and 11 were wounded. Santiago Mari Pesquera, the son of Juan Mari Bras, leader of the PSP, was killed by the son of one of many Cuban exiles that arrived in Puerto Rico after the Cuban Revolution. The killer had a record of mental illness. When the killer was arrested he said that he would not speak to anyone except the FBI. He was killed before the trial. That same year, the FBI informed Mari Bras that a group of Cuban exiles were planning to kill the Socialist leader's daughter (Nelson, 1986, p. 118).

The economy was struggling, and Hernández Colón lost the next election in 1976 against Carlos Romero Barceló of the pro-statehood NPP. Romero Barceló's party also won both the Senate and the House of Representatives for the first time, but many problems surfaced during this period. The economy was struggling. It was a period of social and political instability (Scarano, 1993, p. 841). Romero Barceló's administration tried to control governmental agencies

dedicated to promoting culture and education, which caused protests by influential groups and personalities (Scarano, 1993, p. 842).

In 1977, Governor Romero Barceló asked President Carter to study the effects of statehood for Puerto Rico, but President Carter refused to do it. Governor Romero Barceló, in an interview in *60 Minutes*, expressed that if the United States did not grant statehood to Puerto Rico, Puerto Ricans would request independence.

4.8 1978: THE YEAR OF THE KILLINGS AT CERRO MARAVILLA

In 1978, González Malavé became more active, participating directly in clandestine activities. On January 3, 1978, John Saunders Maldonado, Leoncio Figueroa and González Malavé threw Molotov cocktails at an electrical station, although they did not explode. Twelve days later, Saunders and González Malavé unsuccessfully tried to provoke a short circuit in an electrical line by throwing chains at it. Up to this moment González Malavé had been a police informer. But his status changed on March 18, when he was made a member of the police force (Suárez, 2003, p. 41).

A wave of bomb attacks began on April 14 and went through May 10. On April 30, the undercover agent Alejandro González Malavé took Guillermo Segarra Palmer to his apartment where Segarra made a bomb that they planned to put in a United States Post Office. González Malavé provided some of the materials for the bomb. Police and FBI agents were outside his apartment, waiting for the opportunity to deactivate the bomb. When Segarra Palmer and González Malavé left the apartment, the agents entered in the apartment and deactivated the bomb. When González Malavé and Segarra Palmer returned, the latter found out that something

was wrong with the bomb and fixed it. The bomb was transported in González Malavé's Volkswagen to the Post Office and Segarra Palmer planted it in front of the building at the sight of Intelligence Division agents and FBI agents. These agents dismantled the bomb before it exploded. During the Senate hearings, González Malavé's supervisor, agent Carmelo Cruz, declared that he had directed González Malavé not to use his car for clandestine activities.

According to a report from the undercover agent González Malavé dated on May 4, that same day, members of the Socialist Party –which he had infiltrated- confronted him because they suspected that he had double militancy. During the hearings, he claimed that the group suspected that besides his militancy in the Socialist Party, he was involved in clandestine activities. In his report to the Division of Intelligence he said that he replied that “in the life of a revolutionary, there are things that are not commented.”

On July 3, 1978, a day before Independence Day -which is celebrated with enthusiasm by the statehooders-, a couple, Pablo Marcano and Nydia Cuevas, entered the Chilean embassy and took the consul, Ramón González Ruiz, as hostage. They demanded that United States prisons release the Puerto Ricans that had participated in the attacks against Congress and against President Harry S. Truman. The next day, July 4, they surrendered, and eventually they were tried and convicted, each serving 12-year sentences (Suárez, 2003, p. 9).

That same day, the undercover agent González Malavé participated with five other men in an assault to the Security Office of the University of Puerto Rico. Among the five men that participated with González Malavé were Arnaldo Darío Rosado and Carlos Soto Arriví, the two men killed in Cerro Maravilla. Another man from the group fired a shot. He claimed that it was an accident, and no one was hurt. The idea was supposedly to steal the firearms that were in the office, but the Campus police at the University of Puerto Rico do not have firearms. They then

took the walkie-talkies. Later González Malavé read a communiqué to a radio station in which they identified themselves as the Armed Revolutionary Movement (ARM).

In a report from the undercover agent González Malavé he states that the *Movimiento Revolucionario Armado* (Armed Military Movement) was planning ‘something’ for July 25. The report specifically mentions the Toro Negro area where Cerro Maravilla is located. According to the report, they were planning to ‘do something’ in Jayuya, Mayagüez, and a radio station (WIAC) on the day of the Democratic Presidential Primary in the United States¹⁰. Some people cast doubts about this report and think that it was prepared at a later time in order to help the police case.

The next day, the undercover agent González Malavé made a sworn statement to public attorney Brunet. He did not mention the plans of the Armed Revolutionary Movement. Two days later, the undercover agent González Malavé, John Saunders Maldonado and Leoncio Figueroa, went in González Malavé’s car with a shotgun to shoot at the residence of former Governor Muñoz Marín. Leoncio Figueroa shot at police agents who were guarding the former governor. The agents in charge of the security of Muñoz Marín did not know about the attack. No one was hurt. In the Cerro Maravilla hearings González Malavé claimed that because he was driving, he was able to make a move and cause Figueroa to miss the shot.

On July 16, González Malavé reported to the Division of Intelligence that the group he claimed was led by Arnaldo Darío Rosado Torres talked about taking communication towers on July 25. The date is significant because two historical events have occurred on July 25. On 1898 the United States invaded Puerto Rico through Guánica, a small town at the south that has an

¹⁰ Although Puerto Ricans cannot vote in Presidential elections, they can vote in the Republican and Democrat primaries.

excellent bay. Exactly fifty-four years later, in 1952, Puerto Rico premiered the Constitution of the Commonwealth of Puerto Rico.

Three days later, the commander of the Office of Intelligence, Ángel Luis Pérez Casillas, and one of the supervisors of the undercover agent, Jaime Quiles, went to three mountainous areas, including the Toro Negro area, to take aerial photos. The weather made it impossible, but the next day the photos were taken, although Pérez Casillas did not go.

According to González Malavé, Rosado Torres and he decided on July 21 to go the Toro Negro area. The Superintendent of the Police at that time, Roberto Torres González, said during the hearings that he knew about the Toro Negro area on July 21 and informed Governor Romero immediately.

Arnaldo Darío Rosado, Carlos Soto Arriví, Ramón Rosado Ríos and González Malavé had planned to go to Toro Negro on July 23rd in order to explore and fine tune the details of a plan. As up to this day it is not clear what the plan was. Another person was supposed to take them there, but he suffered a motorcycle accident and was unable to take them. Alerted by González Malavé of the group's plan, five agents were in the Toro Negro area with the intention of observing the group.

Based on the information gathered by González Malavé's, the police were expecting the members of the ARM in the Toro Negro area since the night of July 24. Agents of the Division of Intelligence and the Special Arrests Squads were posted in different communications towers throughout the Toro Negro area to wait for the members of the ARM. They spent the whole night guarding the towers in preparation to the announced attacks. But that night, the members of the ARM -Rosado Torres, Soto Arriví, Ramón Rosado Torres and González Malavé- could not agree in a plan and they cancelled the attack in the Toro Negro area. Instead, of the attack to the

communication towers, they decided to go to Fort Buchanan –a United States Army Base- to steal the Military Police’s firearms. González Malavé informed his supervisor about the change of plans, and some of the policemen already posted in the Toro Negro area returned to San Juan.

Although the ARM had decided to go to Fort Buchanan, they did not have a car to get there. The undercover agent González Malavé’s car was being repaired and the group asked him to contact one of his friends in order to get transportation. According to John Saunders Maldonado, González Malavé went to him and asked for transportation. Saunders refused, and they argued. He threw González Malavé out of his house. Rosado Torres, Soto Arriví, Ramón Rosado Torres and González Malavé then decided to kidnap a driver and use the car to go to Fort Buchanan. They walked three hours but were unable to get a car.

According to the undercover agent González Malavé, the group then decided to reinstall the Toro Negro plan for the next day, and González Malavé informed his supervisors about the new developments. Manny Suárez (2003) reports that, according to Ramón Rosado Ríos, the men decided to suspend the attack and Rosado Ríos left the meeting with the understanding that the next day, July 25, the men would meet to go to the annual commemoration of the United States invasion of Puerto Rico in Guánica. The transportation would be provided by the Socialist League. According to Rosado Ríos, when Rosado Torres went to look for him that morning, he mentioned that they would miss the bus to Guánica (Suárez, 2003). Ramón Rosado Ríos decided not to go to the annual commemoration of the invasion. He claims that later he knew that the three men went to Cerro Maravilla instead of going to Guánica.

Ironically, reporter José Rafael Reguero, in an article published by the newspaper *El Nuevo Día* on July 25, said that the police were taking measures to prevent a possible terrorist act. He had obtained the information from Lieutenant Julio César Andrades, director of the

Special Arrest Squad. While Soto Arriví and Rosado Torres were still sleeping, the news of what they supposedly had decided was being published in a newspaper (Reguero, 1978, July 25).

4.9 THE CERRO MARAVILLA CASE

In this section, I first summarize the official version of the Cerro Maravilla events offered by the Police Department. This version collapsed during the Senate hearings after being officially accepted for five years. I also summarize some of the developments of the Justice Department's investigation, and finally, I present the findings of the hearings. I will draw on the recorded testimony of the witnesses, the official transcripts of the hearings, newspaper articles, and on books published about the case (Aponte Pérez, 1995; Nelson, 1986; Pérez Viera, 2000; Suárez, 1987, 2003).

This case is extremely complex with many participants at all levels: policemen, police officials, the Puerto Rican government and the United States government. In no manner do I pretend to cover all the information available about the case. I will necessarily leave out important aspects of the events. More details about specific witnesses will be offered when I discuss their testimonies.

4.9.1 The Official Version

The Police version maintained that on July 25, 1978, policemen of the Division of Intelligence of the Police of Puerto Rico and the Special Arrest Squad killed Arnaldo Darío Rosado Torres and

Carlos Soto Arriví in what the authorities called a terrorist attack on Cerro Maravilla in the municipality of Villalba. The two men were terrorists from a group called Movimiento Revolucionario Armado (Armed Revolutionary Movement). An undercover agent, Alejandro González Malavé, had infiltrated the group and went with them to Cerro Maravilla. After hearing the halt, Rosado Torres and Soto Arriví opened fire against the agents, and the agents killed the men in an act of self-defense.

According to the official version, Arnaldo Darío Rosado Torres and Carlos Soto Arriví, accompanied by the undercover agent Alejandro Torres Malavé, took a *público*¹¹ from Río Piedras to Ponce. Once in Ponce they took another *público* and kidnapped the *público* driver, Julio Ortiz Molina. Rosado Torres was the leader of the group.

They headed to Cerro Maravilla where there were several communications towers, including one which was the property of the Puerto Rico Police Department, one from the Federal Bureau of Investigations, one from the Puerto Rico Telephone Company, and another belonging to *Rikavisión*, TV Channel 7.

The police did not know for sure to which tower they were heading to, so they posted agents in all the towers in the area. The *público* went to the relay tower of *Rikavisión*, channel 7. According to the undercover agent González Malavé, it was Rosado Torres' decision to go to that tower specifically. There was a small building next to the tower where the technician in charge worked. That day, the technician, Miguel A. Marte Ruiz, was on duty. The tower and the building were surrounded by a fence.

Hidden in the bushes nearby the dirt road that passed in front of the tower were agents William Colón Berríos -the leader of the group of agents-, Juan Bruno González, Luis Reverón

¹¹ *Público* driver refers to a driver that has been authorized by the government to offer transportation in a specific route. *Público* is the car that is authorized to be used for this purpose.

Martínez, and Rafael Torres Marrero. Torres Marrero had been previously inside the relay tower building, but a couple of minutes before the arrival of the *público*, William Colón Berríos called him outside the building and he went to the bushes with the other three agents. Another agent, José Ríos Polanco, remained inside the building with the *Rikavisión* technician Miguel Marte Ruiz. Torres Marrero was the only agent who had met the undercover agent González Malavé. The other agents were supposed to recognize him because he was going to wear a hat.

When Rosado Torres, Soto Arriví and González Malavé arrived, they left the car and ordered the kidnapped driver to wait into the car. The leader of the agents, William Colón Berríos, instructed them to halt. The members of the MRA opened fire against the policemen and they responded. During the shooting, the undercover agent, González Malavé, was hurt in his left side and lost part of his left pinky finger. He was taken immediately to the hospital, but not before telling to the other policemen about the hostage Ortiz Molina, whom they had not seen. Torres Rosado was killed immediately by a shotgun wound to the middle of the chest, and Soto Arriví was wounded. There was an hour of difference between the arrival of González Malavé at the hospital and the arrival of the body of Soto Arriví because the policemen got lost. Soto Arriví died while he was being transported to the hospital. The chief of the Police Intelligence Division, Angel Luis Pérez Casillas, took Ortiz Molina to a nearby tower and left him in the custody of the uniformed policeman Jesús Quiñones Quiñones who was not involved in the operation.

Later that day, District Attorney Santos Nigaglioni took a sworn statement from Ortiz Molina, the *público* driver. In that statement Ortiz Molina did not say anything that contradicted the official version. Four days later, Ortiz Molina changed his version of the facts, which resulted in a loss of credibility in the eyes of the Justice Department. Two investigations of the Puerto

Rico Department of Justice concluded that the police acted properly under the circumstances. The same conclusions were reached by two Federal Grand Juries.

4.9.2 The Department of Justice Investigations

As mentioned above, four days after the killings, Julio Ortiz Molina, the *público* driver, contradicted the police version in a newspaper interview. He said in the interview that Rosado Torres and Soto Arriví had surrendered and that he saw them alive in police custody before he was removed from the scene (Stella, 1978). He also said that the police made no attempt to order the saboteurs to halt before the shooting began. Ortiz Molina also told reporter Tomás Stella that when he and the three men were headed to Cerro Maravilla, one of the two “terrorists” suggested freeing him, but the undercover agent, González Malavé, told him that there was no time for that. Ortiz Molina’s impression was that González Malavé was “the apparent leader” (Stella, 1978). The media began to ask questions about the case.

The Chief of the Justice Department’s Criminal Division, Pedro Colton Fontán, and the Director of the Justice Department’s Bureau, Angel Figueroa Vivas, initiated the first investigation of the killings. There was a lot of criticism of their report. They did not attempt to corroborate the *público* driver’s version; they did not confiscate Ortiz Molina’s car or submit it to expert analysis, nor did they look for evidence in the car. They did not investigate bruises on Rosado Torres’ body, even when Ortiz Molina said that the policemen had beaten the victims. They accepted the policemen’s version that Rosado Torres was shot while the policemen were on the floor, in spite of the fact that the scientific analysis said that the impact was in a top-bottom

direction. Although the Justice Department was unable to find out who killed Rosado Torres, it was established that agent Rafael Torres Marrero had killed Soto Arriví in self-defense¹².

Some time later, there was a federal investigation about corruption in other divisions of the Police Department. As a consequence, Lt. Julio César Andrades, Director of the Special Arrest Squad, was transferred to another division, and he was angry with the Department. He made a public announcement saying that he would reveal what really happened on Cerro Maravilla. He arrived at Cerro Maravilla shortly after the killings, and some men in his division (Reverón Martínez and Ríos Polanco) were part of the operation. Manny Suárez (1987, p.160) tells us what happened next:

The public pressure reached a point where the administration had to do something. On October 8, 1980, Secretary of Justice Giménez Muñoz announced that he would name an investigator to carry out a 'reinvestigation'. The investigator, he said, would have the authority to investigate Colton and Figueroa Vivas, whom Andrades had implicated in the coverup.... The next week, October 16, it was announced that Carolina District Attorney Osvaldo Villanueva would carry out the 'reinvestigation'.

In his report, Villanueva repeated the conclusions of the first investigation. He interrogated witnesses. He did not corroborate versions of witnesses that contradicted the official police version. He did not investigate allegations related to the presence of one agent, José M. Montañez, on Cerro Maravilla during the shootings (according to the police he was not there). His investigation failed to find out who killed Rosado Torres. It was obvious that this second investigation did not solve any of the problems of the first investigation. The Senate, controlled by the Popular Democratic Party, decided to investigate. The issue was politically explosive since Governor Romero, from the New Progressive Party, had backed the official police version.

¹² The Senate investigation demonstrated that Rosado Torres was killed by agent Reverón Martínez, and Soto Arriví was not killed by Rafael Torres Marrero but by agent Rafael Moreno Morales.

During the Senate hearings, two witnesses –*público* driver Ortiz Molina and former policeman Quiñones Quiñones- testified that they were pressured to change their declaration by public attorneys Colton Fontán and Figueroa Vivas. In the hearings, Figueroa Vivas admitted that he destroyed the testimony of Quiñones Quiñones, whose testimony contradicted the police version.

Former District Attorney Osvaldo Villanueva declared in the hearings that the first investigation, carried out by Colton Fontán and Figueroa Vivas, was superficial and had many flaws. Nevertheless, he adopted all the conclusions of that original investigation and used the sworn statements taken from it.

The United States Department of Justice also conducted two investigations through a Grand Jury. Both investigations accepted the police version. The Senate could not analyze those investigations because if the Grand Jury does not find cause against the people involved, no documents from the investigation are made public. Also, United States territories (or states, for that matter) are not allowed to investigate a federal agency. Later, during a second Senate investigation about the planning and the cover up of the Cerro Maravilla case in 1992, the former Director of the Civil Rights Division of the United States Department of Justice, Drew Days III, explained that the Federal Bureau of Investigation in Puerto Rico refused to investigate the case. He expressed that he had never seen such behavior in the FBI. Days apologized because he did not apologize because he did not conduct further investigations of the case (Suárez, 2003, pp. 337-343).

The findings of the Senate investigation were radically different from those of the first two investigations of the Justice Department. I summarize the story as it came out of this

investigation. Inevitably, I will repeat some aspects that I have mentioned earlier in the police version, but I think they are necessary to understand the case.

4.9.3 The Hearings Findings

Early on the morning of July 25, 1978, Darío Rosado and Soto Arriví left San Juan and headed towards the city of Ponce in the company of the undercover agent Alejandro González Malavé. Two agents, Carmelo Cruz and Lt. Antonio Méndez, were following the car. Once they were in Ponce, the three of them kidnapped the *público* driver Julio Ortiz Molina.

The purpose of the trip has never been clear. The government reports are confusing and contradictory. First, they said the purpose was to “blow up towers of communications;” later, it was said that the purpose was to sabotage them. Since they did not have explosives, it is difficult to believe that they intended to blow up the towers. They only had three small guns, a fire-starter, and matches, although this fact is not clear because a pilot that transported some policemen to Cerro Maravilla on July 24 said that the policemen were transporting these objects. In any case, it is uncertain exactly how they would have sabotaged the towers with those limited materials¹³.

When the three men arrived at the *Rikavisión* tower, they got out of the car and left the *público* driver inside the car. There was a fence that surrounded the tower and a small building where the technician in charge of the relay station, Miguel A. Marte Ruiz, worked. Agents José M. Montañez -the leader of the policemen, according to the investigation, who claimed not to have been on Cerro Maravilla that day-, William Colón Berríos -the leader of the agents according to the official version-, and Juan Bruno González were hidden in the bushes close to

¹³ The undercover agent González Malavé suggested that given the sophistication of the equipment in the building, they could have sabotaged it throwing a glass of water on it.

the Rikavisión tower. Inside the small building next to the tower were agents José Ríos Polanco and Rafael Torres Marrero, and the technician Miguel A. Marte Ruiz. When the *público* car arrived, Torres Marrero said “suspicious car”, and he left the building with a long firearm.

One of the *independentistas* noticed that someone was in the small building area, probably Torres Marrero¹⁴. It is not clear if somebody gave an order to halt, but shooting began immediately. González Malavé, the undercover agent, fired some shots (he claims that he fired the shots to the air) and was hurt. He shouted that he was an agent, and Rosado Torres and Soto Arriví surrendered. A police officer took the *público* driver out of the car and beat him with a rifle butt. The undercover agent González Malavé claims that he defended public driver Ortiz Molina by trying to explain that Molina was not involved in the terrorist activities, but Molina himself contends that it was not González Malavé but Rosado Torres and Soto Arriví who defended him. While this was happening, other police agents were beating Rosado Torres and Soto Arriví. In a previous television interview, Ortiz Molina wept when he explained that, while they were beaten, they were thinking about his wellbeing and not their own.

The agents who were located in other nearby towers arrived at the *Rikavisión* tower after hearing the shots. Two agents took the undercover agent González Malavé to the hospital. Ortiz Molina was removed from the scene and taken by agent Miguel A. Cartagena Flores¹⁵ to the nearby tower of the Police Department.

¹⁴ This information was provided by the undercover agent in a previous testimony to the Department of Justice. In the hearings he sustained that that was not what he meant, but that Soto Arriví had said that there was someone in the bushes outside the fence that surrounded the building. This was an important detail because according to the police, no one was in that area and Torres Marrero was hidden in the bushes.

¹⁵ The police version said that the Chief of the Intelligence Division, Angel Luis Pérez Casillas, and not Cartagena Flores was the one who took Ortiz Molina to the tower of the Police Department. This discrepancy was key in cracking the case because Rivera Cruz, through a *careo* in front of the TV cameras between Cartagena Flores and his supervisor, was able to demonstrate that Cartagena Flores was the one who took Ortiz Molina to the Police tower, forcing Cartagena Flores to request immunity in exchange for his testimony.

Police agents surrounded Soto Arriví and Rosado Torres and beat them. Soto Arriví was handcuffed. Rosado Torres offered to cooperate with agent Montañez and the police in getting Juan Mari Bras, the leader of the Socialist Party. Agent Montañez kicked Rosado Torres in the face, disgusted because he understood this offering as an act of cowardice¹⁶. González Malavé had reported previously that Rosado Torres had expressed his intention to kill agent Montañez. The agents began to shout at the two men, and agent Reverón Martínez killed Rosado Torres with an illegal sawed-off shotgun at a distance of approximately four feet while the victim was on his knees. Sergeant González Torres went running to the Director of the Intelligence Division, Angel Luis Pérez Casillas, and asked for the key to Soto Arriví's handcuffs and removed them.

Soto Arriví shouted "Give me the bullet in the head" and received two shots from agent Torres Marrero, none of them in the head. Torres Marrero could not or did not want to kill him, and agent Rafael Moreno Morales shot Soto Arriví in the chest, killing him. In the hearings, agent Montañez said that Soto Arriví was a brave man, as opposed to Torres Rosado, who he considered a coward.

Agent Rafael Moreno Morales, was not in the *Rikavisión* tower when the *público* arrived. They arrived after the first volley of shots. The shotgun that Reverón Martínez used was illegal. The man in charge of the operation was not William Colón Berríos but instead José M. Montañez, who, according to the police's version, was not even on Cerro Maravilla that day.

Ortiz Molina heard this second volley of shots while police officer Jesús Quiñones Quiñones was bandaging the finger hurt when the policeman attacked him. Quiñones Quiñones was not involved in the operation, and he did not know what was happening. He declared in the hearings that he also heard this volley of shots and he declared so in a declaration taken by the Chief of the Criminal Division of the Justice Department, Pedro Colton Fontán and the Chief of

¹⁶ Montañez admitted this in the hearings.

the Special Investigations Bureau at the Department of Justice, Ángel Figueroa Vivas. However, he was pressed by the public attorneys to declare that the second volley of shots he heard could have been caused by a truck or a car backfiring, even though he was sure that they were shots¹⁷.

During this interrogation Quiñones Quiñones got sick and he had to be taken to the hospital with high blood pressure. An investigator of the Justice Department, William Rodríguez Suárez, confirmed his story and admitted that he personally participated in putting pressure on Quiñones Quiñones. The Chief of the Special Investigations Bureau at the Department of Justice, Ángel Figueroa Vivas admitted that he destroyed the declaration, claiming that it was invalid because Quiñones Quiñones was taken to the hospital before he could sign the sworn statement. Other witnesses also declared hearing two volleys of shots.

After this the commander of the Special Arrest Squad, Lt. Julio César Andrades, arrived at the *Rikavisión* tower area and Pérez Casillas asked him to take charge and to clean up the scene. Then they took Soto Arriví's body to the hospital. That is why the undercover agent and Soto Arriví arrived at the hospital an hour apart, and not because the policemen who were taking him to the hospital got lost, as the official version said.

Agent José M. Montañez asked Lt. Andrades to remove him from the scene, meaning that he did not want to be related in any way with the Cerro Maravilla events because *independentistas* were particularly angry at him. In the police version, neither Montañez nor agents Lt. Antonio Méndez and Sergeant González Pérez were identified as being involved in the operation that day. Supposedly, they were at the parade to celebrate the Constitution of Puerto Rico in Bayamón in the northern part of the island.

¹⁷ The first shots were the confrontation between the agents and Soto Arriví, Rosado Torres and González Malavé. The second volley of shots was when the policemen killed the two men after beating them. These volleys of shots were between 15 and 20 minutes apart.

During the hearings, agents Miguel A. Cartagena Flores, José M. Montañez, Carmelo Cruz, the technician Miguel A. Marte Ruiz, and the employee of *Rikavisión*, Modesto Delgado, asked for immunity because they had lied under oath. After the hearings, Lt. Antonio Méndez and agent Carlos Santiago Borrero also acquired immunity. Later, Reverón Martínez and Moreno Morales confessed that they killed Rosado Torres and Soto Arriví.

Agent Montañez said that before the Cerro Maravilla events, Commander Pérez Casillas had told him that the expected “terrorists” had to be given “a shot or a little shot.” Later, -after the Senate hearings- agent Carlos Santiago Borrero said that Pérez Casillas gave instructions that the terrorists “could not come down alive” from Cerro Maravilla. Agent Cartagena Flores testified under immunity that after the killings he asked commander Pérez Casillas why the killings had happened. The commander replied that they deserved it because “they were hurting Puerto Rico.” Montañez also added that he asked Pérez Casillas why it was necessary to kill Rosado Torres and Soto Arriví. According to Montañez, the commander responded, “Because I was ordered to give them a hard lesson.” (Suárez, 2003, p. 199)

I am limiting this description to the findings of the 1983 Judicial Committee. In another Senate investigation and in subsequent criminal trials, more information surfaced that implicated federal and Puerto Rican authorities.

4.10 POLITICAL CLIMATE DURING THE HEARINGS

The Cerro Maravilla hearings were part of a political turmoil. The killings occurred in 1978, during the first term of Governor Carlos Romero Barceló of the New Progressive Party. In the controversial 1980 elections Romero Barceló was reelected by a little more than 3,000 votes for

a second term. His party lost the Senate and the House of Representatives, however, to the Popular Democratic Party. The executive and legislative branches of the government at the time of the investigation were split. The New Progressive Party (NPP) dominated the executive branch and the Popular Democratic Party (PDP) dominated the legislative branch. Those two political parties were (and still are) the only parties that were able to reach power (legislative and executive). Governor Romero Barceló of the NPP, and he had declared the policemen's actions in the case heroic. The problems of the first two investigations and the objections of some witnesses hung in the air. It was an opportunity for the PDP to erode the image of Governor Romero Barceló.

The Senate of the Popular Democratic Party decided to investigate the case in 1981. The NPP opposed the investigation, saying it was politically motivated. The government tried to deny the Senate access to documents. The Police Department also opposed the investigation and went to court to try to stop the policemen's testimony in public hearings. The U.S. Federal Court District of Puerto Rico decided that the policemen did not have to testify in public hearings, but they could testify in a private hearing –without public or press. For that reason, the hearings were suspended from July 7 to September 7 when they resumed because the Senate went to the United States First Court of Appeals in Boston, where the court ordered the policemen to testify.

Political tension manifested inside the Hall of the Dead, in the courts, and on the streets. From the beginning of the hearings, senators from the NPP complained because they did not have an investigator as the Republican Party had had during the Watergate hearings. They also complained because the investigator had unlimited time to interrogate the witnesses, and each senator of the majority of the PPD had ten more minutes to do the same -potentially ten senators- while the senators of the NPP had potentially fifty minutes in total to interrogate each witness -

ten minutes for each senator. On many occasions the senators of the NPP tried to ‘rehabilitate’ a witness that had been interrogated by investigator Rivera Cruz. In many instances they acted as defense lawyers, cross examining witnesses who had contradicted the official version. At the hearings, Senator Calixto Calero Juarbe insulted some witnesses, and sometimes it was difficult for Chairman Aponte Pérez to control the situation, provoking the intervention of the President of the Senate, Miguel Hernández Agosto.

Senators from the NPP prepared a television program called *Análisis*, on which they supposedly analyzed the hearings. On the program, Senator Noguerras (who was not part of the Judicial Committee) and his guests criticized Rivera Cruz and the testimonies of witnesses that contradicted the police version. Senator Efraín Santiago, who was a member of the Committee, joined him frequently. Among other things, Noguerras questioned the investigator’s knowledge of parliamentary procedures and his competency, often demeaning Rivera Cruz by calling him ‘*el fiscalito*’ (the little public attorney).

The Cerro Maravilla case caused conflict between the police and the Senate. One of the accusations against the investigation was that it would erode the Police Department’s capacity to investigate and infiltrate terrorist and criminal groups. Another contention was the damage that the investigation could cause to the image of the institution. A third concern was for the lives of the policemen involved in the case and police officers in general. As an example they offered the case of a policeman killed in Naguabo (a small town in the east of Puerto Rico), for which an armed pro-independence group (Los Macheteros) claimed responsibility as retribution for the killings on Cerro Maravilla (Suárez, 2003).

A public campaign began with the slogan “Policía, estoy contigo” (Police, I am with you). Demonstrations in front of the Capitol were held, and some NPP Senators attended them. The police claimed that the agents interrogated in the hearings were mistreated (Suárez, 2003).

The situation between the police and the Senate reached dangerous proportions when police agents threatened with picket lines in front of the Capitol, which is prohibited under Puerto Rican law. The superintendent of the police warned the officers that they could not protest there, as did the governor. In the end, they held a protest anyway, but claimed that the officers who attended were on their free day and that it was an ecumenical activity. Governor Romero said that he saw nothing wrong with the protest (Suárez, 2003).

The Police Association, a powerful organization among the police members, assigned lawyers to the policemen involved in the case. The president of the association, Angel David González, was identified with the PDP. At one point in the hearings, the Police Department assigned its own lawyers to the policemen, thus taking away the representation of the policemen provided by the Police Association.

Ángel David González warned the policemen that the interests of the hierarchy of the police and those of the policemen were not the same. If there were going to be “fall guys,” the Police Department would not help them. González publicly advised the police agents involved in the case to save themselves and tell what they knew about the case. At the hearings, he declared that he told them not to expect any help from the government in case they were in trouble. As result of González’s position, hundreds of police agents disaffiliated from the Association and threatened to create another organization.

4.11 THE SENATE HEARINGS: STATED PURPOSE AND ORGANIZATION

The Cerro Maravilla hearings were not a trial. They were part of an investigation resulting from Resolution 91 of the Senate of Puerto Rico. This resolution ordered a thorough investigation of the events that occurred on July 25, 1978, when Arnaldo Darío Rosado and Carlos Soto Arriví were killed on Cerro Maravilla, as well as the antecedents, including the activities of the two men, the activities of the police, and the activities of members of other government agencies that could have been related to the planning, organization and direction of the operation.

Resolution 91 also ordered an investigation of all activities of the executive branch during July of 1978 or later that could have been related to the previous investigations of the events on Cerro Maravilla and any attempt from a public official to cover-up the participants of any act against them. The resolution also ordered a study of the procedures and general practices used by the Puerto Rico Police and in relation to undercover agents. The Judicial Committee of the Senate was in charge of the investigation. The committee had fourteen members: nine from the Popular Democratic Party and five from the New Progressive Party.

After the completion of the investigation, the committee should have submitted legislation based on what the committee had learned in the investigation with the purpose of avoiding the repetition of the discovered flaws (P. del S. 91, 1981).

The hearings shared many characteristics with a trial. The New Progressive Party accused the Senate of violating criminal procedure in its investigation. But as Suárez (1987, p. 235) points out, the Senate took the rules that prevailed in grand jury investigations and adapted many of them to the Senate investigations. Some of the differences were that the grand jury met in secret, and the Senate investigation was televised. Another difference was that the witnesses were allowed to have a lawyer with them in the Senate hearings. They could consult them, but

the lawyers could not talk during the hearings. In grand jury investigations, the lawyers had to wait outside and were only called if the witness needed to consult them. The other important difference was that the investigator was able to use *careo*, which literally means ‘facing.’ This is a practice in which two witnesses telling contradictory stories are put on the stand to face each other. This is a valid practice in the Hispanic system of justice and it is often used in much of Latin America. The American system does not use this method, and it is not used in Puerto Ricans courts (Suárez, 1987, p. 235).

The Senate investigator, Héctor Rivera Cruz, interrogated all the witnesses. After finishing his interrogation, the Senators could ask questions of the witnesses.

The Senate could not present charges in court, but they could submit the findings to the Department of Justice, as in fact they did. Since there were partisan interests at stake, the senators of the NPP tried to rehabilitate some witnesses, but those senators did not have an investigator, as in the Watergate investigation in which the minority in the committee had one. Héctor Rivera Cruz was the only investigator asking the questions, although senators could ask questions too, as in fact they did it. In Suárez’s (2003) words, it was a “one man show.”

This committee had ample powers to investigate. The committee could require the presence of any person and if the person did not attend to the hearings, the Committee could ask a court to compel him or her to attend.

The investigator had previous declarations of the witnesses in the prior two investigations. He also had the previous declarations of the witnesses at his office. Obviously he had a clear idea about the flaws of those investigations, so he could go over those flaws and no other lawyer could try to rehabilitate any witness. Even when this was just an investigation, we

have to remember that the hearings were televised and everybody was following them, so the public perception was almost as important as the final results of the investigation.

The hearings began on June 15, 1983. The general public attended the hearings in great numbers. Senators were in the front of the room facing the public. Witnesses sat to their left. The investigator generally stood in front of the witnesses. There was a model of the *Rikavisión's* tower and its surroundings¹⁸.

The hearings were transmitted live by Channel 7 from 11:00 AM to 12:30 p.m. and 1:00 p.m. to 5:00 p.m. daily. A total of sixty-two witnesses testified at the hearings over fifty days of sessions.

¹⁸ Two testimonies were taken in an executive session, that is, without the public, but they were recorded and televised afterwards.

5.0 METHODOLOGY

5.1 PARTICIPANTS

The Judicial Committee of the Senate was composed of 14 members: nine from the PPD, including the chairman Francisco Aponte Pérez, and five from the NPP. Also, the President of the Senate, Miguel Hernández Agosto had the right to participate in all the committees and did so for the Cerro Maravilla hearings. The investigator Héctor Rivera Cruz interrogated all witnesses.

The criterion for selecting the seven witnesses for this investigation was the impact of their declarations. Some witnesses were more important than others in terms of the impact of their declarations. The impact of some testimonies resulted from the combination of important revelations made by witnesses, while the impact of other declaration resulted from witnesses who were forced to declare thing against their will by the attorney. Another reason for such impact was the expectations generated in the public anticipation the encounter between the witnesses and Rivera Cruz. These witnesses are the most interesting for this study because they present conflicts, and it is fair to say that they are the witnesses that required the most of Rivera Cruz as a lawyer. The interactions between these witnesses and Rivera Cruz helped to create his image as an effective lawyer, and as a consequence it helped to create his prestige.

Of 62 witnesses in the hearings, only three were women. This study is a discourse analysis of the interactions between Héctor Rivera Cruz and six witnesses. All the witnesses in the study were men. These interrogations were video-recorded from television when they were transmitted live on television in 1983. They will be transcribed in following pages (Dressler and Kreuz, 2000).

The witnesses whose interaction will be analyzed in this study are: Julio Ortiz Molina, a key eyewitness; Rafael Torres Marrero, an agent directly involved in the case; Alejandro González Malavé; the undercover agent that accompanied the victims to Cerro Maravilla; Osvaldo Villanueva, prosecutor from the Department of Justice, and Roberto Torres González, who was the Superintendent of Police at the time of the killings.

5.1.1 Descriptions of the Witnesses

5.1.1.1 Héctor Rivera Cruz

The main *investigador* of the Senate, Héctor Rivera Cruz, was the fifth of 13 children. His father was a truck driver. Rivera Cruz was born and raised in Parcelas Van Scoy, a poor area of Bayamón. He studied in public schools and graduated Magna Cum Laude from high school in two years (normally it takes three in Puerto Rico). He finished his BA (Magna cum Laude again) in three years (again one year less than what it normally takes) in Economics. In an interview (Cabán, 1983) he said that he wanted to complete his studies as soon as possible because he was conscious of his parents' efforts to raise their children. He studied in the School of Law of the University of Puerto Rico and graduated with honors again (Magna cum laude). He was a religious man, and in the School of Law he was called 'the minister' (Suárez, 1987, p. 176).

Héctor Rivera Cruz was appointed Senate investigator on April 1981 at the age of 31. Although he was an unknown face when he was appointed, he was respected in professional circles (Suárez, 1987, p. 176). His work experience included working as lawyer in the Department of Commerce and as attorney at the Department of Justice. He also worked as an attorney in the Division of Contributive Fraud of the Department of the Treasury (Aponte Pérez, 1995, p. 39). When Rivera Cruz was appointed, he was in private practice and teaching a seminar about the Art of Cross-Examination in the Inter-American University of Puerto Rico (Aponte Pérez, 1998, p. 39).

Francisco Aponte Pérez, who was the chairman of the Judicial Committee, comments that the advisor of the committee, Marcos Ramírez, said that Rivera Cruz was evidently qualified, although he used to talk too fast. Later a reporter made the same comment to him (1998, p. 39). During the hearings, Senator Oreste Ramos complained because Rivera Cruz talked too fast, and he was not able to take notes. Some witnesses also complained because they felt that Rivera Cruz had yelled at them.

The president of the Judiciary Committee stated that one of the reasons why he picked Rivera Cruz for the post was because he was one of “los de abajo” (*the underdogs*). According to the president, Rivera Cruz represented all that Luis Muñoz Marín wanted to do. Like Marín, Rivera Cruz was a person who could overcome social disadvantages thanks to the social conditions resulting from Muñoz Marín’s social policies (Aponte Pérez, 1995).

When Rivera Cruz accepted the position, he warned the President of the Senate, Miguel Hernández Agosto, “that if he did not find anything, he could end up endorsing the Justice Department’s investigations.” (Suárez, 1987, p.176) Rivera Cruz also insisted on having an office independent of the political functions of the Senate.

Aponte Pérez noticed that the press was not impressed with Rivera Cruz when he was presented in a press conference for the first time. He was a 31 year old unknown lawyer with a bushy mustache who spoke at a fast rate and, according to Suárez (2003) with an adolescent voice. He was 5'4" and 132 pounds. A newspaper claimed that he used to talk at a rate of 200 words per minute.

Although he was virtually unknown before, after the beginning of the investigation, he became an instant folk hero. The people asked for his autograph, the newspapers interviewed him, and even a show business magazine published his photo in the front page and an extensive interview comparing him with a soap opera actor, an extremely popular genre in Puerto Rico (Ribera-Chevremont, 1983, p. 16-22). His voice was described as high-pitched (Rodríguez Juliá, 1986). In Ribera-Chevremont's article Rivera Cruz said that people imitated his phrases in their everyday lives-spaces. In this interview, the reporter wrote:

Acclaimed by women, admired by children, and envied by men, the attorney Héctor Rivera Cruz never imagined that his appearance on the televised hearings held by the Senate of Puerto Rico would place him beside the most acclaimed idols of the screen (Ribera-Chevremont, 1983, p. 16).

Ribera-Chevremont (1983, p. 16) also described what she thought was the key of his success with the public:

His incisive style, his particular way of interrogating and his peculiar phrases ("tell me if it is true or not"; "tell me specifically", etc.) that are generally known, have captivated the audience, as well as his responsibility and determination that Rivera Cruz shows in every attitude, in every gesture, in every movement in the ample room of the Senate that has been transformed in a true television study (quoted on Aponte Pérez, 1995, pp.152-3).

In an interview (Cabán, 1983), he expressed that he was surprised by the popular following of the hearings. He particularly mentioned the interest that young people were showing in the hearings. He was not referring to college students but to teenagers. He also said that the

reception of his work was such that he had to hide when he was with his family, having to say sometimes that he was with his brother in order to have some privacy.

Rivera Cruz considered that the process “was like returning to the people a sense of social justice of themselves, in other words, that they are judging.” (Cabán, 1983) When asked about the most difficult aspects of the investigation, he responded that there were two: the obstacles that the executive branch and the policemen were posing to the investigation by trying to deny documents to the Senate and by trying to avoid public depositions; and the way in which the evidence was going to be presented because there were many documents that had to be understandable for the people (Cabán, 1983).

Through the course of the public hearings many articles and letters were written in the newspapers about him, and the opinions of the writers varied on partisan lines. While the members of the Popular Democratic Party and many *independentistas* (supporters of the independence of Puerto Rico from the United States) were supportive of his work, supporters of the New Progressive Party (NPP, Governor Romero Barceló’s party) attacked his performance sometimes virulently. It is important to emphasize that during the time of the public hearings there was a schism in the NPP. The group of leaders that split from the NPP and founded the Renovation Party (RP) began to support the hearings. The Puerto Rican Independence Party was ironically more ambivalent because they accused the PPD of opportunists.

Many columnists wrote about Rivera Cruz’s professionalism and his ability to remember the smallest details. Mendez Saavedra (1983) wrote: “Rivera Cruz has demonstrated without any kind of doubt his capacity as investigator that had paid attention meticulously to unsuspected angles in this unfortunate incident.”

According to García Passalacqua (1983) a former advisor of Robert F. Kennedy and President Jimmy Carter,

Héctor Rivera Cruz has proven to be one of the most intelligent, efficient, and dexterous attorneys I have ever had the privilege of witnessing conduct an investigation of this magnitude and significance, probably without precedent in Puerto Rican history, except for the Ponce Massacre of 1937. He deserves the recognition and gratitude of the Puerto Rican people, together with all those who have worked under his very diligent direction, or has advised him on this investigation.

The newspaper *El Reportero*, with a pro-Commonwealth leaning, declared Rivera Cruz Man of the Year. The jury said in its proclamation that:

The attention of the public was centered in the figure of the young investigator of prodigious memory, energetic gestures, of incisive questions that went invariably to the heart of the issue at hand, of absolute command of infinite details, of the small pieces of the mosaic which design only he could decipher.

Overnight the 33 years old young lawyer became a familiar figure in all the houses and his idioms came to be part of the speech of all his fellows Puerto Ricans. “Testigo...” (Witness...); “Dígame si es o no cierto...” (Tell me if it is true or not); “Permítame refrescarle la memoria...” (Let me refresh your memory...)” were phrases coined by Rivera Cruz that were immediately incorporated to the language of Puerto Rican streets (quoted again on Aponte Pérez, 1995, p. 53).

The newspaper added that he became the model par excellence for his profession and established the standard to judge both efficacy of an investigation and the professional conduct of lawyers and public attorneys. The newspaper also stated that Rivera Cruz was “an example for the youth, that should be inspired by his example to develop their potential through disciplined work and a unshakable will to overcome all the obstacles in order to reach the desired goal.” (Aponte Pérez, 1995, p. 153)

Méndez Saavedra (1983) wrote that Rivera Cruz was incisive and shrewd and compared him with a ‘dog attack’ that once the dog has its piece, it does not yield it. This incisiveness was considered by his critics as abusive. Rivera Cruz’s critics were mainly members of the New

Progressive Party and Police members. They complained about the way the witnesses were treated in the hearings.

Reinaldo Paniagua (1983), a former Secretary of State under Governor Romero Barceló's administration, wrote a column called "Public attorney or clown" in which he questioned Rivera Cruz's merits and the motivations and the procedures of the hearings. He called Rivera Cruz "an improvised public attorney" who worked "unilaterally" (referring to the fact that there was no other lawyer to counterbalance the investigation) in a Senate Committee procedure that pretended to be a judicial court. He complained that "they had wanted to bestow upon Rivera Cruz an aura of excellence that Rivera Cruz himself believes in it."

A Senator from the NPP, Nicolás Noguerras, had a TV program on the government TV station. The program was called *Análisis* and it was devoted completely to analyzing the Cerro Maravilla hearings from his perspective and that of his pro-statehood party. In the program, Noguerras mocked Rivera Cruz whom he called 'el fiscalito' (the little district attorney). He also criticized what he called Rivera Cruz's lack of knowledge of the parliamentary process. One of the letters sent to a newspaper by a reader after the killings were demonstrated (at least in the public opinion) said "Gracias fiscalito," ('Thank you, little district attorney'). The reader emphasized that Rivera Cruz was able to do what the Department of Puerto Rico and the United States grand jury could not.

Other complaints were about the use of language in the hearings. There were letters in the newspapers criticizing the way of speaking of different participants. Among them was Rivera Cruz. In the readers' opinion section of a newspaper in one letter under the header "Refrescándole la gramática a Rivera Cruz," (Refreshing the grammar to Rivera Cruz), the writer commented on the stigmatized use of non-standard inflection [-nos] (Quiñones, 1983). In another

letter, under the title “More grammar for Rivera Cruz” the writer commented on his ‘*dequeísmo*’, a non-standard phenomenon that consist in the introduction of the preposition ‘de’ before the conjunction ‘que’ Carrión (1983).

More than one witness complained about Rivera Cruz yelling at them (Former Secretary of Justice Giménez Muñoz, Lt. Nelson González, former attorney Osvaldo Villanueva), including the undercover agent González Malavé, who infamously said: “Mr. Chairman, please instruct the investigator that my auditory senses are not lacking in subtlety, that he does not have to raise his voice at me” (Suárez, 2003).

Rivera Cruz was highly sensitive to commentaries about his professionalism. He had at least two incidents with two Senators from the NPP. He even threatened to resign. Some observers saw this as a sign of tiredness and commented that he needed to develop a shield. One observer, Noel Colón Martínez, speculated that maybe the problem was that Rivera Cruz was a professional and he was not used to the political practices in which the politicians offended one another and very shortly after forgive each other (Penchi, 1983). Colón Martínez also added that a Rivera Cruz resignation would have been very sad because at times it looked as if he had done the investigation alone.

In 1984 the Popular Democratic Party won the elections and Governor Rafael Hernández Colón nominated Rivera Cruz as Secretary of Justice. He later left the public service, and as of today he has a private practice in San Juan.

5.1.1.2 Alejandro González Malavé

Few testimonies were so awaited as the one of Alejandro González Malavé, the undercover agent who went with Arnaldo Darío Rosado and Carlos Soto Arriví at Cerro Maravilla on July 25,

1978. His name had been mentioned many times during the hearings. His involvement in illegal activities had also been discussed during the testimonies of other witnesses.

He was recruited as an informant by agent Carmelo Cruz Arroyo in 1973 when he was 16 years old at the Gabriela Mistral High School in Río Piedras, Puerto Rico. Cruz Arroyo gave him the codename “El Fraile” (friar). González Malavé was from a humble family from the urban area of Río Piedras (a sector of San Juan).

He became an active member of different pro-independence groups in high school and later at the University of Puerto Rico. He also joined other groups, such as the Puerto Rican Socialist Party. As an informant, he became leader of the Federación de Estudiantes Pro-Independencia (Federation of Pro-Independence Students) in his school. He also worked at the only leftist newspaper of wide circulation in Puerto Rico, *Claridad*. Days after the killings of Darío Rosado y Soto Arriví, *Claridad* published photos of him, his employee number, his social security number and other information about him (Pérez, 1983). At one period of time, González Malavé was in charge of the newspaper circulation on the whole Island.

The undercover agent got a red carnet in the Socialist Party, which was a high distinction among the members of that organization. At some point during his work as an informant and undercover agent, he was accused by members of the Socialist Party of being involved in clandestine activities. He said, according to his reports, that “there were some things in the life of every revolutionary that cannot be said.”

In 1975 he attended the University of Puerto Rico where he joined the Federación de Universitarios Pro-Independencia (Federation of Pro-Independence University Students). He left the University after one year, but he continued attending at the Río Piedras campus regularly.

In 1977 he married Carmen Fernández and became an undercover agent for the Puerto Rico Police Department. At the beginning of 1978, according to Suárez (2003), González Malavé became more active. He went beyond information gathering and began to participate directly in illegal activities.

In January 1978 he went with John Saunders Maldonado to throw chains into an electric plant in the hope of causing damage, although unsuccessfully. They tried again on June 23, according to his reports. On June 30, González Malavé took Guillermo Segarra Palmer to his apartment where Segarra made a bomb that they planned to put in a United States Post Office. González Malavé gave him some of the materials for the bomb. Police and FBI agents were outside his apartment waiting for the opportunity to deactivate the bomb, and when they had the opportunity they did it. Later, however, Saunders, who would put the bomb in the Post Office, found out that something was wrong and fixed it. The bomb was transported in González Malavé's Volkswagen, and they put it in front of the Post Office into the sight of Intelligence Division and FBI agents who dismantled the bomb before it exploded.

On June 23 he bought an illegal shotgun with another man. That shotgun was later used on July 15 to shoot at the house of former Governor Luis Muñoz Marín from the road. There were policemen guarding the house (ignoring the coming attack) that were not hurt. González Malavé claimed in the hearings that he made a movement in the car (that he was driving) so the policemen could come out unhurt.

On July 4 González Malavé and five other men took the Security Office of the University of Puerto Rico by assault. Among the men were Arnaldo Darío Rosado and Carlos Soto Arriví, the two men killed on Cerro Maravilla. Another man fired a shot. He claimed that it was an accident, and no one was hurt. The idea was supposedly to steal the firearms that were in the

security office, but the Campus police at the University of Puerto Rico do not have firearms. They then took walkie-talkies from the Security Office. Later González Malavé read a communiqué to a radio station.

It is worthwhile to note that the men involved in the firing on Muñoz Marín house and those involved in the Campus Police office assault were different. The only element in common was González Malavé. No one was arrested for any of these events, even when the authorities had previous knowledge of them in many cases. They were arrested only after the killings on Cerro Maravilla.

There had been some talking among Arnaldo Darío Rosado, Carlos Soto Arriví, Alejandro González Malavé and Ramón Rosado Ríos about doing something on July 25, which was the day in that the United States invaded Puerto Rico as well as the Day of the Constitution of Puerto Rico. They had mentioned that there were communications towers on Cerro Maravilla, and they were good targets. The Police were taking measures for the possible attack. It has never been clear what the police were going to do once they arrived there. The Police version originally said that Rosado, Soto, González and Rosado Ríos were going to ‘blow up’ the towers. But later it became clear that they did not have the materials to do that. The Police claimed that the three men had fire accelerant and matches. Interestingly, a pilot from the Police Department said in the hearings that the policemen waiting for the three men were taking fire starters with them when he transported them on their way to Ponce the day before the killings.

Ramón Rosado Ríos, the fourth member that was supposed to go on July 25 to Cerro Maravilla, did not go. He claimed that when they talked the night before, there were no plans to do anything except taking a bus provided for the Socialist League to Guánica to participate in the commemoration of the United States’s invasion. Since he was tired, he decided not to go.

It has not been clear how the three men went from San Juan to Ponce, but once in Ponce, they kidnapped Julio Ortiz Molina, a *público* driver, and went to Cerro Maravilla in the nearby town of Villalba. Ortiz Molina said that when they were in the car, González Malavé was the apparent leader of the group. He mentioned that at one point Arnaldo Darío Rosado said “from now on, I give the directions.”

According to Ortiz Molina, on their way to Cerro Maravilla, one of the ‘muchachos’ (guys), as he called them, said that they should release the hostage, but González Malavé said that there was no time for that. González Malavé denied this and said that he was the one who suggested freeing Ortiz Molina, but another member of the group refused to do it.

Once on the tower (and nobody really knows why they picked the Rikavision tower instead of any other in the area) it is not clear who gave the halt to Rosado, Soto and González Malavé, or if anyone gave it at all for that matter. The Police say that they said “Halt”. González Malavé also said so, but there was some discrepancy about who said it. The *público* driver said that he did not hear the “halt.” The Police and Ortiz Molina’s versions coincide in that the first shots came from behind the car, where Rosado Torres y Soto Arriví were. González Malavé fired several shots into the air and later claimed that he did it in order to protect his identity as undercover agent. After a volley of shots, González Malavé was hurt on the pinky of his right hand and in his side. He shouted that he was an agent, and Rosado Torres and Soto Arriví surrendered.

According to the kidnapped *público* driver Ortiz Molina, while Soto and Rosado were being beaten, one of them shouted that Ortiz Molina was innocent and that he had nothing to do with what going on. In an interview with journalist Carmen Jovet, Ortiz Molina began to weep as he explained how these men were concerned with his wellbeing while they were being beaten.

He said that for that reason he called them ‘los muchachos’ (*the guys*). González Malavé, on the other hand, claimed that he was the one who told the agents that Ortiz Molina was innocent. Ortiz Molina described González Malavé as ‘*a monster*’.

An agent testified that after the first volley of shots in which González Malavé was hurt, he, the undercover agent, asked if “are they still alive?” There is a photo of González Malavé in a gurney smiling from ear to ear making the signal of triumph on July 25.

González Malavé presented himself as a person willing to risk his life for democracy, although his idea of democracy was confusing to say the least. Senator Mercedes Torres from the NPP praised him and thanked him on behalf of Puerto Rican women for his commitment to democracy. Carmen Jovet, a journalist who had worked on the case for some time, said that Senator Torres did not speak for her. At the end of González Malavé’s testimony, Chairman Aponte Pérez scolded him, considering his testimony to be disrespectful. One newspaper, *El Mundo*, criticized González Malavé’s behavior as witness and Aponte Pérez for being too lenient with him. Another newspaper, *El Vocero*, criticized Aponte Pérez for his comments about the González Malavé and praised the undercover agent.

But Aponte Pérez recognized that González Malavé did well in his testimony. Although González Malavé was confrontational, he did not commit serious contradictions. Although his testimony was criticized by many (Anglada López, 1983; Benítez, 1983; Bouet, 1983), he was also praised and for some people he ‘defeated’ Rivera Cruz. After Rivera Cruz finished his first day interrogating González Malavé, he retired and let the legislators interrogate the undercover agent. When González Malavé was leaving the Capitol, he was received as a hero by fellow police officers and sympathizers (Rodríguez Juliá, 1986).

Almost all observers agreed that Rivera Cruz's performance in his interrogation of González Malavé was not his best. González Malavé made him look bad on occasion, and Rivera Cruz seemed impatient and frustrated at times. It was explained that the investigator could not sleep the night before because he was awake almost the whole night, before interrogating agent Carmelo Cruz, who had asked for immunity.

González Malavé was defiant, and the interaction between he and Rivera Cruz was very confrontational. González Malavé had made many public manifestations about the case. In the hearings he answered firmly, using vocabulary and ways of speaking that normally would be associated with the leftist movements, although hypercorrectly in general while he articulated clearly the sounds. González Malavé managed well the questions posed by Rivera Cruz and was very clever in his answers, although he showed signs of uneasiness. At one point, he read a description that he wrote of himself when applying to join one of the leftist institutions of which he became a member. He described himself as courageous and daring. He projected that kind of personae.

I have said above that González Malavé presented a confusing conception of democracy. This is what I mean. At one point, Senator Alfonso Fas Alzamora asked González Malavé about the difference between terrorism from the right and terrorism from the left. González Malavé replied:

What happens is that there is a well defined difference between what leftist and rightist terrorism is. I dare at this moment to assure you specifically that to put a flyer (in a wall) in a given moment by leftists is the preamble to the global conception of a leftist ideology that culminates in a revolutionary process.

Rightist terrorism, it would have to be circumscribed, specifically, in a specific way to criminal actions per se, because we all know that the glorious democracy, precisely, allows us to do this and much more. And everyone that acts within the limits of democracy can do so many

things that do not need to exercise any coercive instrument against anyone, because is the people who decide that.”

It is not easy sometimes to make sense of what González Malavé says, but it is clear that he makes a distinction between terrorism from the left and from the right. According to González Malavé, the definition of terrorism depends on the ideology of those who commit the actions. To put a flyer in a wall is the preamble of terrorism if the flyer promotes leftist ideologies but not if it promotes a rightist ideology.

After the hearings, he was acquitted of any wrongdoing related in this case. But in 1986, he was killed when he was arriving at his mother’s house. Up to this day his killers remain unknown.

5.1.1.3 Julio Ortiz Molina

Julio Ortiz Molina was the público driver who was kidnapped by Arnaldo Darío Rosado, Carlos Soto Arriví and Alejandro González Malavé. Four days after the events on Cerro Maravilla, he contradicted the official version. Interviewed by Stella (1978), Ortiz Molina said that the three men took him to the Rikavision Tower and that he was under the dash of his car during the first shooting. Ortiz Molina declared that after the first shooting he saw Darío Rosado and Soto Arriví alive and in custody. He was removed from the scene and taken to a nearby tower. He declared that when he was at this second tower, he heard a second volley of shots.

In a later televised interview, Ortiz Molina referred to the two men dead on Cerro Maravilla as *los muchachos*. The journalist Carmen Jovet told him that he talked about them like affectionately. He replied by saying that while the two men were been beaten by the police, they intervened in his favor as he was also been beaten, letting the policemen know that he was not

involved in the case. He said that Soto Arriví and Rosado were not as concerned with themselves as they were concerned with him. He said this while weeping.

Ortiz Molina was from a poor family. He studied only until fourth grade. He was described frequently as a *jíbaro* (Suárez, 2003, p. 171; Ruiz, 1983). He was in the United States Army and in 1947 began to work in a factory in Puerto Rico. After that, he worked as a *público* driver in Ponce.

Ortiz Molina had been a member of the Popular Democratic Party since 1940, the year of its foundation. He lived with his wife who suffered from a heart ailment in a cement block house in a rural area. At the time of the kidnapping, he had a new car that he used for his work.

Describing him, Nelson (1986, p. 162) says that he possessed “old fashioned manners and a slightly ponderous sense of his own dignity.” Suárez (2003, p. 171) says that “he exuded jíbaro –country folk- openness, a quality that permits mistakes and some exaggeration, but not deception.” He had a skinny mustache, round belly, and stately walk. He always wore spotless shirts. Interestingly, Nelson (1986, p. 162) also mentions that he had “a permanent glum expression not unlike Muñoz Marín when he was in one of his poetic moods.” Muñoz Marín was the founder of the Popular Democratic Party and a legendary figure in Puerto Rican politics, particularly among the peasants. The PDP controlled the Senate during the hearings.

Ortiz Molina was one of the most important witnesses because he was the only civilian directly involved in the events. He raised doubts in the public opinion about the official version four days after the killings when he said that what happened on Cerro Maravilla was a massacre (Stella, 1978). That very same day, Governor Romero Barceló declared the actions of the policemen ‘heroic.’

His testimony was highly expected because, on one hand, as said before, he was the only civilian witness directly involved in the case, and he was the one who blew the whistle. On the other hand, the two previous Department of Justice investigations had concluded that Ortiz Molina was not a credible witness. One of the reasons for his alleged lack of credibility was the allegation that he had changed his testimony at different times. Another reason was that he sued the government, and therefore he acquired an economical interest in demonstrating wrongdoings by the policemen. The final objection was that he brought to one of the public attorney's attention a piece of metal (lead) two and a half years after the incident.

According to his testimony in the hearings, Ortiz Molina left the Police tower (nearby the Rikavision tower) with the Justice Department attorney Nigaglioni and agent Félix Santiago. Santiago and Ortiz Molina had known each other for more than 15 years. During the trip to Ponce (the second largest city in Puerto Rico), he told Santiago about the two volleys of shots. When they arrived to the Police Quarters in Ponce, Nigaglioni took a sworn statement from him. The statement was given in the presence of policemen. Ortiz Molina later declared that he knew that the Police were involved in the case, and they still had his car. He was afraid, and he did not tell everything he knew about the case. At the end of the statement, he was asked if he had something else to say, and he said "Not for now."

Interestingly, Ortiz Molina was asked how many volleys of shots he heard when he was "in the specific place of the events." He said that he had heard one volley of shots. Later he said that he understood that "the specific place of the events" was the Rikavision tower where the two men were killed and not the surrounding area where he was when he heard a second volley of shots. After the first volley of shots, he was removed from the Rikavision tower and placed in the nearby Police Communication tower where a policeman took charge of him. They both

agreed (Ortiz Molina and the policeman) that they had heard a second volley of shots when they were in the Police tower. The Department of Justice attorney who asked the question about the specific place of the events was in the car when Ortiz Molina said that he had heard a second volley of shots (Suárez, 2003, p. 132).

After his first sworn statement, he saw his car, which was damaged by the shots on the Rikavision tower. He knew that he would not be allowed to work in it and he asked if someone would pay for the damages. Nigaglioni told him that he would not be paid because the car was used in a crime. The fact that the crime was allowed by the Police, that the Police knew that the men were going to kidnap an innocent person, had no weight in this determination.

Ortiz Molina then went to a private lawyer, and in a second sworn-statement he declared that there were two volleys of shots, that the two men surrendered, that he saw them alive in police custody, and that they were beaten. He sued the government, and this suit was used against him. It was said that his 'change in declaration' was self-serving. In latter testimonies, he added more details.

This testimony was resisted by the Justice Department. During the hearings, Ortiz Molina declared that he was cited by an attorney of the Justice Department and that the chief attorney, Pedro Colton-Fontán, threatened him with perjury charges because he had changed his statement.

Speaking about Ortiz Molina, reporters Jovet and Stella said that they believed that he was an honest man. Félix Santiago, the agent that drove him from Cerro Maravilla to Ponce, said also that Ortiz Molina was an honest man. The Department of Justice said that his testimony was not credible because he changed it. Senator Calixto Calero Juarbe from the New Progressive Party screamed at him during the hearings that he was 'the number one liar.'

The third reason stated by a public attorney to prove Ortiz Molina's lack of credibility was that two years after his testimony he gave a piece of lead from a bullet to a public attorney., which was the first time he mentioned such evidence. Osvaldo Villanueva, the attorney who made this claim, accepted as good evidence fifteen rifle bullet cases that another witness brought to him at about the same time. This did not impugn this witness's testimony. When asked why the fifteen cases did not impugn one witness, but one impugned another, he replied that Ortiz Molina's piece of lead did not have characteristics of comparison with the firearms that Villanueva had at his disposal.

Ortiz Molina used non-standard forms characteristic of non-educated Puerto Rican Spanish. At one point in the hearings, Ortiz Molina used the non-standard form of the preterite of *ver* 'to see' *veí* (*I saw*). The standard form is *vi*. Apparently in the TV program *Análisis* - which was completely devoted to supporting the police version of the facts and was hosted by Senators Efraín Santiago and Nicolás Noguerras from the New Progressive Party- reporters criticized Ortiz Molina's use of this form because on July 29, 1983, under the title *Para Santiago y Noguerras* (For Santiago and Noguerras), the newspaper *El Reportero* published this letter from a reader:

It is sad and embarrassing to see how you make mockery... of a humble Puerto Rican that says "veí" instead of "vi." As if committing a verbal error were a motive for shame! As if being humble were unworthy! (Rodríguez Segarra, 1983)

Ortiz Molina was vindicated at the end of the hearings (Suárez, 2003, p. 219), and he won his suit.

5.1.1.4 Osvaldo Villanueva

Villanueva was the district attorney in charge of the second state investigation. He was given the authority to investigate not only the events on Cerro Maravilla but also in the first state

investigation. He characterized the first investigation as deficient, but he admitted in his interrogation that he copied the conclusions of the first investigation that he was supposed to investigate. He resigned from the Department of Justice the same day he turned in the Cerro Maravilla investigation.

The second investigation was carried out because on September 10, 1980 Lt. Julio César Andrades created a stir in the country when he announced that he would reveal important information about the Cerro Maravilla case, saying that Puerto Rico “would tremble.” (Suárez, 2003, pp. 121-4)

Julio César Andrades was a Lieutenant in charge of the Special Arrest Squad. At least two of his men were reinforcing the Division of Intelligence officers on Cerro Maravilla the day of the killings. Andrades was on Cerro Maravilla the day before, (July 24th) and arrived at the scene shortly after the killings.

Andrades said that when he arrived after the two men were dead, the director of the Division of Intelligence, Angel Luis Pérez Casillas, asked him to ‘clean the scene’. He also said that the day before that, Pérez Casillas had asked him if his men were trustworthy. Andrades asked him why he was asking, and he said that because maybe they would have to “knock down heads.” Andrades said that there was no problem with that (Suárez, 2003, p. 124).

He also said that Luis Reverón Martínez (one of his men on Cerro Maravilla) had told him (Andrades) that he had killed Arnaldo Darío Rosado with a shotgun while he was on his knee asking for clemency. The shotgun was illegal, and Andrades had kept that firearm for few months in the trunk of his car (Suárez, 2003, p. 124).

One problem was that Andrades was a corrupt policeman under the investigation of the FBI. He was involved in drug trafficking and other felonies, so, although his testimony could

have explained important contradictions in the first investigation of the Department of Justice, it was possible to cast doubts on his testimony and his motivations. Moreover, he was administered a polygraph and he failed (Villanueva). In fact, he was later accused and convicted, although many of the things he declared about Cerro Maravilla turned out to be corroborated.

Journalist Manny Suárez (2003) says that at some point in his investigation, Villanueva called him and journalist Tomás Stella supposedly to ask them what they knew about the case. According to Suárez instead, Villanueva told them that the *público* driver Julio Ortiz Molina was his best witness and that he never had changed his testimony as it was said. On the contrary, the testimony was manipulated to affect Ortiz Molina's credibility.

When the investigation was released, Villanueva said that Ortiz Molina's testimony was not credible and that witnesses that corroborated his testimony were not credible either. He said that he knew that during the investigation he was under police surveillance and also that Captain Jaime Quiles (of the Division of Intelligence) tried to put pressure on him by mentioning to him that he knew that Villanueva's sister was a socialist (Suárez, 2003, p. 134-5).

When asked why he resigned the same day he turned in his report on Cerro Maravilla, Villanueva said that there were different reasons, some of them personal, on which he did not want to comment. One reason he was willing to explain was that after the investigation he would not like to work with the police again because, among other things, they were not forthcoming.

Villanueva did not prove which policeman killed Rosado Torres. He did not offer any explanation for the bruises that the two dead men had. He did not send all firearms to ballistic tests. He did not interview all the policemen involved in the case or other policemen who had been located by witnesses on Cerro Maravilla but had been denied their participation. Although

he heavily criticized the first investigation, he adopted all its conclusions ‘ad verbatim’ because, according to him, the theory of self defense was not discarded.

As consequence of the senate hearings, Villanueva was indefinitely suspended from the legal practice. He was readmitted to the profession in 2003 (In Re: Villanueva Díaz 2003TSPR023).

5.1.1.5 Rafael Torres Marrero

Torres Marrero was the first policemen who testified at the hearings. His testimony came after a pause in the hearings. This pause was due to a decision in the Puerto Rico division of the U.S. court made by Justice Pérez Jiménez, which stated that the Senate of Puerto Rico did not have the right to publicly interrogate policemen involved in the Cerro Maravilla case. The Senate appealed the case to the First Circuit Court of Appeals in Boston, and the court revoked Pérez Jiménez’s decision. This testimony was highly expected. One of the reasons that Torres Marrero was involved in the hearing was that he was one of very few officers that knew the undercover agent Alejandro González Malavé.

The official version said that González Malavé had killed Carlos Soto Arriví. He declared that he did it in self-defense. Later it was discovered that he did not kill him. He shot Soto Arriví twice in his legs while he was under Police custody, but he could not or did not want to kill him. Another officer, Rafael Moreno, did it, but the official version did not say that because Moreno was not even in the Rikavision tower during the first volley of shots. According to the Police version, there was only one volley of shots. Identifying Moreno as the police officer who shot Soto Arriví would force an admission that there was a second volley of shots later that day.

Torres Marrero had originally failed the psychological tests to become an Intelligence officer, but later he was admitted. At the time of the hearings, he was trying to obtain a pension

for a work related accident not related to the Cerro Maravilla case. He was limping and using a cane. He did not wear suit when testifying. He wore a beard and was disheveled.

He was caught in contradictions several times. When asked if he killed Soto Arriví he answered “The one who takes ones live is God. What I did was defending my life.” In many occasions, he could not offer rough estimations of time. He said that he could not do it because he did not have a watch. When asked about approximate distances, he said that he did not know about measures.

Torres Marrero was later found guilty of 6 charges of perjury and obstruction of justice and sentenced to 20 years in the Federal prison. He was also found guilty on 3 charges in the Puerto Rican jurisdiction. Each charge bore a sentence of six years that were concurrent among them and consecutive to the federal sentence.

5.1.1.6 Roberto Torres González

Torres González was the Police Superintendent at the time of the Cerro Maravilla killings. He was a lawyer and a former district attorney named to the post by Governor Carlos Romero Barceló who later asked for his resignation unceremoniously. It was speculated that his firing was related to the Cerro Maravilla case (Nelson, 1986, p. 188, Suárez, 2003, p. 84), but it was never substantiated.

He had been involved in Counterinsurgency activities as part of his involvement in the National Guard (Pérez Viera, 2000, p. 30). He also received training from the FBI (p. 41). It was said that the Assistant Superintendent, Colonel Desiderio Cartagena Ortiz, was in fact the one who ran the Police Department on a day-by-day basis. Governor Romero Barceló used to meet with Assistant Superintendent Cartagena without Torres González’s knowledge (p. 109). It was

believed that Torres González was disaffected by Romero Barceló after his firing (Suárez, 2003, p. 284).

The former Superintendent belittled the *público* driver kidnapped on Cerro Maravilla. After Ortiz Molina declared that he saw the two men alive after the first volley of shots, Torres González said about him that “He must have made a mistake; he didn’t know what he was saying. He’s just a poor público driver.” (quoted on Pérez Viera, 2000, p. 140)

In the hearings he admitted that serious contradictions had surfaced during the hearings, but claimed that he wanted to believe in the official version of the events. Torres González accepted administrative responsibility for anything that could have happened on Cerro Maravilla the 25th of July.

Torres González avoided direct confrontation with Rivera Cruz. Speaking about a later deposition, Suárez (2003, p.290) points out that Torres González “lied despite his seemingly cooperative demeanor.” This “seemingly cooperative demeanor” also was present in his testimony in the presence of Rivera Cruz. That makes his testimony interesting even when it was not very long.

5.2 HEARING PROCEDURES

The Cerro Maravilla hearings cannot be called a trial. They were part of an investigation resulting from Resolution 91 of the Senate of Puerto Rico. This resolution ordered a thorough and full investigation of the events that occurred on July 25, 1978 when Arnaldo Darío Rosado and Carlos Soto Arriví were killed in Cerro Maravilla, as well as of the prior events, including the activities of the two men, the activities of the police, and the activities of members of other

government agencies that could have been related to the planning, organization and direction of the operation.

The resolution also ordered the investigation of all activities of the executive branch on July 25, 1978, or later which could have been related to the previous investigations of what happened on Cerro Maravilla and any attempt by a public official to cover-up for the participants any act against them. The investigation also included a study of the procedures and general practices used by the Police of Puerto Rico and in relation to undercover agents. The Judicial Committee of the Senate was in charge of the investigation. The committee had fourteen members: nine from the Popular Democratic Party and five from the New Progressive Party.

After the completion of the investigation, the committee was supposed to submit legislation based on what the committee had learned in the investigation with the purpose of avoiding the repetition of the discovered flaws (P. del S. 91, 1981).

In the Resolution 91 of the Senate, it says that the Cerro Maravilla hearings were a “legislative investigation.” However, the criminal nature of the events and the format of the investigation made the case a quasi-judicial one. The NPP accused the Senate of violating criminal procedure in its investigation. But as Suárez (1987, p. 235) points out, the Senate had to take the rules that prevailed in the U.S. federal grand jury investigations and adapted many of them to the Senate investigations. One difference was that the grand jury met in secret and the Senate investigation was televised. Another difference was that the witnesses could have a lawyer with them. Witnesses could consult them, but the lawyers could not talk in the hearings. In grand jury investigations the lawyer has to wait outside and he or she is called if the witness needs to consult him or her. The other important difference was that the investigator had the possibility to use *careo*, which literally means ‘facing’. This was a practice in which two

witnesses telling contradictory stories were put on the stand to face each other. This is a valid principle in the Hispanic system of justice and is used in much of Latin America. The American system does not use it and it is not used in Puerto Rican courts (Suárez, 1987, p. 235). The Senate could not present charges in court, but they could submit their findings to the Department of Justice, as in fact, they did.

During the main investigation, Héctor Rivera Cruz asked questions to the witnesses without a time limit. Once he finished with his questions, the senators had 10 minutes each to ask further questions.

This committee had ample power to investigate. The committee could require the presence of any person, and if the person did not attend to the hearings, the Committee could ask a court to oblige him or her. Some witnesses tried to avoid the interrogation. They went to the U.S. District Court in Puerto Rico looking for protection from their citations. The court decided that they did not have to testify in the hearings; but the Senate went to the First U.S. Circuit Court of Appeals in Boston and this court revoked the District Court, and the witnesses had to declare.

The investigator had previous witnesses' testimonies from the prior two investigations. He also had the previous testimonies of the witnesses at his office. Obviously he had a clear idea of the flaws of those investigations, so he could go over those flaws and no other lawyer could try to rehabilitate the witness. Even wjo;e this was just an investigation, we have to remember that the hearings were televised, and many people were following them. Public perception, therefore, was at least as important as the final results of the investigation.

After finishing Rivera Cruz's interrogation, the Senators could ask questions of the witnesses. Since there were political interests at stake, the senators of the NPP tried to

rehabilitate some witnesses, but those senators did not have an investigator, as for example at Watergate hearings in which the minority in the committee had an investigator.

Some of the characteristics that are similar to the legal process are: 1) there were witnesses and lawyers with witnesses; 2) the witnesses declared under oath; 3) evidence was presented; 4) a lawyer interrogated the witnesses; and 5) the format was question-answer. This last characteristic has strong interactional implications that will be discussed below.

The hearings were held over the course of 50 sessions, from June to December of 1983. They regularly began at 11:00 AM, then there was a recess at 12:30, and at 1:00 they resumed until 5:00 PM. I have collected approximately 120 hours of video, but it is important to remark that in parts of the recordings Rivera Cruz is not speaking because Senators from the Judicial Committee are the ones asking questions.

5.3 SETTING

The senators were seated at two tables raised on two levels. The chairman Aponte Pérez was in the central position of the lower level table. The witnesses were in a desk at the right of the tables where the senators were. Most witnesses had a lawyer who sat next to the witness. In some cases, more than one witness sat at this desk. The investigator and his staff –normally one or two persons- had a desk facing the witness's desk. The public was facing the senators' tables. There was a scale model of the Rikavisión tower area (where the events happened) and behind the witness desk there was also a board with a painting of the area with. Some witnesses were asked to refer to the scale model and to the painting in order to explain the events.

5.4 ANALYTICAL METHOD

This is a qualitative study based on a close reading technique. My methodology is discourse analysis. This technique consists of a close and careful analysis of texts, line-by-line, that seeks to describe and explain basically how and why we use language the way we do.

Discourse linguists maintain that language is inseparable from other aspects of our life and that the selection of linguistic forms should be explained in terms of authentic communicative needs (He, 2001, p. 430). I will pay particular attention to the context: who is speaking, where he or she is speaking, why he or she is speaking, what is happening in the discourse. What was the specific situation of a speaker in terms of the case that I am studying? What was the political, social, and historical context? The choices that the speaker makes in this situation are not arbitrary, but are motivated by contextual factors.

As I said before, different approaches have yielded important insights on how and why the language is used by speakers. In this work I will analyze the texts using different tools developed for those different approaches.

I pay particular attention to the epistemic modality conveyed by speakers, as well as the evidential markers used and the social meanings of linguistic forms and uses. In the analysis I incorporate opinions of the hearings about the language in the hearings published in newspapers and books. Reactions to the testimonies are revealing, because in them people articulated their understandings regarding different ways of speaking and related them to social groups, that is, they constitute explicit metapragmatics. It is unrealistic to expect candid reactions from all commentators, since partisanship played an important role. However, interest is an inherent element of linguistic ideologies. These metapragmatic comments are resources to understand

some linguistic ideologies that could have played a role in the hearings and also can offer some insights about how linguistic ideologies are used strategically.

In this study, I made different emphasis in different interactions. I think this is not capricious. I have observed in them tendencies to take stances through different mechanisms and in different ways.

5.5 OTHER MATERIALS

To contextualize the Senate hearings, I will use various resources that can be classified as books about the case, including the Senate investigation, press articles, official reports from the Senate, the official transcripts of the hearings, and videos of news analysis about the hearings at the time of the hearings.

This material is important because it helps me to understand columnists' reactions to the testimonies, the anticipation of them, and the opinion of readers. It is also useful because the five books (Suárez, 1987, 2003; Nelson, 1986, Aponte Pérez, 1995; Pérez Viera, 2000) devoted to the case cover aspects of the investigation that were not published during the hearings.

The news articles were published by the five newspapers in Spanish circulating on the Island in 1983. Those newspapers were *El Mundo*, *El Nuevo Día*, *El Vocero*, *El Reportero*, and *Claridad*. The first two were daily newspapers. *El Vocero* and *El Reportero* were published 6 days a week from Monday to Saturday. *Claridad* was a weekly newspaper. This newspaper is openly leftist. The others newspapers did not make an explicit claim about their position, but there is a widely accepted understanding that they sympathized with different political positions. For example, the president of *El Vocero* is a well known statehood supporter. I also have articles

published by *The San Juan Star*, the only English language newspaper on the Island at that time, but I do not have all the six months of coverage. All these newspapers had general circulation, although *Claridad*, *El Reportero*, and *The San Juan Star* did not have the same circulation as the other three.

As mentioned in the Introduction Edgardo Rodríguez Juliá in his chronicle-essay about the Senate hearings, *El Cerro Maravilla*, offers his insights about the dynamic of the hearings and the reaction of the public. He puts the hearings in the political and social context of Puerto Rico. His comments are particularly informative and his insights are a major influence in this work.

The videos of news analysis are also helpful because journalists and political analysts and politicians commented on and discussed aspects of the hearings and they help to understand not only what was said in the hearings, but also, what the reactions were of these journalists and people from different ideologies. Unfortunately, I have few of these analyses (only 5), but they are helpful as an example of how the hearings were covered and analyzed on TV.

In summary, approximately I have:

- Five books about the case.
- One chronicle-essay
- Near 1,000 news articles including hard news, columnists' opinions, editorials, readers' opinions, and even cartoons.
- Five videos of news analysis.

5.6 RESEARCH QUESTIONS

Accordingly to my interests my research questions are:

Specific

1. How identities were created during the hearings?
2. Were they effective in attaining communicative goals?
3. How are the participants' performances related to the broader social and historical context?
4. What stances were at play?
5. Why Rivera Cruz and González Malavé were particularly effective?

General

1. Can indexicalities explain the fluid dimension of identity?
2. Can stances explain apparently disparate indexicalities?
3. Can stances explain the stable dimension of identity?
4. How a fluid identity can also be stable?

The next chapter constitutes the analysis. Chapter 6 is centered in the interactions between Héctor Rivera Cruz and five witnesses: Julio Ortiz Molina, Rafael Torres Marrero, Roberto Torres González, Osvaldo Villanueva, and the undercover agent Alejandro González Malavé.

6.0 ANALYSIS

Rivera Cruz was little known to the public when he was appointed investigator for the Cerro Maravilla investigation. However, Suárez (2003) points out that he was respected among his peers. Referring to Rivera Cruz's interrogations Suárez said that, "What the viewer sees on television is a relentless investigator. The questions are triggered quickly by each answer and they become faster, more incisive –and more devastating- toward the end of the witness testimony." Later he added: "Rivera Cruz is good and his style appears effortless because it is. He was never different in a courtroom."

The success of Rivera Cruz from the investigative point of view is undeniable. He was able to demonstrate serious flaws in the first two investigations carried out by the Department of Justice. He also demonstrated that the police version did not correspond to the facts. He confronted the witnesses with contradictions. He was able to obtain an alternative version that explained the evidence and that version was accepted as the truth.

Rivera Cruz was able to perform effective interrogations, perhaps with the exception of the former undercover agent Alejandro González Malavé, whose testimony is analyzed in this study. Rivera Cruz was aggressive when questioning some witnesses, while deferent when questioning others. He demonstrated rapid thinking, excellent memory and preparedness.

All his interrogations began in a calmed and formal way. However, once he began to address crucial details of the case, he seemed to become more engaged emotionally and began to

speak faster, louder, and sometimes even reaching a falsetto-like pitch. His identity seemed to change depending on the kind of witness, moment of the question with respect to the whole interrogation) and the topic. Moreover, as the interrogation advanced, particularly when interrogating hostile witnesses, he seemed to exhibit features associated with rural Puerto Rico.

He combined in a powerful way features associated with the authority, knowledge and power of a lawyer with the emotion and passion associated with youth and the features associated with certain way of being Puerto Rican –*jíbaro*- which was the centerpiece of the Puerto Rican imagination in the Puerto Rican literature and politics of great part of the last century. In fact, the features associated with the rural areas seem to be more prominent when he was interviewing unfriendly witnesses. Finally, his aggressiveness, hostility, authoritativeness, knowledge and control of the situation indexed certain kind of masculinity.

I will demonstrate in this analysis how Rivera Cruz combined general proven questioning strategies with his particular way of speaking to achieve his success. I claim that his success is not only the result of his command of the technical intricacies of the legal practice, but also the result of his identities created in interaction.

In the following section I describe in general terms characteristics observed in Rivera Cruz's performances. First, I describe general questioning strategies that he employed in his interrogations. Then, I comment briefly the features of his particular way of speaking, such as non-standard forms. This division is arbitrary and only holds for exposition purposes. The success of Rivera Cruz is not based on one or the other, but in the combination of his particular way of speaking and his employment of effective questioning practices, which occur simultaneously and reinforce each other. In the next sections I offer isolated examples in order to illustrate the general strategies. In further sections I analyze the construction of identities by

Rivera Cruz and the witnesses chosen for this study and I examine in more detail longer fragments of texts (by witnesses) relating these two crucial elements (i.e. his particular way of speaking and questioning strategies).

6.1 GENERAL STRATEGIES

Rivera Cruz exploited the interactional advantages that his position as Senate investigator conferred him. He was the one asking the questions and the witnesses had to answer them. This enabled him to set the topics; to include dangerous presuppositions in his questions; to ask many yes/no questions that limited the answers of witnesses; to juxtapose parts of the testimonies, to introduce propositions in his questions, and so on.

6.1.1 Questions

Rivera Cruz effectively used questions as resources. He exploited the interactional advantages that his institutional position seemed to confer him¹⁹. They are the main resource that lawyers have to advance their agendas. Through questions, lawyers introduce topics, include dangerous presuppositions, include damaging propositions, encode different modalities, limit the answers of the witnesses, etc.

In the following example we can see Rivera Cruz employing yes/no questions.

¹⁹ In the analysis of the testimony of Alejandro González Malavé I hope to demonstrate that in the case of the hearings, the institutional advantage is important, but witnesses had the possibility of challenge that advantage.

(10) Fragment 10

1. HRC: Pero de acuerdo a su experiencia y a la evidencia en su poder, ¿alguien tiró de atrás del vehículo?
HRC: But according to your experience and the evidence that you had, someone shot from behind the car?
2. OV: Definitivamente.
OV: Definitely.

This question was posed to Osvaldo Villanueva the district attorney in charge of the second Department of Justice's investigation. Notice that in (1) Rivera Cruz underscored the evidence but also the experience of the witness. By doing this he was giving force to the answer. But more importantly, he was foregrounding one aspect of Villanueva's identity (i.e. an experienced investigator).

Some of his questions were contested by the witnesses and senators of the minority. However, they were devastating not only because of their content, but also because of his delivery of them.

One of the mechanisms that lawyers have to control the interactions is limiting the answers by asking yes/no questions. This was particularly evident when he interrogated witnesses that defended the police version. According to O'Barr (1982) this has the effect of producing a fragmentary testimony that is centered and in general terms limited to the evidence that the lawyer wants to clarify and underscore. Open questions, on the other hand have *the potential*²⁰ of producing a narrative style in which the witness can introduce more elements that those desired by the lawyer. A narrative can introduce the voice of the witness and enables him or her to introduce his or her voice –if not for other reason just because the witness speaks more-, with reported speech, modality encoded and so on.

²⁰ It is only the potential because the witness can choose to offer short answers. This is a consequence of the intersubjective dimension of interactions.

6.1.2 Tag-questions

Tag-questions also have the effect of limiting the answer to confirming or disconfirming a proposition presented by the lawyer. The expectation of a tag-question is confirmation. In example (11), Rivera Cruz took a series of consecutive turns, all ending with a tag-question, producing a series of confirmations.

(11) Fragment 11

1. HRC: Mire, Justo Rivera, fue agente encubierto, ¿verdad que sí? Le pregunto.
HRC: Look, Justo Rivera was an undercover agent, isn't that right? I am asking you.
2. AGM: Creo que sí.
AGM: I think so.
3. HRC: Bien. Luis Daniel Erazo Félix, fue agente encubierto, ¿verdad que sí?
HRC: Ok. Luis Daniel Erazo Félix was an undercover agent, isn't that right?
4. AGM: Sí señor.
AGM: Yes, sir.
5. HRC: Usted fue agente encubierto, ¿verdad que sí?
HRC: You were an undercover agent, isn't that right?
6. AGM: Sí señor.
AGM: Yes, sir.

This is exactly what Younger (1976) recommends for lawyers in trials: “You must say it for him. Let him put the automatic pilot in yes. Let him say, ‘yes, yes, yes’ right down the line.” (Younger, 1976, p. 23 quoted on Hobbs, 2003, p.485)

6.1.3 Constructing Declarative Questions

In many cases Rivera Cruz's questions took a different syntactic form. He introduced many questions with the utterance-initial clause *Le pregunto si* (I ask you if), as in the following example:

(12) Fragment 12

1. HRC: Bien. Yo le pregunto, si de acuerdo a su investigación usted determinó cómo se produjo ese impacto de ese vehículo de motor por una persona tirando desde atrás del vehículo?
HRC: Ok. I ask you, if according to your investigation did you determine how the motor vehicle's impact was produced by a person shooting the car from the back?
2. OV: No señor.
OV: No, sir.
3. HRC: No lo determinó.
HRC: You did not determine it.
4. OV: No lo determiné.
OV: I did not determine it.

This syntax allows Rivera Cruz to request information with a declarative intonation, that is, without having to use interrogative intonation. This is important because in trials, lawyers are not allowed to make statements while questioning witnesses. Asking questions using declarative intonation allows lawyers to introduce their voices. Although the hearings were not a trial, Rivera Cruz, in most part, adhered to trial practices, which in turn gave certain legitimacy to the process.

6.1.4 Tell Me if It Is True or Not

Perhaps, the most emblematic of his questions began with the clause *Dígame si es o no cierto*. Referring to Rivera Cruz's use of the clause "Tell me if it is true or not", Suárez (2003, p. 159) says that it was "a tired courtroom phrase" that "became part of the popular jargon." A reader of the newspaper *El Mundo* (Acosta, 1983) also commented the normal use of the phrase in courts.

The clause is a directive invariably followed by a subordinated clause for which confirmation or disconfirmation is required. The request of information takes the form of a

command. The phrase functioned as a powerful attention getter that served to let the audience know that what followed was important and suggesting that Rivera Cruz expected a yes –or even that he knew the answer. The following example is one of the many instances when Rivera Cruz uses the clause. In (13) Rivera Cruz asks for information that he, as a former district attorney himself, knew very well. In this case, he obtained the confirmation.

(13) Fragment 13

1. HRC: Dígame, si es o no cierto que la norma es que los hechos de muertes que ocurren en un distrito del área de Puerto Rico, se investiga por la Fiscalía que tiene jurisdicción sobre ese distrito, si esa es la norma?
HRC: Tell me if it is true or not that the norm that the deaths that occur in a district in Puerto Rico, are investigated by the District Attorney's Office that has jurisdiction over that district, if that is the norm?
2. MGM: Eso es lo ordinario.
MGM: That's the ordinary.

Although the witness claimed that he could not confirm or disconfirm the information, the expected answer was an embarrassing and damaging yes because former district attorney Villanueva had admitted previously that he adopted all the conclusions of the first investigation and it had been demonstrated that they were reproduced 'ad verbatim' in the Department of Justice second investigation. In other words, the answer was common knowledge for everyone who was following the hearings, and specifically for the members of the Senate committee.

This structure enabled Rivera Cruz to introduce a proposition, with the modality encoded by him, while limiting the witness to confirming or disconfirming that proposition. Moreover, this request of information shares with tag-questions the expectation of confirmation. By being a directive, it also contributed to the construction of a superordinate participant position, reminding the audience where the authority was.

A variant of this structure is *Mire a ver* (Look to see) as in example (14) below:

(14) Fragment 14

1. HRC: Mire a ver si es el mismo rifle AR-15 que usted había sacado a las cinco de
2. la mañana el mismo 23 de julio del 78. (LOUD) y le entregué el otro exhibit que es el 157.
3. HRC: Look and see if it is the same AR-15 rifle that you had taken at five o'clock in the morning that same July 23, 1978 (LOUD) and I handed you the other exhibit that is the 157.
4. RTM: Es correcto.
5. RTM: It is correct.

6.1.5 Presupposing

The inclusion of presuppositions can be seen in the following example:

(15) Fragment 15

1. HRC: ¿Esto usted lo vio bien, a Carlos Soto?
HRC: You saw this well, saw Carlos Soto?
2. RTM: Bueno, si fue el que se enfrascó en los tiros conmigo.
RTM: Well, if he is the one involved in the shooting with me.
3. HRC: ¿Ese fue el que usted mató?
HRC: This is the one that you killed?
4. RTM: Correcto.
RTM: Correct.

Notice that in 3, the presupposition is 'you killed someone', which was accepted by the witness.

6.1.6 Repetitions

The newspaper "El Mundo" published a letter to the editor in which a reader among other things lambasted the Rivera Cruz because according to the reader, the investigator did not do much than repeating (Carrión, 1983). Repeating is thus portrayed as an undesirable linguistic behavior. But

as commented by Becker (1994) repeating is always reshaping. That is, repeating implies a recontextualization and therefore each time an utterance is repeated, its meaning is altered. The audience reinterprets the meaning of the word or phrase in light of the accretion, juxtaposition, or the expansion (Tannen, 1989). This is one resource that lawyers have at their arsenal to reshape what a witness had said and to add a comment on the witnesses' propositions.

Behind the idea that repetition has little merit, underlies an ideology that pragmatic meanings are less valuable than semantic ones. Repetitions do not necessarily add new referential information, but they can be used for adding comments to what has been said, to create relationships. The information that speakers can convey via repetitions seems to be considered of little value, despite the importance of this information in people's understandings of propositions.

Since participation in legal procedures is constrained and lawyers are supposed to ask questions and not to comment on what is said, they take advantage of the multifunctional nature of repetitions to advance their version of the events.

Repetition was a central resource for Rivera Cruz. He was able to utilize repetitions strategically to undermine the credibility of witnesses and their versions of the events. He used them to convey doubt –via intonation and tag questions- to convey surprise, disbelief, and sarcasm.

One characteristic of his performance was his extensive use of allo-repetitions, that is, repetitions of what the interlocutor has said. Repetitions have many functions (Becker, 1994; Johnstone, 1994; Tannen, 1989). Rivera Cruz sometimes seemed to produce automatic repetition. He also seemed to use allo-repetition to produce a fluent speech and to emphasize the answer given by the witnesses. But his use of allo-repetition enabled him to encode modalities

of disbelief, surprise, and sarcasm. In other words, through the modality encoded in repetition he was able to let the audience know what his opinion about what the witness had said. In this form, allo-repetitions enabled him to introduce a comment on the witnesses' answers, to evaluate and to contest. Thus, the audience heard the story from Rivera Cruz's voice with the modalities he encoded in it.

Modality refers to the commitment that the speaker has towards a proposition, for example, uncertainty, doubt, sarcasm, and so on. According to Rieke and Stutman (1990) (quoted in Hobbs, 2003), this can influence the audience because it is an invitation to the audience to make sense of the evidence. In a certain way, it creates an emotional experience of "connectedness" that results from having a shared point of view, and becomes into contextualization cues.

This is the case of the phrase of "Tell me if it is true or not", a catchphrase that Rivera Cruz employed frequently and became part of the popular imagination for some time. When he was being aggressive, this phrase preceded a damaging question and served to cue the speakers that some damaging information was going to be produced. At the interactional speaker, it emphasized the confrontational quality of the question.

Rivera Cruz also repeated his own questions (self-repetition) at different moments of the interrogation (e.g. (16) below). One witness, former Secretary of Justice, Miguel Jiménez Muñoz protested these repetitions.

(16) Fragment 16

1. HRC: Corpses. And with what purpose did you examine them?
2. MGM: Well, apparently Gelpí had a question regarding the corpses, he brought up how they appeared, how they looked and I ...
3. HRC: They said they had contusions?
4. MGM: That they apparently could have been beaten, yes.
5. HRC: Or hematomas or abrasions. From the pictures, if you saw them.

6. MGM: They had spots on the face that could have resulted from being contusions.
7. HRC: That they were contusions. And Gelpí brought that worry to you?
8. HRC: Licenciado* Jiménez Muñoz. (*Translator's note: In Puerto Rico, 'licenciado' is the title given to someone with a law degree*)
9. MGM: Licenciado Jiménez Muñoz, I was your supervisor for a few years and I would appreciate if we respect each other.
10. HRC: All right. I have made something in particular that you understand that I did not respect you?
11. MGM: Your repetitive, insistent and consistent question, make any person nervous, particularly the dignity of a person. So if we respect each other, if you have consideration towards me like I always have had towards you lets...
12. MR. PRESIDENT: (MR. APONTE PEREZ): The Presidency will be determining the incident as concluded....

The repetition (turn 7) of the question in turn 3 is not innocuous. By repeating the question Rivera Cruz is forcing the witness to repeat a damaging answer with a foreseeable following question, that is, that he was told that the bodies had bruises and that he did not pursue the issue. The witness acknowledged the effect of the repetition on him and characterized it as disrespectful.

6.1.7 Attention getters

Rivera Cruz employed several terms and phrases as attention getters that became popular. When people imitated him, these words and phrases were common. The most popular one probably was “Tell me if it is true or not”, which has been discussed above.

Another word that that Rivera Cruz employed that became popular was the neutral addressing term “Testigo” (witness). It became confrontational because it frequently was a prelude of incisive damaging questions. Therefore, it functioned as an interactional specific contextualization cue.

Another phrase that Rivera Cruz employed was “refrescar la memoria” (to refresh the memory). He used it after a witness had claimed that he did not remember the answer to a

question. Rivera Cruz then provided evidence related to the question –a sworn statement by the witness himself, physical evidence, pictures. Subsequently, Rivera Cruz would ask “Did that refresh your memory?” In several occasions he encoded a sarcastic stance via intonation. The intonation suggested that he (Rivera Cruz) knew the answer and the witness too, and the witness would have to admit what was questioned. It constituted a comment on the witness because it suggested that the witness was being less than candid.

6.2 RIVERA CRUZ’S WAY OF SPEAKING

But Rivera Cruz performance was not just one of an effective lawyer. He was a distinctively Puerto Rican man. Rivera Cruz employed features that in the past were associated with rural Puerto Rico and now they are more associated with lack of formal education. These features are not generally associated with formal and lawyerly contexts. The most salient of these features were: the non-standard inflection (-nos) of the first person plural in the imperfect²¹, instead of the standard form (-mos); elision of intervocalic [d] in the past participles (e.g. *metío*= to be put, *esmandao*=quickly, in a hurry); aspiration [h] or elision of /s/ at the end of syllable; velar r [x]. Besides these morphological and phonological features, Rivera Cruz also employed archaisms such as *contentura*, and a metaphoric use of the word *pernil* (ham or shoulder of a pork) to refer to the fender of a car. Rivera Cruz clarified that this was “*como decimos en el campo*.” (‘how we say it in the countryside’)

21 This form is also found in the conditional and the imperfect subjunctive, although I have not found examples of them in Rivera Cruz way of speaking.

Although these features are common in Puerto Rico, most of them are stigmatized and very salient, perhaps with the exception of the aspiration of [s]. But Rivera Cruz also employed other features that have been associated with rural areas, like loudness and high pitch.

Additionally, Rivera Cruz used dramatic gestures like pointing repetitively to the speaker or to the evidence, opening his hands when asking some questions, counting with the fingers while enumerating something, smiling sarcastically, and even marking each chunk of information in a question with a movement in of his right hand. I am not claiming that these gestures are characteristic of Puerto Rico; rather I am under the impression that they are informal and more common in everyday communication.

Several witness complained because, according to them, Rivera Cruz was shouting at them. Several observers commented on what they perceived as his high pitched voice. Alvarez Nazario (1990) has produced the most detailed account of Puerto Rican peasant Spanish. In his work he describes the sounds, syntax, morphology, lexicon, and some discourse characteristics. In terms of the intonation Alvarez Nazario refers to a description produced in 1887 by a Puerto Rican physician interested in linguistic issues. Del Valle Ailes asserted that the rural Puerto Ricans

“speak in a loud voice, but without “the intensity and the vigor that is almost general among the rude people. In the pitch of the *jíbaros* does not predominate the grave tones, instead they can refer to the baritone, tenor, or even mezzo-soprano scales; not being rare the falsetto voice.” (Alvarez Nazario, 1990, p. 159) (my translation).

Loudness and the high pitch have been associated with rural Puerto Ricans and with a lack of formal instruction, in urban and rural Puerto Ricans. In caricaturesque representations of the *jíbaro*, these features can be observed. Two examples are the character *Machuchal* created by the late actor Adalberto Rodríguez and Tavín Pumarejo a singer and comedian.

The features associated with rural speakers in Puerto Rico are not exclusive to that group. Alvarez Nazario (1990) notices that most of these features are shared by rural and urban non-formally educated Puerto Rican speakers. However, these features have been ideologically associated with rural speech, despite the fact that this association is not based upon an exclusive correspondence between features and rural speakers. Rather, from at least as early as the middle of the nineteenth century, these features were singled out as rural by writers. In writers' representations of *jíbaros* they were emphasized (Alonso, 1996; Díaz Alfaro, 1982; Laguerre, 1939; Marqués, 1976). The use and emphasis of these features in literature for portraying the *jíbaro* solidified the association between these linguistic features and thus a particular way of speaking was enregistered (Agha, 2005). Cultural policies that located the *jíbaro* as a central element of Puerto Rican identity and their manifestations in the school curriculum and the Institute of Puerto Rican Culture helped to disseminate and reinforce this association. As mentioned earlier, representations of the *jíbaro* depicted this character as white. Therefore, linguistic features associated with *jíbaro* can index whiteness.

In this part I have mentioned some of the most salient aspects of Rivera Cruz way of speaking. In the next sections I analyze the interactions between Rivera Cruz and five witnesses in more detail.

6.3 PUTTING THE TEXTS IN CONTEXT

According to the Resolution 91 of the Senate, the hearings were part of an impartial investigation about the case. Several members of the minority of the Senate complained because according to them Rivera Cruz seemed to be trying to advance a theory. They mention his

“argumentativeness” and his “hostility” to support their claim. At the time of the hearings Rivera Cruz had been investigating the case for almost two years. Rivera Cruz had the reports and the evidence of the two investigations carried out by the Department of Justice.

The investigations of the Department of Justice left many loose ends and had many flaws. In fact, Rivera Cruz wrote a report in which he identified 103 flaws. He had had access to previous sworn statements from many witnesses. He had interviewed some witnesses before the hearings. He had received collaborations from citizens interested in the case, and even from some policemen that for various reasons had given him valuable information. In fact, it was apparent very early in the hearings that some witnesses –those that sustained the police version– were perceived as hostile and others as friendly –those that contradicted the police version and those who brought new information.

The order of the testimonies was designed to first, demonstrate the flaws of these two investigations; second, to challenge the police version; and third, to uncover the facts. In the next paragraphs I will synthesize the development of the investigation. In this way, the reader will have an idea of when the analyzed interactions took place with respect to the whole hearings.

A first phase of the investigation was centered in the Department of Justice’s investigations. The flaws were many. Most of this phase of the investigation was directed to expose these flaws and confront district attorneys with the flaws of their own investigations. This included questions about what evidence was gathered, what evidence was left out and why, how the evidence was gathered, which testimonies were corroborated and which were not, and the professional conduct of the officials that carried out these investigations. In this phase Rivera Cruz called to the witness’s stand district attorneys, officials from the Department of Justice, and

civilians. Among the civilians were witnesses that had been left outside of the previous investigations, and family members of the two men deceased. Rivera Cruz called to the stand the district attorneys that performed the first investigation of the events, Pedro Colton Fontán and Angel Figueroa Vivas and former district attorney Osvaldo Villanueva, who performed the second Department of Justice investigation. Osvaldo Villanueva is one of the witnesses whose interrogation I analyze.

The second phase of the hearings began the testimony of a crucial witness, the *público* driver whose declarations had put into question the police version just days after the Cerro Maravilla events. I also analyze his interrogation. After his testimony the investigation came to a halt because policemen went to the United States District Court in Puerto Rico asking for protection. They argued that their testimony in public hearings would affect adversely a lawsuit that the department of the Police was fighting in that court. Judge Pérez Jiménez decided that the policemen did not have to testify in public hearings but he said that the Senate could summon them in an executive session.

The Senate appealed the decision to the First Court of Appeals in Boston and this court revoked the decision of the District Court. The policemen then were ordered to make sworn statements in public hearings. Immediately after this decision, policemen began to give their testimonies. The first policeman that testified was Rafael Torres Marrero. The police version sustained that Torres Marrero had killed Soto Arriví in crossfire. However, one key witness contradicted a crucial aspect of his testimony and Rivera Cruz suggested that he (Torres Marrero) had not killed Soto Arriví. I also analyze his testimony.

There were at least sixteen policemen directly involved in the case, and many of them had given sworn statements. These statements had contradictions and these contradictions proved

to be crucial in dismantling the police version. Rivera Cruz confronted witnesses with their contradictory testimonies and that led several of them to request immunity. The breakthrough of the case came in September 28, when Rivera Cruz was interrogating agent Cartagena Flores. Cartagena Flores had said in a previous sworn statement that after the shooting in which Soto Arriví and Rosado Torres were killed, the commander of the Division of Intelligence Angel Luis Pérez Casillas took the public driver to a nearby tower, out of the Rikavision tower area. Rivera Cruz called to the stand Cartagena Flores's supervisor, Nazario Mateo Espada in the first and most important *careo* of the hearings.

Careo, as described in a previous chapter, is a mechanism that is not allowed in Puerto Rican and American courts, but is allowed in other countries. It consists in sitting next to each other witnesses that had contradictory versions. Mateo Espada, Cartagena Flores' supervisor, had declared that Cartagena Flores and he (Mateo Espada) were the persons who took the *público* driver to the nearby tower. This small detail had profound implications for the case. Several days after this *careo* Cartagena Flores, seeing the risk of being accused of perjury requested immunity. Three of the four most important newspapers in the Island published the next day in their first page that the police version had collapsed. After that, several people, policemen and civilians, also requested immunity, although not all did it immediately. Some of them requested it after the ending of the public hearings.

One of the policemen interrogated by Rivera Cruz was the former undercover agent Alejandro González Malavé who had gone to Cerro Maravilla with the two men killed. His testimony was highly controversial and Rivera Cruz was not as effective in this interrogation as he had been with other witnesses. I also analyze his testimony.

Immediately after González Malavé the former Superintendent of Police, Roberto Torres González, took the stand. He was an intelligent lawyer that was fired by Governor Romero Barceló in December 1978. It was rumored that Torres González was disaffected of Governor Romero Barceló after his firing. His testimony is interesting because he was one of the few members or former members of the executive branch that seemed to be cooperative. He expressed his respect for Rivera Cruz, the investigation, and its findings. Rivera Cruz also was for the most part deferent with Torres González. However, Torres González's cooperativeness was more apparent than real, which makes his testimony particularly relevant to this study. This testimony is the last one that I discuss.

After Torres González, Rivera Cruz called to the stand the pathologist that performed the autopsies of Soto Arriví and Rosado Torres. Then he called three renowned expert witnesses on forensics brought from the United States. Their testimonies were devastating for the police version. The last witnesses were policemen and civilians that had requested and obtained immunity from the Puerto Rican and American authorities.

In the next sections I examine the interactions between Rivera Cruz and the five witnesses identified in the previous paragraphs. In the most part the testimonies are presented in chronological order. The first witness whose testimony is analyzed is former public attorney Osvaldo Villanueva, followed by the testimony of the *public* driver José Ortiz Molina, agent Torres Marrero, and former Superintendent of Police Roberto Torres González. They are in chronological order. However, at the end of the chapter I analyze the interrogation of Alejandro González Malavé, the former undercover agent that went to Cerro Maravilla with the two deceased men, who in strict chronological order would be the fourth testimony –after agent Torres González and before former Superintendent Roberto Torres González. I have followed

this order for expository reasons. The testimony of González Malavé was atypical and deserves special consideration because Rivera Cruz was not as effective in this testimony as he had been with other witnesses and because the use of language in this testimony triggered more than a few articles, columns and editorials. In other words, people articulated their understandings of the use of language in the situated interaction and this is valuable information that unfortunately was not always as abundant in the case of other witnesses.

6.4 ANALYSIS BY WITNESSES

6.4.1 Osvaldo Villanueva

Osvaldo Villanueva was the district attorney in charge of the second Department of Justice investigation about the Cerro Maravilla events. Villanueva performed this investigation from October 1980 to January 1981. According to the Secretary of Justice at the time of Villanueva's investigation, the witness had the authority to investigate the actions of the officials of the Department of Justice that were involved in the first investigation.

The first Department of Justice's investigation was performed by the Chief of the Justice Department's Criminal Division, Pedro Colton Fontán and by the director of the Special Investigations Bureau of the Justice Department, Ángel Figueroa Vivas. The main conclusion of that investigation was that policemen involved in the Cerro Maravilla operation did not were responsible of any wrongdoing. They also concluded that Carlos Soto Arriví and Arnaldo Darío Rosado Torres died in a shooting after they shot against the policemen.

The second investigation, performed by district attorney Villanueva, was triggered by public statements made by Lt. Julio César Andrades Cepeda. While being investigated for police corruption, Lt. Andrades said publicly that he would say what “really happened” in Cerro Maravilla and Puerto Rico “would tremble” (Suárez, 2003, p.124). Although minimized at first by the Department of Justice, the Justice Department of Justice opened a second investigation on October 1980.

The Secretary of Justice at the time of the killings, Miguel Giménez Muñoz -who testified after Villanueva- declared in the hearings that Villanueva had the authority to investigate Pedro Colton Fontán and Ángel Figueroa Vivas, the public attorneys that performed the first investigation, but he also admitted candidly that Villanueva was recommended for the investigation to him by Pedro Colton Fontán, one of the attorneys that Villanueva was supposed to investigate.

Villanueva’s report concurred with the conclusions reached by Colton Fontán and Figueroa Vivas. In fact, during his testimony he admitted to a question posed by Rivera Cruz that he copied literally all the conclusions of the Colton Fontán and Figueroa Vivas’ report, although he clarified that he made some additions.

Villanueva’s report was problematic and many of Rivera Cruz’s questions were focused in the angles that were not solved by neither the first nor the second Justice Department’s investigation. Villanueva interviewed the witness selectively. In several instances he relied in the sworn statements that were taken for the first investigation. Another problem with his investigation was that he did not submit all the evidence to forensic analysis, even when he agreed with Rivera Cruz that it was important to do so. He dismissed the testimonies of key witnesses on the grounds of credibility. More importantly, he did not solve who shot and killed

Arnaldo Darío Rosado. After two investigations, the Department of Justice had been unable to find out who had shot Rosado Torres with a shotgun supposedly at a distance of about twelve to fifteen feet, despite the claiming that he was shot as an act of self-defense. However, the recommendation was to close the case.

Rivera Cruz presented evidence that Villanueva had had during his investigation and then he asked the witness questions about it. Then the investigator asked Villanueva about the meaning of the evidence, forcing the witness to recognize the importance of it. Then Rivera Cruz asked Villanueva about his rationale for not pursuing the leads that the evidence provided and for leaving evidence out of the final report.

Osvaldo Villanueva was a very articulated witness. He answered the questions in a very calmed way and explained investigative. The witness never lost his composure, no matter what question he was asked. He articulated the sounds clearly and used standard linguistic features. Rivera Cruz exhibited a common pattern during the hearings when questioning witnesses that sustained the police version. He began the interrogation calmly and as the testimony advanced he became more aggressive and incisive, speaking louder and introducing more intonational nuances, conveying doubt, sarcasm, disbelief, surprise, and so on.

In order to understand this testimony we must pay attention to one implication of our understanding of indexicalities and identities. If indexicalities are employed to claim certain qualities, they also create certain expectations that are ideologically associated with that identity. In short, performed identities come with certain expectations. We must keep this in mind because in this analysis I argue that at first Villanueva and Rivera Cruz intersubjectively constructed the identity of the witness as a professional, experienced lawyer and Rivera Cruz. As the testimony advanced, Rivera Cruz, through aggressive questioning, dismantled this identity by juxtaposing

this identity with the findings (or lack of them) of Villanueva's report of his investigation. Rivera Cruz thus created a discrepancy between Villanueva's performance and the expectations that were likely attached to this identity. This discrepancy, raised suspiciousness, not as much about the witness's experience and knowledge, which was foregrounded by the witness and Rivera Cruz, but rather about intentions and motives. I argue that the fact that the witness tried to maintain the identity of a professional investigator, in fact, hurt his credibility because the contrast mentioned became more evident.

6.4.1.1 Analysis

In the first fragment that I present, I discuss how the witness tried to construct an identity as a professional investigator and assumed the role of assessor by evaluating –negatively- the first Justice Department's investigation conveying a modality of certainty and authority. I demonstrate also that Villanueva preempted foreseeable attacks to his professionalism.

A brief contextualization is necessary to understand the first fragment. Villanueva resigned as district attorney the same day that he presented his report about the Cerro Maravilla case. Rivera Cruz asked Villanueva why he did so. Villanueva answered that he did it because after working with the police in this case he realized that he could not work anymore with this institution (the police). In the following fragment Rivera Cruz asked for the specific reasons that motivated Villanueva to resign his post. This exchange occurred early in the testimony. As it was characteristic at the beginning of the interrogations, Rivera Cruz asked the questions calmly, that is, without perceivable change in volume and pitch.

(17) Fragment 17, p. 117

1. HRC: ¿Cuáles fueron los hechos, cuáles fueron las circunstancias que crean en usted un estado de ánimo que le hace imposible seguir usted desempeñándose como fiscal

- con la Policía de Puerto Rico, a tenor con la experiencia de la investigación del Cerro Maravilla que usted practica?
- HRC: Which were the facts, which were the circumstances that create in you a mood that make impossible for you to continue performing as public prosecutor working with the Puerto Rico Police, based on his experience in the investigation that you perform?
2. OV: En primer lugar, la superficialidad de la investigación cuando ocurren los hechos...
OV: In first place, the superficiality of the investigation when the events occurred...
 3. HRC: ¿Usted se refiere a la primera investigación?
HRC: Are you referring to the first investigation?
 4. OV: A la primera investigación.
OV: To the first investigation.
 5. HRC: ¿Usted entiende que fue superficial la investigación?
HRC: Do you understand that the investigation was superficial?
 6. OV: Totalmente.
OV: Totally.
 7. HRC: ¿Que no fue una buena investigación fiscal?
HRC: That it was not a good district attorney's office's investigation?
 8. OV: Así es. No fiscal. Estoy hablando desde el punto de vista de la Policía de Puerto Rico. También allí laboró o colaboró con la Fiscalía en esa investigación, pero lo que a mí me motivó básicamente fue esa situación en relación con la Policía de Puerto Rico.
OV: That is so. Not the district attorney's office. I am speaking from the point of view of the Puerto Rico Police. The District Attorney's office also worked or collaborated in that investigation, but what motivated me (to leave the D.A. office) was that situation regarding the Puerto Rico Police.
 9. HRC: Le pregunto a usted, si cuando usted estaba realizando su labor en esta investigación de los sucesos del Cerro Maravilla, entre octubre de 1980 y enero de 1981, usted realizó una investigación minuciosa sobre lo que ocurrió en el Cerro Maravilla el 25 de julio de 1978?
HRC: I ask you, if when you were performing your work in that investigation about the Cerro Maravilla events, between October 1980 and January 1981, did you perform a meticulous investigation about what happened on Cerro Maravilla on July 25, 1978?
 10. OV: Entiendo que hice la investigación minuciosa a tenor con los recursos que yo tenía.
OV: I understand that I performed the meticulous investigation, based on the resources that I had.

In example (17), turn 1, Rivera Cruz asked Villanueva an open question. Villanueva identified the superficiality of the first investigation as one reason why he could not work with the police. His answer was not just a statement of a reason of his resignation but also an act of

evaluation. It is worthwhile to note that this evaluation was introduced by the witness, and not literally requested by Rivera Cruz. Villanueva thus voluntarily advances and assessment of the first investigation. By doing the act of assessing, he suggests that he has the knowledge and the standing to assess the matter. After being interrupted by Rivera Cruz in turn 3 for a clarification, he confirmed his assessment employing an intensifier ('Totally') (Crystal, 1980, p. 188), thus conveying absolute commitment to his proposition, which index certainty and authority.

In turn 7, Rivera Cruz rephrased the information that the witness has offered in turn 5 and again asked for confirmation. Villanueva confirmed his answer, although with a clarification. The problems were with the police investigation and not with the district attorneys' investigation. Later he said that he considered a police investigation of the facts and the investigation of the district attorney's office as a single investigation in two phases. The distinction between the District Attorney's Office and the police stated in turn 8 is important because it suggests that there are two groups of people working together but one group (the police) is blamed for the flaws of the first investigation. The police were positioned as partners in the investigation and not as the object of an investigation carried on by the Justice Department. Villanueva's assessment could be summarized as 'the investigation was superficial because of the police'. However, the distinction between the Justice Department and the Police seems blurry.

In turn (9), Rivera Cruz asked Villanueva to evaluate his own (Villanueva's) investigation, through an exclusive disjunctive. Specifically, Rivera Cruz asked about the thoroughness of his investigation. Osvaldo Villanueva said that his investigation was thorough but includes a qualification ('based on the resources that I had'). The qualification suggests a limitation of resources and therefore the implicature is that the flaws that could exist are result of that lack of resources and not his fault. In brief, the responsibility for flaws is not located in his

professionalism, experience and knowledge, but in the limitations in which he had to work. He, thus, is shifting responsibility away from his actions and placing it in external factors. It is important to notice the characterizations of the first investigation ('superficial') and his investigation ('meticulous'). Such characterizations suppose a clear distinction that arguably should produce differences in the methods employed in the investigation, the questions answered by the reports and perhaps in the results that they produced. However, this will not be the case. Both investigations reached the same conclusions and Rivera Cruz exploited this fact in order to undermine Villanueva's identity.

Immediately after this fragment, Rivera Cruz asked Villanueva about the resources that he had for his investigation. Villanueva enumerated the human resources that he had. After that, the following exchange occurred in which Rivera Cruz asked about the lack of resources and the actions taken by Villanueva to overcome that difficulty. Rivera Cruz in this way began to undermine Villanueva's identity as a professional and experienced investigator.

(18) Fragment 18

1. HRC: Usted entiende, como fiscal de experiecia e investigador de experienciia que fue que, que usted necesitaba más recursos para haber podido realizar una investigación más completa sobre estos hechos.
HRC: Do you understand that as an experienced district attorney and as an experienced investigator, that you were, that you needed more resources in order to have been able to perform a more complete investigation about this events?
2. OV: Definitivamente necesitaba más recursos y más tiempo.
OV: Definitely. I needed more resources and more time.
3. HRC: Y más tiempo. Y quién le impidió a usted, si alguien, el contar con más tiempo para realizar esa investigación que usted terminó en enero del '81?
HRC: And more time. And who prevented you, if someone, from having more time to perform that investigation that you finished in January '81?
4. OV: Nadie en particular, que no fuera el hecho de que no podia, con los recursos que tenía, seguir en la misma y la di por terminada.
OV: Nobody in particular, except the fact that I could not... with the resources that I had, continue with it and I concluded it.
5. HRC: Y la dio por terminada. ¿Sin haber concluido en ello una serie de aspectos?
HRC: And you concluded it. Without having solved a series of aspects?

6. OV: Definitivamente. Hay aspectos que son grandes interrogantes de la forma y manera que ocurrieron los hechos, aspectos que no se investigaron originalmente, que debieron tener una atención esmerada en el proceso investigativo, y a mi entender, aspectos que jamás serán esclarecidos.
OV: Definitely. There are aspects that are great questions about the form and way in which the facts occurred, aspects that were not investigated at the at the origin, that should have had a careful attention in the investigative process, and that according to my understanding they will never be elucidated.
7. HRC: Le pregunto a usted, qué medidas usted tomó cuando llevaba a cabo su investigación para usted contar con más recursos que entendía usted necesitaba para realizar la investigación.
HRC: I ask you, what measures did you take when you were performing your investigation to have more resources that you understood that you needed to perform the investigation.
8. OV: Entendí que no estaban disponibles para mí.
OV: I understood that they were not available for me.
9. HRC: No estaban disponibles los recursos para usted.
HRC: They were not available for you.
10. OV: No estaban. Yo tenía una oficina en la oficina del Secretario de Justicia, al lado, y no se me dio recursos adicionales. Yo tampoco los pedí porque entendí que no estaban disponibles para mí.
11. OV: They were not. I had an office next to the office of the secretary of Justice, next to mine, and additional resources were not given to me. I did not ask for them either because I understood that they were not available for me.

After foregrounding Villanueva's experience as district attorney and investigator (an experienced lawyer and an experienced district attorney), Rivera Cruz asked Villanueva (turn 1) if the resources that he had were adequate to perform the investigation. The question in turn 1 presupposes that the investigation was incomplete. Villanueva accepted the presupposition and answered in the affirmative, and added that he needed also more time (turn 2). Again the answer began with an intensifier ('definitely') that conveys certainty, authority and commitment to the proposition. Villanueva thus is implying that the incompleteness of the investigation was not a consequence of his work; rather it was the result of a lack of resources and time. Villanueva tried to preserve the identity of a professional, experienced and knowledgeable investigator by distancing himself from the incompleteness of the investigation because external factors were responsible of the incompleteness of his investigation. Rivera Cruz then questioned Villanueva's

degree of agency in order to overcome the time and resources' limitations (turns 3 and 7). Villanueva said that he decided to conclude the investigation because of the lack of resources. Villanueva (turn 4) returned to the lack of resources as the main cause of the incompleteness of his investigation. Rivera Cruz then asked if Villanueva concluded the investigation without solving "a series of aspects." The witness agreed again with an intensifier. The presupposition in turn 1 now becomes explicit in turn 5: the investigation was incomplete. In turn 6 the witness mentioned that there were questions not answered but he also distributed the blame for this fact: "aspects that were not investigated in the origin." Later he was asked by a Senator what did he mean by the origin and he said that he was referring to the first investigation that took –or should have taken place- immediately after the events. He had previously blamed the police for its superficiality (fragment 1).

Rivera Cruz then asked about the measures taken by Villanueva to obtain the resources that he understood that he needed (turn 7). Villanueva simply said that he understood that "the resources were not available" for him. Rivera Cruz repeated his answer in turn 9. In many instances, these repetitions were treated by witnesses as questions for confirmation. In turn 10, Villanueva added another element to the limitation of resources. He introduced the spatial proximity between his office and the office of the secretary of Justice, without mentioning his name (his name was Miguel Giménez Muñoz). Moreover, the specific reason, (the resources were not given to me) is agentless. However, the spatial reference to the office of the secretary of Justice clearly suggested that the secretary was the one that did not offer him the resources. The spatial reference served to portray the secretary of Justice as close to the investigation. But he also portrayed the secretary as lacking interest on it or at least detached from it. In turn 10, Villanueva also advanced a prediction for Rivera Cruz's investigation based in his knowledge:

these aspects “will never be elucidated.” In this way he presents the flaws of his report as inevitable.

In the first of the two fragments just above we can observe the witness positioning himself as assessor. Rivera Cruz continued asking questions in order to elicit his assessment. In this sense, they are co-creating the identity of an experienced and knowledgeable investigator with the aptitude to assess a forensic investigation. Witness and investigator are then co-constructing the identity of a professional, experienced and knowledgeable investigator by co-creating and maintain the role of assessor and second by the explicit use of lexical items (‘experienced investigator’ and ‘experienced district attorney’).

Rivera Cruz introduces via presupposition the incompleteness of the report, which was accepted by Villanueva, although the responsibility for that incompleteness is diverted to external factors. Rivera Cruz then linked those external factors (e.g. lack of resources and time) to Villanueva’s actions (or lack of). In this way Rivera Cruz is undermining the identity of a professional investigator who produced a meticulous investigation.

At this point it is relevant to establish a distinction between responsibility for actions and responsibility for propositions. Responsibility for actions is responsibility in lay (or legal) terms. Responsibility for propositions is related to modality (i.e. commitment to a proposition) and evidentiality (i.e. evidence for sustaining a proposition). Until this moment I am referring to responsibility for actions. However, responsibility for actions is related to identities because identities are attached to actions and characteristics -linguistic and otherwise.

At this point we must ask what expectations are attached with an experienced formal lawyer. Besides the many jokes that exist about lawyers,²² it could be argued that they are seen as educated, formal professionals that possess certain specialized knowledge. One might expect

²² I am under the impression that they are far more common in the United States than they are in Puerto Rico.

that professionalism is also associated with performing certain tasks effectively and with reaching certain goals. In order to do this a professional must have knowledge, resources, and the will to do the job. Experience can be deemed as positive too. By performing certain indexicalities the witness was claiming a professional identity and therefore expectations - such as performing certain tasks effectively, having the knowledge, the resources and the will to do them and so on- come into play. However, as I demonstrate in the next fragment, Rivera Cruz contrasted those claims with the results of the investigation.

In the next fragment we can see a strategy that Rivera Cruz employed repetitively during this interrogation to undermine the witness professional identity. Rivera Cruz presented evidence that Villanueva had had during his investigation and then he asked the witness questions about it. Then the investigator asked Villanueva about the meaning of the evidence, forcing the witness to recognize the importance of it. Then Rivera Cruz asked Villanueva about his rationale for not pursuing the leads that the evidence provided and for leaving evidence out of the final report. In other words, Rivera Cruz demonstrated that Villanueva understood the evidence and the implications of the evidence; however, Villanueva failed to answer the questions that were raised by the witness's own interpretation of the evidence.

In the next excerpt, Rivera Cruz asked Villanueva about the origin of two bullet holes that were found in the *público* car after the shooting on Cerro Maravilla. Villanueva looked at a couple of photos showing the holes. He declared that he had seen the photos during his investigation. In the next fragment, Villanueva analyzed the photos. He explained the rationale behind his analysis.

(19) Fragment 19, p. 176

1. HRC: Y de acuerdo a su investigación, de dónde usted concluyó que recibió el impacto el vehículo de don Julio Ortiz Molina que aparece en la parte trasera del vehículo en el área del pernil derecho, si estamos mirando el carro de frente.
HRC: An according to your investigation, from where did you conclude that the impact received by the vehicle of don Julio Ortiz Molina in the rear part, in the area of the right shoulder came from, if we look at the car from the front?
2. OV: Ese impacto, a base de mi experiencia, indica que tenía una dirección más o menos, eh, de arriba hacia abajo y de atrás hacia adelante.
OV: That impact, based on my experience, indicates that it had a direction from top to bottom and from the back to the front.
3. HRC: De atrás hacia delante. Y usted se ha referido...
HRC: From the back to the front. And you have been referring...
4. OV: Ya que tiene el área de más contacto...
OV: Since it has the area of more contact...
5. HRC: A este exhibit 66 y exhibit 65, usted se refiere a este impacto, de acuerdo a su experiencia fue producido en una dirección de arriba hacia abajo y de atrás adelante.
HRC: to the exhibit 66 and 65. You are referring to this impact, according to your experience it was from top to bottom and from the back to the front?
6. OV: Correcto. Ya que tiene el área de entrada a las dos de la tarde de la esfera del reloj.
OV: Correct. Since it has the area of entry at two o'clock of the clock's sphere.
7. HRC: Bien. ¿Cómo dice, que tiene?
HRC: Ok. What do you say? That it has...?
8. OV: Más o menos como a las dos o tres de la tarde, si tomamos esto como una esfera del reloj. De dos a tres de la tarde.
OV: More or less about two or three in the afternoon, if we take this [signalling a photo] as a clock's sphere.
9. HRC: Si tomamos esto como una esfera del reloj.
HRC: If we take this [signalling a photo] as a clock's sphere.
10. OV: Correcto.
OV: Correct.
11. Bien. Yo le pregunto, si de acuerdo a su investigación usted determinó cómo se produjo ese impacto de ese vehículo de motor por una persona tirando desde atrás del vehículo?
HRC: Ok. I ask you if, according to your investigation, you determined how this impact in that motor vehicle was produced by a person shooting from behind the car.
12. OV: No señor.
OV: No, sir.
13. HRC: No lo determinó.
HRC: You did not determine it.
14. OV: No lo determiné.
OV: I did not determine it.
15. HRC: Pero de acuerdo a su experiencia y a la evidencia en su poder, alguien tiró de atrás del vehículo?
HRC: But according to your experience and the evidence that you had, someone shot from behind the car?

16. OV: Definitivamente.
OV: Definitely.
17. HRC: =Definitivamente. Y de acuerdo a su experiencia y a los impactos que hay en la puerta y los impactos que hay en la puerta y los impactos que hay en esa área del pernil trasero del vehículo, ¿son producidos por un proyectil del mismo calibre?
HRC: =Definitely. And according to your experience and the impacts in the door, and the impacts that are in that area of the rear shoulder of the vehicle, are they produced by a projectile of the same caliber?
18. OV: De acuerdo con mi experiencia y la observación, obviamente, el diámetro del orificio no es el mismo, por lo que llego a concluir que no es el mismo proyectil.
OV: According to my experience and observation, obviously the diameter of the orifice is not the same, so I conclude that it is not the same projectile.
19. HRC: Que no es el mismo proyectil. O sea, que hay la utilización en cuanto a impactos en el vehículo de don Julio Ortiz Molina, por lo menos de acuerdo a esa evidencia, de más de un tipo de proyectil.
HRC: That it is not the same projectile. That is, that there was the utilization, in terms of the impacts in the vehicle of don Julio Ortiz Molina, at least according to that evidence, of more than one type of projectile?
20. OV: Definitivamente.
OV: Definitely.
21. HRC: Bien. Y mire a ver, si es o no cierto, que el proyectil que impacta ese vehículo de motor por la parte trasera o en la parte trasera del carro del área del pernil en dirección de atrás hacia adelante, de abajo hacia arriba, de acuerdo a su manifestación, es un proyectil de mayor calibre que el que impacta el área de la puerta del chofer?
HRC: Ok. And look if it is true or not that the projectile that strikes that motor vehicle in the rear part, or in the rear part of the car in this area of the shoulder, from the back to the front and from top to bottom, according to your statement, is a projectile of higher caliber than the one that strikes the area of the driver's door.
22. OV: Simplemente, de pura observación, le puedo decir que esa es la impresión que da...
OV: Just by mere observation, I can tell you that that is the impression that it gives...
23. HRC: [Esa es la impresión.]
HRC: [That is the impression.]
24. OV: [No puedo llegar a una conclusión] definitiva.
OV: [I can't reach a definite] conclusion.
25. HRC: Usted entiende que era importante determinar en estos hechos quién fue la persona que disparó estando apostada detrás de ese vehículo de motor?
HRC: Do you understand that it was important to determine in these events who was the person who shot, being posted behind that motor vehicle?
26. OV: Entiendo que era importante.
OV: I understand that it was important.
27. HRC: Usted no lo pudo determinar.
HRC: You could not determine it?
28. OV: No lo pude determinar, esa es otra de las interrogantes.
OV: I could not determine it. That is another of the questions (that still unresolved).
29. HRC: =Esa es otra de las interrogantes. Mire a ver si es o no cierto que usted...

HRC: =That is another of the questions. Look to see if it is true or not...

In fragment 2 (example 19 above), Rivera Cruz and Villanueva first created the identity of a knowledgeable witness that can give a rationale for his conclusion (i.e. someone shot from behind the car). Villanueva gave explanations as an expert witness. He gives his professional opinion and the rationale behind his opinion. Rivera Cruz asked the witness if the implication of his conclusion was important and Villanueva accepted that it was important. However, although he was aware of the importance of the evidence, he conceded that he was unable to determine the most important implication of that piece of evidence. Villanueva's answer is again categorically ('Definitely'). Finally, Rivera Cruz asked the witness if he was able to determine who shot from behind the car and the witness said that he did not.

In turn 1, Rivera Cruz asked Villanueva about the origin of the holes in the rear fender of the *público*. Villanueva said that the shot came from the back of the car in a top to bottom direction. The witness explained the rationale of his appreciation and mentioned his experience as the basis for it. In turn 11, Rivera Cruz asked a question that included a presupposition that was an entailment from turn 2 (i.e. someone fired a shot from behind the car). In turn 15, Rivera Cruz explicitly asked the witness if according to his experience, someone had shot from behind the car. The witness answered in absolute terms ('Definitely') conveying commitment to his answer.

Rivera Cruz asked if he could determine who fired that shot, to which Villanueva answered that he did not do it. Then he asked about the importance of that fact. Villanueva accepted that it was important. Rivera Cruz asked if the bullet's caliber was the same as other perforations on the car. Again, Villanueva, underscoring that he was basing his answer in his experience, said that they were not employing an intensifier ('Definitely') and therefore

conveying commitment to his answer. Rivera Cruz returned to the importance of determining who shot those fires and Villanueva repeated that he could not determine it. Although he was aware of the importance of the evidence, he accepted that he was unable to determine the most important implication of that piece of evidence.

Rivera Cruz and Villanueva first co-constructed the identity of a knowledgeable. We can see it when the witness offered a rationale for his opinions, the underscoring of the witness experience, the modality of certainty conveyed by the witness's answer in turns 16 and 20. The use of standard Spanish reinforces this identity. But once it is demonstrated that the witness had the knowledge and experience to interpret the evidence, Rivera Cruz undermined this identity by asking if the witness could answer the questions raised by his own interpretation of the evidence.

Notice also that Rivera Cruz repeated many of the answers given by the witness. In the present example, he repeated in turns 3, 9, 13, 17, 19, 23 and 29. Of particular interest are the repetitions in turns 17 and 29 in which the lawyer repeated the answers given in turns 16 and 28 by the witness, which correspondingly were answers to the questions in turns 15 and 27. What calls our attention is the latching between turns 16 and 17, and 28 and 29 because the whole fragment can be summarized by these two answers (i.e. turn 16) someone fired a shot from behind the car, and Villanueva could not determine who fired the shot (turn 28). The repetitions of the most relevant answers were latched to the previous turn and in this way Rivera Cruz is identifying them as important.

In turns 1, 17 and 21, Rivera Cruz used a colloquial metaphorical lexical item –‘*pernil*’- to refer to the rear fender of the *público*. ‘Pernil’ is the ham or shoulder of an animal, especially of pork. This is very salient and most likely unexpected. Despite the likely saliency of this lexical item, it was not addressed in this segment. In another interrogation, Rivera Cruz said that ‘*pernil*’

is “como decimos en el campo” (‘Like we say in the countryside’). In this segment, the presence of velar r in Rivera Cruz is pervasive, although not exclusive. The importance of this is that colloquial expressions and non-standard features were present through the interrogation.

In the next fragment Rivera Cruz began asking about the way in which Torres Rosado was killed. Specifically he asked the Villanueva if he had discovered who killed him. But the answers gave Rivera Cruz to repeat a central piece of his interrogation.

(20) Fragment 20. p. 38

1. HRC: Le pregunto si usted, como parte de su investigación para determinar de qué forma y manera le dieron muerte a Arnaldo Darío Rosado, si usted trabajó en la investigación con el aspecto de a qué distancia se produce la muerte de la escopeta, el escopetazo que le da muerte a Arnaldo Darío Rosado.
HRC: I ask you if you, as part of your investigation to determine in what way and manner they killed Arnaldo Darío Rosado, if you worked in the investigation with the aspect of the distance from which they fired the gunshot that killed Arnaldo Darío Rosado?
2. OV: No, señor.
OV: No, sir.
3. HRC: ¿No lo hizo?
HRC: You didn’t do it?
4. OV: No, señor. Tomé como base la investigación del fiscal Colton.
OV: No, sir. I took as basis the investigation of district attorney Colton.
5. HRC: Usted tomó como base la investigación del fiscal Colton ¿que decía que había sido a qué distancia?
HRC: You took as basis the investigation of district attorney Colton that said that it was at what distance?
6. OV: No recuerdo bien, pero me parece que son alrededor de, quizás esté equivocado en este dato, algunos doce pies o algo así. No estoy seguro.
OV: I don’t remember well, but I think that about, perhaps I am wrong in this piece of information, about twelve feet or something like that. I am not sure.
7. HRC: Algunos doce pies.
HRC: About twelve feet?
8. OV: No, no me acuerdo bien, realmente. No he tenido el beneficio de examinar muchos documentos.
OV: No. I don’t remember well, really. I have not had the benefit of examining many documents.
9. HRC: [Mire a ver si], vuelvo y le digo, si usted lo que hizo fue que usted copió toas las conclusiones del fiscal Colton...
HRC: [Look if] and I say it again, if what you did was that you copied all the conclusions of district attorney Colton.

10. OV: Algunas tuve que adaptarlas, adoptarlas como mías, definitivamente.
OV: Some of them I had to adapt them, to adopt them as mine. Definitely.
11. HRC: Mire a ver si usted las copió TO-DAS.
HRC: Look if you copied ALL of them.
12. OV: Casi todas.
OV: Almost all.
13. HRC: =Casi todas, ¿Cuál rechazó?
HRC: =Almost all. Which one did you rejected?
14. OV: No recuerdo cual yo, particularmente rechazara, pero hubo adiciones de mi parte.
OV: I don't remember which one I particularly rejected, but there were additions from my part.
15. HRC: Por eso, pero las que él dio en su informe, usted las adoptó todas?
HRC: Ok, but from those that he gave you in his report, did you adopt all of them?
16. OV: Creo que sí.
OV: I think so.
17. HRC: Bien...
HRC: Ok...

In example 20, turn 2, Villanueva answered that he did not determine who killed Rosado Torres. The witness answered with “No, sir.” Rivera Cruz paraphrased his answer “You did not do it.” The complete sentence emphasized the answer. The witness said that he had based his report on the Colton’s investigation, the first investigation of the Department of Justice. Rivera Cruz then asked him (turn 9) in an aggressive intonation –loud, fast speech rate, high pitched, moving the hands- if what he had done was to copy *all* the conclusions of the Colton report. Rivera Cruz elides the intervocalic [d] in *toas* (instead of *todas*). The witness answered that he adapted, followed with a self-repair, that he adopted some of them. Rivera Cruz then asked him to look if he had copied all of them. This time the word *todas* was emphasized by loudness and staccato. Villanueva said that almost all of them. Rivera Cruz pressured Villanueva to tell which of the conclusions of the Colton-Figueroa report he had rejected, but in turn 16 he finally said that he thought that he had accepted all of the conclusions.

Rivera Cruz moved from one instance in which Villanueva adopted the conclusion of the Colton-Figueroa report to the whole reproduction of the report, although with additions. This

was crucial because the witness had characterized the first investigation as deficient and superficial; however, he adopted all the conclusions of that report and did not solve any of the loose ends that the Colton-Figueroa report had not solved. This exchange hurt Villanueva's identity as a professional lawyer because he said early in his testimony that the first investigation was superficial and characterized his own investigation as meticulous. It also contradicts the expectations that the performance of such identity raised.

The last fragment is a transcription of the last questions and answers of Villanueva's testimony. Rivera Cruz returned to the questions that Villanueva did not answer in his investigation. He went one by one forcing Villanueva to acknowledge that he did not answer them.

(21) Fragment 21, p. 86

1. HRC: Licenciado Villanueva, eh... ¿usted entiende que como investigador del Departamento de Justicia en esta segunda investigación, usted resolvió en esta investigación todos los hechos importantes que ameritaban para un investigador resolver?
HRC: Licenciado Villanueva, eh... do you understand that as investigator of the Department of Justice in this second investigation, that you solved in this investigation all the important details that were worthy of being investigated by an investigator?
2. OV: Definitivamente sí.
OV: Definitely, yes.
3. HRC: = ¿Todos?
HRC: All?
4. OV: Todos. Digo, hay otros eh... que yo le dije a usted, y le he comentado y lo he hecho público, que son verdaderamente interrogantes. Yo no sé si se han podido esclarecer a esta fecha, pero son datos muy importantes que son interrogantes que pudieron ser esclarecidos.
OV: All. I mean, there are others, eh... that I told you and I have commented in public that are truly open questions. I don't know if they have been elucidated to this day, but they are very important questions that are aspects that could have been elucidated.
5. HRC: >Pero usted no resolvió quién mató a Arnaldo Darío Rosado?< (opening the arms)
HRC: But you did not solve who killed Arnaldo Darío Rosado.
6. OV: No, señor.

- OV: No, sir.
7. HRC: (2) Y usted no resolvió qué persona provocó los impactos en el portón de Rikavisión desde adentro de las facilidades?
HRC: And you did not solve what person caused the impacts in the Rikavisión's gate from inside the facilities?
8. OV: No, señor.
OV: No, sir.
9. HRC: Y usted tampoco resolvió el problema de quién era el agente que alegadamente, según González Malavé, dio el "Alto" desde adentro de las facilidades del canal 7?
HRC: HRC: And you could not solve either the problema of who was the agent that allegedly, according to González Malavé, who said "Halt" from the inside of the facilities of channel 7?
10. OV: No señor. Puedo inferir que fuera uno de los que estaba allí. Si usted le cree al señor González Malavé, si vamos a seccionar su testimonio, creerle algo o no creerle algo, eso es una cosa distinta.
OV: No, sir. I can infer that it was one of the agents that were there. If you believe in González Malavé, if we are going to dissect his testimony, believing him something and not believing something, that is a different thing.
11. HRC: Bien. Pero usted no resolvió tampoco, de acuerdo a su investigación, qué agente impactó desde la parte trasera del vehículo de don Julio Ortiz Molina al mismo?
HRC: Ok. But you did not solve either, according to your investigation, which agent shot don Julio Ortiz Molina's car from behind?
12. OV: No, señor. (smiling)
OV: No, sir. (smiling)
13. HRC: No lo resolvió. Y dígame si es o no cierto que la investigación del fiscal Colton, y usted que adopta las conclusiones del informe de Colton, utilizan la declaración de don Julio Ortiz Molina que dice que oyó salir u oyó los disparos venir de la parte trasera del vehículo, como un elemento para decir que los disparos que se hicieron en ese 25 de julio del 78 fueron hechos por Arnaldo Darío Rosado y Carlos Soto Arriví?
HRC: You did not solve it. And tell me if it is true or not that the investigation of district attorney Colton, and you adopt the conclusions of Colton's report, you use the declaration of don Julio Ortiz Molina that says that he heard, or he heard the shots coming from behind the vehicle, as an element to decide that the shots fired that July 25, of '78 were fired by Arnaldo Darío Rosado and Carlos Soto Arriví?
14. OV: Se puede argumentar...
OV: It can be argued...
15. HRC: Se puede argumentar.
HRC: It can be argued.
16. OV: ... de esa manera como se puede argumentar de una manera distinta.
OV: ...in that way as it can be argued in a different way.
17. HRC: Pero usted tenía conocimiento, inclusive, de que el carro de don Julio Ortiz Molina, aparece impactado en la parte trasera del mismo.

- HRC: But you even had knowledge that don Julio Ortiz Molina is impacted in the rear part of it.
18. OV: Sí, señor.
OV: Yes, sir.
19. HRC: =Mire a ver si es o no cierto que dentro de su propia investigación cabe la posibilidad (moves both hands up and down) de que una persona distinta (moves both hands up and down) a Arnaldo Darío Rosado (moves both hands up and down), a Carlos Soto Arriví (moves both hands up and down), e inclusive, distinta a Alejandro González Malavé (moves both hands up and down) hubiese sido la persona que disparó (signalling the model of the Rikavisión tower) desde la parte trasera.
HRC: Look if it is true or not that from you own investigation, there is a possibility that a person different from Arnaldo Darío Rosad, Carlos Soto Arriví, and even Alejandro González Malavé would have been the person who fired from behind.
20. OV: Caben innumerables posibilidades.
OV: There are innumerable possibilities.
21. HRC: Pero eso usted no lo resolvió.
HRC: But you did not solve that?
22. OV: No lo resolví. [Y no se ha resuelto.]
OV: I did not solve it. [And it has not been solved.]
23. HRC: [Y usted le dijo a la comisión] Y usted le dijo a la comisión que usted hubiese necesitado más tiempo (moves both hands up and down) para esta investigación y más recursos (moves both hands up and down)?
HRC: [And you told the commission] that you would have needed more time (moves both hands up and down) for this investigation and more resources (moves both hands up and down)?
24. OV: Definitivamente, tiempo y recursos.
OV: Definitely, time and resources.
25. HRC: =Tiempo y recursos, pero que usted no le pidió los recursos al Secretario de Justicia porque y que que no estaban disponibles para usted.
HRC: =Time and resources, but that you did not request the resources to the Secretary of Justice because supposedly they were not available for you?
26. OV: =A mí me parece que yo he declarado eso aquí muchas veces.
OV: =I think I have declared that many times here.
27. HRC: Por eso.
HRC: Therefore.
28. Aponte Pérez (Presidente): Sí, él declaró sobre eso.
Aponte Pérez (Chairman): Yes, he declared about that.
29. HRC: =Bien. Y a pesar de que usted entiende (moves both hands up and down) que necesitaba más tiempo (moves both hands up and down) y más recursos para terminar la investigación (moves both hands up and down), usted le dice a la comisión (moves both hands up and down) que usted hizo una gran investigación (moves both hands up and down)?
HRC: =Ok. And despite that you understand (moves both hands up and down) that you needed more time (moves both hands up and down) and more resources to finish the investigation (moves both hands up and down), you are telling the committee that you performed a great investigation (moves both hands up and down)?

30. OV: Yo no le he dicho que hice una gran [investigación...] (smiling)
 OV: I have not said that I performed a great [investigation.] (smiling)
31. HRC: [Le pregunto yo], le pregunto yo.
 HRC: I am asking you. I am asking you.
32. OV: Si usted me pregunta, yo le digo que hice una investigación minuciosa respecto a algunos detalles de acuerdo a los recursos y creo que la investigación suya toma como base y en un momento tienen un anclaje en la investigación que yo hice. Eso lo veremos.
 OV: If you ask me, I tell you that I performed a thorough investigation, regarding some aspects, according to the resources. And I think that your investigation takes as basis and is anchored in the investigation that I performed. We will see that.
33. HRC: O sea, usted cree que... parte de la aportación que usted hace en su investigación es dejar planteada una serie de interrogantes? (opening the arms)
 HRC: In other words, that you think that... part of the contribution that you make in your investigation is to pose a series of questions? (opening the arms)
34. OV: No, señor.
 OV: No, sir.
35. HRC: Le pregunto. ¿No es así?
 HRC: I am asking you. Isn't so?
36. OV: No, señor. La investigación la refleja y usted la tiene, lo que yo hice está ahí.
 OV: No, sir. The investigation reflects it and you have it. What I did is there.
37. HRC: =Bien. Pero de esa misma investigación surge (moves both hands up and down) que usted no analizó una gran evidencia, una gran cantidad de evidencia (moves both hands up and down) porque no tuvo la disponibilidad a la misma... (moves both hands up and down)
 HRC: Ok. But from that same investigation emerges (moves both hands up and down) that you did not analyze a great amount of evidence... a great amount of evidence because you did not have it available...(moves both hands up and down)
38. OV: =No lo tuve
 OV: I did not have it.
39. HRC: y que inclusive deja abierta una serie de interrogantes (moves both hands up and down) porque no las pudo resolver. (opening his arms)
 HRC: And that even it leaves open a series of questions because you could not solve them.
40. OV: Correcto.
 OV: Correct.
41. HRC: No hay más preguntas.
 HRC: There are no more questions.

In turn 1 of fragment 7 (example 21), Rivera Cruz asked a question, which answer had already been established during the interrogation. Rivera Cruz had demonstrated that the witness had not resolved a series of issues that were crucial for the investigation. The answer is a surprising “Definitivamente”, (‘Definitely’) conveying commitment to the answer. Immediately

Rivera Cruz insisted in asking if he solved all the relevant aspects (turn 3), which triggered a more nuanced answer (turn 4) and the witness thus, contradicted himself. Rivera Cruz began to enumerate the non-solved aspects of the case and Villanueva conceded that these aspects were not solved. In turn 29, Rivera Cruz juxtaposed the unsolved issues of Villanueva's investigation with an early evaluation that the witness had made of his investigation. In fact, Villanueva did not say it was a great investigation, but a thorough one, as he contested in turn 32. Great seems to be used by the investigator ironically. Finally, Villanueva admitted that he did not solve several important angles of the investigation.

In the same fragment, Rivera Cruz was aggressive and emphatic, although he did not seem to speak as loud as in other instances. His aggressiveness can be seen in the latching, gestures, his smiling, incisive questions. Although questions in turns 19, 23, 29 (example 21) were long, he marked every chunk of information with hand movements²³. This movement seems to underscore the accretion of propositions and letting the public appreciate the whole question and its parts. It also produced a lively performance that contrasted with the almost impassiveness of the witness. This was typical of the endings of Rivera Cruz interrogation. In these last forty turns, Rivera Cruz and Villanueva produced a summary of the witness's testimony, leaving it in the memory of observers. The witness seemed to produce a contradictory -if not absurd- assessment of his investigation.

The witness tried to construct and identity as a professional, experienced, knowledgeable and meticulous investigator that did his best, considering the resources that he had at his disposal. The witness's way of speaking reinforced this identity. Rivera Cruz foregrounded two qualities associated with the professional identity of the witness: experience and knowledge.

²³ This was probably common in other parts, but the researcher has the limitation that the camera was not always pointing to the investigator and it is sometimes impossible to determine what gestures and movements he was doing.

However, Rivera Cruz undermined this identity by demonstrating that the expectations that are associated with this identity were not met by Villanueva when he performed his investigation. By emphasizing Villanueva's experience and knowledge, Rivera Cruz is suggesting that the flaws in Villanueva's investigation, therefore, were not due to his lack of knowledge, resources or experience, but to something else.

Conversely, by trying to maintain this identity, Villanueva created a dubious identity because, the knowledge, professionalism, authority and control performed by him was in dissonance with the flawed report that he produced and his admissions of omission. Villanueva's performance as a professional investigator in fact hurt his credibility because the dissonance between stance-taking and content is highly salient and can suggest a lack of genuineness.²⁴ On the other hand Rivera Cruz found in this identity a point for attacking the witness credibility and to create doubt about the reasons why Villanueva's report had so many flaws.

A professional identity, which in the abstract could be deemed as an appropriate identity for the speech event, became counterproductive because it raised suspiciousness about the reasons behind Villanueva's failed report.

6.4.2 Julio Ortiz Molina: The Co-construction of a Relatable Witness

Ortiz Molina was the *público* driver that was kidnapped by Arnaldo Darío Rosado Torres, Carlos Soto Arriví and then undercover agent Alejandro González Malavé. His testimony was

²⁴ Another district attorney, who was the first investigator to arrive to the scene after the Cerro Maravilla events and whose testimony I do not present here, presented himself as a hapless investigator that simply admitted that he trusted in the good faith of the policemen. Despite the weakness of his argument, the identity performed was more consistent with the result of his work. Although mediocrity, negligence and malicious cover-up are all negative, there is an obvious qualitative difference among them.

crucial because his revelations four days after the Cerro Maravilla events triggered a public discussion about the possibility of wrongdoing from the police. His testimony took place on June 7, 1983. He was the first witness of the second phase of the hearings.

The witness was a 63 years old man that worked as *público* driver in the Ponce area. He went to school until fourth grade. Julio Ortiz Molina's way of speaking exhibits non-standard features that are associated with people from the rural areas or poorly educated people in the urban areas. Among these features are deictics, malapropisms, occasional elision of intervocalic *-d-*, lateralization (*-r > -l*) at the end of syllable, the ending of the first person singular *-nos* instead of the standard form *-mos*, apocope, some lexical selections ('Gobierno' to refer to a Police agent), and others. Since the beginning of his testimony, it was established his age (63), his working class origin, his lack of formal education (third or fourth grade), his rural origin, and his status as former soldier.

The public did not have to discern between rural or poorly educated urban speaker because the origin of the speaker was established from the beginning of his testimony. His linguistic features reinforced the expressed origin of the witness because they were stereotypically associated with the country area. If any other explicit relationship between his way of speaking and his origin was needed, Ortiz Molina clarified it: "*Entonces, como decimos nosotros vulgarmente* ('Then, as we say in the countryside') *en el campo, me tiró la puerta en la cara*' ('he threw the door on my nose'). I am not sure that the expression "*me tiró la puerta en la cara*" is in fact a characteristic expression of the country, rather than a colloquial expression, but in any case, he identifies it explicitly as rural.

Unquestionably, Ortiz Molina was the equivalent to a friendly witness for Rivera Cruz and both, witness and lawyer, cooperated in the construction of narrative answers. Rivera Cruz's

powerful catchphrase ('Tell me if it is true or not') was used only twice in his normal pitch and volume, in both cases to settle discrepancies in Ortiz Molina's testimony and the evidence triggering in one case an apology and in the other one an explanation. In fact, Rivera Cruz never raised his voice (volume) at him as he did with other witnesses.

In litigation manuals it is recommended to lawyers to try to elicit fragmentary testimony from hostile witness and narrative answers from friendly ones. Not only Rivera Cruz asked many open questions to Ortiz Molina, but the witness was also willing to tell his story. In many cases his turns were latching or overlapping Rivera Cruz's turns, offering sequences of direct reported speech, offering his impressions and speculations.

Ortiz Molina's testimony was highly expected because, on one hand, he was the only civilian witness directly involved in the case, and he was the one who blew the whistle. On the other hand, both Department of Justice's investigations had concluded that Ortiz Molina was not a credible witness and dismissed his testimonies. They claimed that he had changed his testimony several times. Furthermore, Ortiz Molina sued the government. His critics also argued that he had an economical interest in demonstrating wrongdoings by the policemen. Therefore Ortiz Molina's credibility was an issue.

Tannen (1989) considers that 'reported speech' is a misnomer. She argues convincingly that indirect and direct reported speech is always "constructed dialogue." She draws in Voloshinov and Bakhtin to make her point. Voloshinov called attention to the fact that when a speech is reported the context in which the speech is reported ignoring the dialectical relationship between both. From Bakhtin, she takes the idea that to report the speech of others is always subject to certain semantic changes (p. 100). She explains that "if dialogue is used to represent utterances that were spoken by someone else, when an utterance is repeated by a current speaker,

it exist primarily, if not only, as an element of the reporting context, although its meaning resonates with association with its reported context, in keeping with Bakhtin's sense of polyphony." (Tannen 1989, p. 100)

In short, as Becker (1994) notes, repeating is always reshaping because it implies recontextualization. Or as Matoesian (2001) points out "When people talk, they are not only repeating what other speaker said, but they are also subtly introducing a comment on it." In reported speech, speakers introduce their voices, their ways of speaking, their intonation, their linguistic features and the meanings that are ideologically associated with the speaker, the context, including the situated interaction.

At this moment I would like to make a claim. Reported speech implies at least two levels of stance taking. On one level, the mere act of presenting a constructed dialogue conveys the speaker's commitment of the speaker to the truthfulness of the report because repeating what has been said presupposes a clear recollection of what is reported. At another level, the speaker can take stances within the reported speech. In other words, reported speech always conveys certainty at the interactional level, but the speaker also can take stances towards the propositions within the reported speech and towards the participants animated by the reported speech.

Tannen (1989) demonstrates that in many instances, what is reported, even when considered to be accurate in wording, in fact, is not. She offers examples of constructed dialogue that represent what has not been said, but what is attributed to someone; dialogue as instantiations of a general phenomenon (i.e. an utterance type that is represented as occurring repeatedly; summarizing dialogue, in which a constructed dialogue what represents is the gist of a story; choral dialogue, in which a dialogue is attributed to more than one speaker; dialogue in which the speaker's thoughts are represented; dialogues in which the thoughts of others are

represented; dialogue constructed by the listener of a story, and dialogue cast in the persona of a non-human speaker (pp. 110-111).

Ortiz Molina exhibited a preference for direct reported speech. Almost every important aspect of his testimony was reported in this way, even long interactions. According to Matoesian (2001), the functions of reported speech are “to construct drama in talk, a method of marking a speaker’s emotional involvement with an issue, and as an evidential device for gauging or constructing the authenticity of the statement” (p. 111). Behind the extensive use of reported speech there lies the linguistic ideology that it reflects truthfully what has been said. This is important with Ortiz Molina because he had been characterized as an ignorant person, motivated by interest (he sued the government for the damages to his car), and because he supposedly did not report everything he saw during the first investigation carried out by the Department of Justice.

Ortiz Molina’s testimony revolved around the following topics: personal information, the kidnap, the following events, including the shootings until he returned home, and his sworn statements about the incidents.

In this analysis I demonstrate how Rivera Cruz and Ortiz Molina intersubjectively constructed Ortiz Molina’s identity as a relatable man that was victimized three times: first by his kidnappers and the police and, second, by the police, and third by officials from the Department of Justice. I argue that Ortiz Molina’s extensive use of constructed dialogue served to confer authenticity and credibility to his testimony, and that the witness made good use of this narrative strategy to “leak his identity”, to position other speakers of the reported dialogue and to incorporate other voices. Ortiz Molina leaked his identity via modality and by his way of speaking, portraying himself as powerless during the Cerro Maravilla events and the

investigations that followed. I also argue that his non-standard features helped to create that powerlessness, but they did not affect his identity as an honest witness and on the contrary, they gave force to his testimony. I will argue that his performance as a *jíbaro* and the qualities associated with that identity helped him achieve this. I am not claiming that ‘talking like a jíbaro’ is by itself enough to raise sympathy. It is the intersubjective foregrounding of the qualities that are associated with it –via intonation, expression of affect, sequence, modality, and so on- in conjunction with his way of speaking that make that identity relevant²⁵. Again, the implication that identities are attached to expectations is central to understand how this was achieved.

6.4.2.1 Analysis

Ortiz Molina employed constructed dialogue to answer questions about the most key elements of his testimony. In the following example, Ortiz Molina recounted a dialogue that he had with the policeman Jesús Quiñones Quiñones who was on duty at the police communication tower which was located close to the Rikavisión tower. Quiñones was not involved in the police operation in Cerro Maravilla.

(22) Fragment 22

1. HRC: Y como consecuencia de usted oír esa serie de segundos disparos, ¿qué ocurrió allí entre usted y Quiñones, si algo?
HRC: And as a consequence of you hearing that round of second shots, what happen there between you and Quiñones, if anything?
2. JOM: Bueno, cuando nos percatamos de los disparos que yo los oí, pero el primero que comentó fue él, y me dijo, “Espérate, que parece que sigue este jueguito de vaqueros.”
JOM: Well, when we realized that the shots that I heard, but the one that made a comment on it first was him, and he said, “Wait, because it looks that the little cowboy game is still on.”
3. HRC: ¿Quién dijo eso?

²⁵ In the next witness I will demonstrate that ‘talking like a jíbaro’ is not enough. The witness in that section, agent Rafael Torres Marrero had very salient and stigmatized linguistic features, but that did not help him to create an honest identity.

- HRC: Who said that?
4. JOM: Quiñones. Entonces yo le comenté, dije, “Bueno, a lo mejor quedaba alguna bala en las armas y las están botando.”
JOM: Quiñones. Then I made a comment, I said, “Well, maybe there are still bullets in the weapons and they are getting rid of them.”
 5. HRC: Las estaban disparando.
HRC: They were firing them.
 6. JOM: Sí, ese fue el comentario que hizo él y el que yo hice.
JOM: Yes, that was the comment he made and the one I made.

This was a very important part of Ortiz Molina’s testimony because it directly contradicted the police version, which sustained that there was only one volley of shots and Soto Arriví and Rosado Torres died as consequences of the wounds received in that shooting. In turn (1) Rivera Cruz invited the witness to introduce the intersubjective experience shared by the witness and Quiñones Quiñones. Ortiz Molina stated that he heard the shot, but that Quiñones was the first to comment about the shooting and the witness reported the police officer’s comment. The witness also organized the sequence of events. First, he heard the shot, afterward, Quiñones made a comment, which implied that the police officer also heard the shots. After Rivera Cruz asked for clarification, which the witness provided, Ortiz Molina continued with his constructed dialogue (4) “*Bueno, a lo mejor quedaba alguna bala en las armas y las están botando.*” (‘Well, maybe there are still bullets in the weapons and they are getting rid of them.’). This short constructed dialogue achieves two things. First, it incorporated the voice of another speaker present in the reported event and its subjective experience of it. By doing this, the witness is providing confirmation of his own narrative in part because of the authenticity that is attached to direct reported speech. Second, when Molina Ortiz reported his comment, he is conveying two things, first, that he did not know what had happened, and more importantly, that at that moment he did not suspect wrongdoing from the policemen who were at the Cerro Maravilla, which ruled+ out any predisposition against the police.

In the next fragment, Ortiz Molina described what happened after the first volley of shots. Before the following text, the witness had explained that after Soto Arriví, Torres Rosado and González Malavé left the car, he stayed in the front seat. He decided to try to escape with an extra key that he had, but in that moment he saw a group of men coming from the front of the car with long firearms. He did not hear anyone order halt, but he heard that the first shot came from behind the car, where Soto Arriví, Rosado Torres and González Malavé were at that moment. During the shooting he heard someone shouts “Don’t shoot me, I am a police officer.” He also declared that a man opened the door and pulled him out of the car. One of the men tried to hit him with the butt of a rifle, but it landed on his hand because he covered his head with his hands. He narrated that he fell in front of the car next to two men (Soto Arriví and Rosado Torres), who were being beaten by the policemen. The question in turn (1) refers to this moment.

(23) Fragment 23 pp. 101-102

1. HRC: Bien. Y cuando usted está en el piso, cerca de dos jóvenes que están heridos, qué pasó allí.
HRC: Okay. And when you were on the floor, close to the two young men that are hurt, what happened there?
2. JOM: Pues, yo, cuando yo caí al lado de ellos, pues, entonces sentí una voz que salía ahí del lado mío, de donde estaban ellos, decían: “El señor es inocente” y repitió, otra voz, pero no sé si fue la misma o fue distinta, porque como, pues, dijo, “Por favor, no le hagan daño al señor que él no tiene nada que ver con esto.”
JOM: Well, I, when I fell to their side, well, then I felt a voice that came from there from my side, where they were, they said: “The man is innocent” and another voice repeated, but I don’t know if it was the same or a different one, because like, well, said, “Please, do not hurt the man because he had nothing to do with this.”
3. HRC: “No le hagan daño al señor que él no tiene nada que ver con esto.”
HRC: “Do not hurt the man because he had nothing to do with this?”
4. JOM: Sí, señor. Eso fue lo que yo oí.
JOM: Yes, sir. That is what I heard.
5. HRC: ¿Y esa voz venía de qué sitio del área?
HRC: And that voice came from what place in the area?
6. JOM: Fue del lado de donde yo estaba.
JOM: It was from the side I was at.
7. HRC: ¿Y quién estaba en ese lado que usted estaba?
HRC: And who was on that side that you were at?
8. JOM: Las dos personas que estaban allí supuestamente heridas.

- JOM: The two people that were there, supposedly hurt.
9. HRC: ¿Y qué observó usted allí, si observó algo que sucediera?
HRC: And what did you see there? If you saw that anything happened.
10. JOM: Pues, cuando ellos estaban diciendo esas palabras, pues, entonces yo oí que uno de los que estaba allí, habían unas tres o cuatro personas allí con ellos, dijeron: “Mira, este, ven acá que este hijo de la gran puta quería matar a un policía”, y lo cogían, lo levantaban y le daban patás...
JOM: Well, when they were saying those words, well, then I heard that one of the ones that were there, there were three or four people there with them, they said: “Look, *mmm*, come here that this son of a bitch wanted to kill a policeman,” and they grabbed him, they picked him up and they were *kickin* him...
11. HRC: ¿A uno de ellos que se refirieron a él como que quería matar a un policía?
HRC: One of them that they referred to him as if he wanted to kill a policeman?
12. JOM: Sí. Le daban patás y le daban con la culata de los rifles.
JOM: Yes. They *kickin* him and they hit him with the rifle’s butt.
13. HRC: ¿Y eso usted lo presencié?
HRC: And you witnessed this?
14. JOM: Sí, señor.
JOM: Yes, sir.

The events described in this fragment were dramatic; he had been hit and he was on the ground next to other two men who were being beaten. The question in (1) is an open question. The witness again used reported speech to answer it, which made the event even more dramatic. In turn (2) the witness animated –to use Goffman’s term- the words of the men next to him reinforcing the frightening nature of the event: “*El señor es inocente*” (‘The man is innocent’), “Por favor, no le hagan daño al señor que él no tiene nada que ver con esto” (Please, do not hurt the man because he has nothing to do with this). The inclusion of “*Por favor*” (‘Please’) in the reported speech makes the men’s words even more emotionally charged, because the plea underscored the sincere interest that they had for the wellbeing of the witness.

Moreover, the witness is humanizing the two men, who had kidnapped him about an hour earlier because the men, while being beaten, were concerned for his (Ortiz Molina) safety. This is far from the associations that the word ‘terrorist’ triggers.

The reported speech in (1) is in sharp contrast with the reported speech in (10), where the witness animates the words of one of the policemen. In this turn the witness related the moment

when the policemen were beating the two men had intervened for him. The reported speech in (10) includes an expletive that highlights the violence of the moment²⁶ and suggested lack of professionalism and reckless behavior on the part of the police officers present. In (10) and also in (12) we find the elision of intervocalic [ɔ] in *patás*. This is a non-standard feature that here appears in a dramatic part of the testimony.

It is possible that Ortiz Molina was able to recall what Soto Arriví, Rosado Torres and the policeman said. However, given the seemingly chaotic sequence of events and the speed in which the events occurred, it is unlikely that he remembered what was said word by word.

Probably the two men in custody and the policemen said more than what Ortiz Molina reported. Tannen (1989) explains that speakers construct dialogues as representative of the gist rather than the exact wording of what was said. Most likely this happened in this part of the testimony. Of all the possible things that perhaps were said during this sequence of events, the witness creatively constructed a dialogue in which he creates a contrast between the two men in custody who tried to defend him, and the policemen abused them verbally and physically. In this fragment we can see how through reported speech or constructed dialogue –to use Tannen’s (1989) term –the witness introduces his comment highlighting a sharp contrast between what was said by Rosado Torres and Soto Arriví, and what was said by a policeman.

As I mentioned at the beginning of this analysis, the credibility of the witness had been questioned. The two investigations performed by the Department of Justice discarded Ortiz Molina’s testimony because he allegedly had changed his version several times. In his testimony he explained that on July 25 he did not tell some information to the district attorney because he realized that the police were involved and he was testifying in a police station and a police

²⁶ The undercover agent Alejandro González Malavé had written in one of his reports that Arnaldo Darío González had said that he wanted to kill agent José M. Montañez. Montañez was one of the men that took Ortiz Molina out of the *público*.

captain was transcribing his testimony. He claimed that he was concerned because the police still had his car and he feared that they could retaliate against him Ortiz Molina then went to a private lawyer, and in a second sworn-statement he declared that there were two volleys of shots, that the two men surrendered, that he saw them alive in police custody, and that they were beaten. He sued the government, and this suit was used against him. It was said that his ‘change in declaration’ was self-serving because in latter testimonies, he added more details.

During the hearings, Ortiz Molina declared that he was cited by an attorney of the Justice Department and the Chief District Attorney, Pedro Colton-Fontán, threatened him with perjury charges because he had changed his statement. The next fragment covers the encounter between the witness and district attorneys Colton-Fontán and Nigaglioni, who also was present in the encounter and ultimately took a new sworn statement from Ortiz Molina.

(24) Fragment 24

1. HRC: Y qué ocurrió en ese momento en que le presentan al señor Colton y...?
HRC: And, what happen the moment they introduced you to Mr. Colton and....?
2. Pues, cuando él me presentó, me fue a... entonces, él se percató que estaban allí unos periodistas, entre ellos, recuerdo que estaba Miguel Rivera, que trabaja en El Mundo, y había otro, no recuerdo el nombre, tiene un programa en Ponce. Entonces, pues, cuando el vio a esos periodistas, le dijo a otra persona allí, no me acuerdo si fue a Nigaglioni o fue a otra persona que estaba con él allí, le dijo: “Vamos a cambiarnos de aquí, porque yo no quiero que la prensa husmee aquí esto que vamos a hacer.”
JOM: Well, when he introduced me, he went to ... then he realized that some journalists were there, among them, I remember that Miguel Rivera, who works for El Mundo, was there and there was another one, I don’t remember the name, he has a program in Ponce. Then, well, when he saw those journalists, he told someone else there, I do not remember if it was Nigaglioni or someone else that was there with him, he said: “Let’s move from here, because I do not want the press to snoop around here regarding what we are going to do.”
3. HRC: Quién dijo eso?
HRC: Who said that?
4. El fiscal Colton.
JOM: District Attorney Colton.
5. HRC: ¿Y qué sucedió cuando él se expresa de esa forma?
HRC: And, what happened when he expresses himself that way?

6. JOM: Pues, nos cambiamos entonces para otro cuarto. Entonces, cuando nos sentamos en otro cuarto, pues, él trajo un periódico, parece que era El Nuevo Día, me dijo: “Don Julio, usted será buena gente y todo, pero yo voy a tenerlo que acusar a usted de perjurio.” Yo le dije: “Bueno, si usted tienen razones para eso.” Y él me dijo: “Bueno, lo que pasa es, que usted dio una declaración en el cuartel de la Policía ante el fiscal Nigaglioni y ahora, fíjese lo que dice este periódico, dice todo lo contrario, o sea, que usted está aquí, que dice...” el titular, me acuerdo que decía “Chofer acusa a la Policía de Asesinos.” Entonces, pues, yo dije que la fecha... pero, yo en ningún momento había calificado a la Policía de asesinos. Sino que la explicación que yo le di a la Prensa, las declaraciones que di a la prensa podían llegar ellos a los juicios, a hacer juicio, y de sacar la palabra de asesinos, yo no la dije. Yo dije lo que había visto. Si lo que yo dije que había visto, ellos podían clasificar o clasificado como asesinos, eso es el problema de ellos. Ahora, yo en sí, no dije, no acusé a la Policía de asesinos, sino, yo dije lo que había visto. Si lo que yo vi se puede calificar de asesinos, eso es problema del reportero que lo dijo o problema de las personas que hagan la investigación o hagan los análisis de esas palabras.
- JOM: Well, we moved them to another room. Then, when we sat down in another room, well, he brought a newspaper, it looked like El Nuevo Día, he said to me: “Don Julio, you might be a nice guy and all that, but I am going to have to charge you with perjury.” I told him: “Well, if you have reasons for that.” And he said: “Well, what happens is that you gave a statement at the police headquarters in presence District Attorney Nigaglioni and now, look at what the newspaper says, exactly the opposite, that means, that you are here, that it says...” The headline, I remember it said: “Driver accuses policemen of being murderers.” Then, well, I told him that the date... but, at no time had I qualified the police of being murderers. That the explanation that I gave to the Press, the statements that I gave, the press could take them to the judgment, to make a judgment, and to take the word murderers, I did not say it. I told what I saw. If what I said I saw, they could classify or classified as murderers, that it is their problem. Now, I myself, I did not say, I did not accuse the police of being murderers, but, I said what I had seen. If what I saw can be classified as murderers, that is the reporter’s problem that said it or the problem of the people conducting the investigation or make the analysis of those words.
7. HRC: Y cuando usted le señala eso al fiscal Colton, ¿qué sucedió?
HRC: And, when you pointed that out to Attorney Colton, what happened?
8. JOM: Pues, sucedió que él siguió amenazándome, presionándome, entonces, y yo le dije, que él me estaba presionando y que yo, bajo presión, en ese momento, no le iba a declarar nada a él, hasta tanto, yo no pudiera ir con un abogado que me representara. Entonces, él se paró de mala forma y me dijo: “yo no lo estoy presionando a usted.” Y yo le dije: “Bueno, usted me está presionando porque de hecho, me está acusando con darme acusación de perjurio.” Entonces, “Yo no te he presionado”, “Sí usted me está presionando.” Entonces, como decimos nosotros vulgarmente en el campo, me tiró la puerta en la cara y se fue para otro cuarto.
- JOM: Well, what happened is that he kept threatening me, pressuring me, then, and I told him that he was pressuring me and that I, under pressure, at that moment, was not going to declare anything to him, until I could go to get a lawyer that would represent me. Then, he stood in a bad manner and told me: “I am not pressuring you.” And I

- said: “Well, you are pressuring me because in fact, you are accusing me with giving me an accusation of perjury.” Then, “I have not pressured you,” “Yes, you are pressuring me.” Then, like we vulgarly say it in the country, he threw the door at my face and went to another room.
9. HRC: Y le pregunto si usted, le tomaron alguna declaración jurada ese día, allí.
HRC: And I ask you if you, if they took a sworn statement that day, there?
10. Ese día el fiscal Nigaglioni me dijo que por qué yo, si tenía algo más que decir, no fui donde él a decírselo. Entonces, yo le dije a él que si él, la persona que está investigando era él, que es el que estaba haciendo la investigación de lo que sucedió. Que si él quería saber algo más de mí, porque no me había citado a la Fiscalía para ver si yo tenía algo más que decir en cuanto al caso de ese día, los hechos. Entonces, él dijo: “No, pero usted dijo unas cosas aquí que tiene que cambiar esto, porque usted dice...”, “No, yo no voy a cambiar nada. Yo sostengo lo que dije en el cuartel, si fue lo que yo dije, yo lo sostengo. Ahora, si hay alguna palabra que han cambiado o la han cambiado eso no lo puedo sostener. Y además, si usted quiere, que sea así, pues, si usted quiere, pues, escriban ahí.” Y, entonces, pues, entonces, empezó a hacerme preguntas y yo enseguida contesté unas preguntas allí, y le dije, pero no, y me dijo: “Pues, firme aquí”, pues, lo firmé y tampoco leí la declaración que hice allí.
JOM: That day, Attorney Nigaglioni told me that why, if I had something else to say, I did not go where he was to tell him. Then, I told him that if the person that was investigating was him, that he was the one conducting the investigation of what happened. That if he wanted to know something more from me, why didn’t he ask me to appear at the District Attorney’s Office to see if I had something else I wanted to say about the case that day, the facts. Then, he said: “No, but you said something here that you have to change that, because you say...” “No, I am not going to change anything. I stand by what I said at the police station, if it is what I said, I stand by it. Now, if there is any word that you have changed or that you have changed it, I can’t stand by that. And besides, if you want, for it to be like that, well, if you want, well, write it there.” And then, well, then, he started to ask me questions and I right away answered some questions there, and I told him, but no, he told me: “Well, sign here,” well, I signed and I did not read the statement I gave there either.
11. HRC: Usted recuerda si en esa declaración que usted dio al fiscal Nigaglioni el día 31 de julio del 78, usted declaró respecto a lo que usted había percibido y visto en el área del Cerro Maravilla cuando le daba patadas a estos jóvenes y le dieron a usted?
HRC: Do you remember if in that statement that you gave to Attorney Nigaglioni the day of July 31, 1978, you declared regarding what you had perceived and seen in the area of Cerro Maravilla when the young men were being kicked and they kicked you?
12. JOM: No, porque eso no me lo preguntó.
JOM: No, because he did not ask me that.
13. HRC: ¿No le preguntó eso?
HRC: He did not ask you that?
14. JOM: No, señor.
JOM: No, sir.
15. HRC: ¿Usted tiene qué grado de escolaridad, le dijo a la Comisión?
HRC: What level of schooling do you have, you told the Commission?
16. JOM: Sir.

- JOM: Sir?
17. HRC: ¿Qué grado de escolaridad tiene, de educación?
HRC: What level of schooling do you have, of education?
18. JOM: Un cuarto grado, más o menos.
JOM: Fourth grade, about that.
19. HRC: ¿Sabe leer usted?
HRC: Do you know how to read?
20. JOM: Un poquito.
JOM: A little bit.
21. HRC: ¿Sabe escribir?
HRC: Do you know how to write?
22. JOM: Un poquito. Mire, fíjese, una letra mala, pero por lo menos, quizás, se entienda.
JOM: A little bit. Look, look, poor handwriting, but at least, maybe it can be understood.
23. JOM: Don Julio, en esa ocasión en que usted está en la Fiscalía de Ponce, el 31 de julio del 78 que le toman una declaración jurada, ¿usted la firmó?
HRC: Don Julio, at the time when you are at the District Attorney Office at Ponce on July 31, 1978, when they take your sworn statement, did you sign it?
24. JOM: Yo lo firmé...
JOM: I signed it...
25. HRC: Sí.
HRC: Yes.
26. JOM: ... pero no lo leí.
JOM: ... but I did not read it.

In this fragment, the witness again made extensive use of reported speech. In (2) he used direct reported speech to narrate possible wrongdoing by public attorney Pedro Colton Fontán: “Vamos a cambiarnos de aquí, porque yo no quiero que la prensa husmee aquí esto que vamos a hacer” (Let’s move from here, because I do not want the press to snoop around here regarding what we are going to do). “What we are going to do” first leaves unstated whatever is going to be done, and second, suggests that something should be hidden.

Ortiz Molina also quoted Colton when reporting a threat (6). The wording of the threat deserves some attention. It strikes me as credible. I am not claiming that it was a word by word repetition of what Colton said; rather it seems a credible account of what was said. I have three reasons to state this. First, district attorney Colton addressed the witness as ‘usted’, the formal second person pronoun that is used for older people that are not related to oneself by kinship or

friendship. Second, it began with an acknowledgement of the character of the witness, which presumably had been communicated to Colton by someone else. Third, Colton presented the act of pressing the charges as an obligation; therefore, he has no option. This seems to me like a reasonable approach to do “what we are going to do.” It is a threat, but nuanced enough to seem friendly or at least open to hear what the witness had to say.

In (8) the witness again made use of reported speech. Here he reported the back and forth between Colton and him regarding the pressure that according to Ortiz Molina the attorney was putting on him. Ortiz Molina repeated the same structure four times: Pronoun +pressure+ Pronoun, which communicates the confrontational stance of both speakers. In this turn the witness mentioned pressure/pressuring five times making the point of the turn very clearly.

In (9) Rivera Cruz asked the Ortiz Molina a yes or no question (I ask you if they took a sworn statement that day, there). However, the witness answered with a long explanation, which included a constructed dialogue about the circumstances in which he gave the sworn statement, with a constructed dialogue included. The turn in (10) begins with indirect discourse. The witness described how district attorney Nigaglioni, in return rebuked him and how he rebuked Nigaglioni. The indirect reported speech becomes direct reported speech in the most important part of this turn: when Nigaglioni told the witness that he had to change what he said in his first sworn statement. Ortiz Molina reported that he refused to change his testimony and that he stood for it. However, at the end of the turn, he agreed to give a new sworn statement, after what seemed to be a long time arguing with lawyers.

In (11) Rivera Cruz asked again a close question (‘Do you remember if you declared...that they were kicked and that they kicked you?’). The question was important because that was part of what Ortiz Molina had told to the press and one of the reasons why he

was called to the district attorney's office. This information did not appear neither in the sworn statement that the witness nor in the one that that the witness was talking about in this fragment. Ortiz Molina answered that he did not mention it but understanding that such omission needed an explanation he added that he did not say it because the district attorney did not ask him about it.

The question in (15) seems to be designed to offer an explanation of the omission, by highlighting one dimension of Ortiz Molina: an almost illiterate man. Rivera Cruz asked Ortiz Molina about his level of schooling. The word "escolaridad" is not an everyday word and (16) seems to be a sign of trouble. The witness did not understand the question, perhaps because he could not hear it, but perhaps because the witness was not familiarized with the word "escolaridad" in which case, served to underscore what most likely Rivera Cruz was trying to demonstrate: that Ortiz Molina was in disadvantage in his encounters with the two district attorneys. The witness, conveying humility admitted his limited skills for writing and reading. He finally clarified that he signed the sworn statement but he did not read it, which also underscores the disadvantage that he had in his encounter with Nigaglioni.

It is importance to notice that Ortiz Molina reports in (8) that he did not want to declare without a lawyer- for which he was entitled, particularly since he had limited reading skills-, but after the pressure that he reported he finally did it.

One characteristic of Ortiz Molina's testimony is that he was able to express his affect for his wife, again through reported speech. Rivera Cruz asked Ortiz Molina about what he did after he left the police headquarters. The following fragment occurred.

(25) Fragment 25, pp. 133-134

1. HRC: Usted sale del cuartel de Hostos y llega a su casa?
HRC: You leave the Hostos headquarter and arrive to your house?
2. JOM: Regresé a casa y después estuve en casa, entonces, cuando llegué, pues, mi esposa, gracias a Dios, no había sabido nada de lo ocurrido, y de hecho, pues, me dio

una cogidita de cuello. Me dijo: “Mira, quedaste de venir a la una y mira a la hora que llegas.” Entonces, pues yo le dije a ella: “Mira, es que tú sabes que hay que buscarse un par de pesos y yo encontré un fletecito y me fui a llevarlo y llegué a esta hora.” Pero, entonces, ella, ¿verdad?, no está muy contenta, porque como quedé de llevarla a ver a su tía, pero después que ella se tranquilizó un poco, entonces le dije: “Mira, tú ves que yo dejé el carro afuera, ¿verdad? La costumbre que yo tengo es de cuando llego a casa entrar el carro, pues, entonces le dije: “Mira, lo que pasó fue lo siguiente.” Y le expliqué, pues, entonces ella se puso un poco nerviosa y yo le dije: “No, si lo más importante es que yo estoy aquí.”

JOM: I went back home and I was home after that, then, when I arrived, well, my wife, thank God, was not aware of what had happened, and in fact, well, she ‘gave me a little earful.’ She told me: “You agreed to be here at one and look at what time you get here.” Then, well, I told her: “Look, you know that one has to earn a few pesos and I found a fare and I went to take it and I am here at this time.” But, then, she was not very happy, right? Because I had agreed to take her to see her aunt, but later when she calmed down, then I told her: “Look, you see that I left the car outside, right?” I am used to getting the car inside when I get home, so, then I said: “Look, this is what happened.” And I explained, so then she got a little nervous and I told her: “No, what is most important is that I am here.”

Another important aspect of his narration of the events is that he was not specifically asked to narrate it. He could have just said “I went to my home and explained to my wife what had happened.” That would communicate the content of his experience, but would not allow him to convey his affect.

In his reported speech he presents himself as patiently enduring being scolded by his wife. He even takes the risk of admitting to the committee that he lied to her, although only with the purpose to protect her from the stress.

Ortiz Molina had previously said that his wife had a heart condition. In these turns, he expresses his qualities as good husband and his concern for his wife, expressing positive affect and comprehension. The colloquial term “*cogidita de cuello*” (‘an earful’) and the direct report of his dialogue with her once he arrived at his home are an important part of it. They reflect positive affect and the importance and care that he put in saving his wife from an upsetting experience.

The term “*cogidita de cuello*” is a colloquial expression for scolding. It literally means ‘a little grab by the neck’ and the public reacted with laughter to it. Besides it conveys a sense of humor, it suggests his understanding of his wife’s anger and his disposition to accept it as something minor (the diminutive is used), that was worthy of enduring for her own benefit, taking it with a sense of humor.

The use of direct reported speech gives authenticity to the interaction between him and his wife. It is also used to contextualize his telling of a lie, and the subsequent explanation of it. This risk of admitting a lie in his testimony in this context seems a small risk since the reason for lying was understandable. However his previous testimonies had been attacked precisely on the grounds that he was lying, and later he was even called by one senator ‘a liar’, although not by this incident. Being a liar is a personality trait, as opposed to have lied in order to save his wife from a health threatening experience.

In his direct reported speech he communicates the belligerent attitude of his wife (‘look at the time you arrive’), his lie (‘I got a charter’), the steps he took in order to do not upset his wife (‘You see I left the car outside’). He finally minimizes the experience in his assessment of it (‘No, if the most important thing is that I am alive’). The direct reported speech allows the speaker to introduce his concern and care for his wife and to express a moment into his private world.

Rivera Cruz was deferent with the witness. Both co-constructed the identity of the witness as a good husband, as a relatable, humble, and honest man that was trapped in a situation out of his control and who, even with the disadvantages that he had, was able to stand for his truth.

Ortiz Molina was victimized three times. He was victimized when he was kidnapped, he was victimized by the police that hit and kicked him, and he was victimized by the district attorneys that seemingly manipulated him.

Rivera Cruz never raised his voice during the interrogation. He was deferent and let the speaker say what he wanted. He asked many open questions and the witness was willing to talk. The extensive use of constructed dialogue allowed Ortiz Molina to come across as a credible witness. It helped him to convey certainty and helped him to create a vivid and dramatic testimony. He was a relatable witness because he conveyed honesty, humility, positive affect for his wife, and cooperation. His testimony flowed smoothly, without interruption and confrontation, and he always seemed willing to offer the information requested. As a lawyer interviewing a friendly witness, Rivera Cruz facilitated this. The credibility of the witness was thus co-constructed.

Several commentators, when describing Ortiz Molina, mentioned that he was a *jíbaro*. Describing him, Nelson (1986, p. 162) says that he possessed “old fashioned manners and a slightly ponderous sense of his own dignity.” Suárez (2003, p. 171) says that “he exuded jíbaro –country folk- openness, a quality that permits mistakes and some exaggeration, but not deception.” He had a skinny mustache, round belly, and stately walk. He always wore spotless shirts. Interestingly, Nelson (1986, p. 162) also mentions that he had “a permanent glum expression not unlike Muñoz Marín when he was in one of his poetic moods.” Muñoz Marín was the founder of the Popular Democratic Party and a legendary figure in Puerto Rican politics, particularly among the peasants. The PDP controlled the Senate during the hearings.

The non-standard features were constant reminders of that identity in his testimony. In the analysis of the testimony of Osvaldo Villanueva, I argued that identities come with

expectations, and the fulfillment of those expectations confers authenticity to the identities performed. Ortiz Molina fulfilled those expectations because *jíbaro* is associated with humility and honesty and he conveyed that.

Although the *jíbaro* as symbol is a fading element of the Puerto Rican culture, it is a referent in the Puerto Rican imagination -and I suspect that it was more present in 1983 than it is now- because its presence in great part of the Puerto Rican literature particularly in the first part of the 20th century and because many books included in the curriculum of public schools included those texts. The context in which the *jíbaro* became a symbol of Puerto Ricanness has long disappeared, but the reference still exists and still appeals to many Puerto Ricans.

6.4.3 Rafael Torres Marrero

After the suspension of the hearings in July, they resumed on September 7. Several policemen were summoned for that day. However, one of them, William Colón Berríos, did not appear. His lawyer instead presented a medical excuse. According to the police version, Colón Berríos was the supposed agent in charge of the group of agents who were in the Rikavisión tower when the público arrived. Rivera Cruz said that William Colón Berríos was supposed to be his first witness that day. Since he was not present, Rivera Cruz called agent Rafael Torres Marrero to the stand, who became the first policemen directly involved in the killings to testify in the hearings.

Torres Marrero was a very important witness for the investigation because according to the police version, he had killed Soto Arriví in crossfire. He claimed in his testimony that he in fact did it. However, it was demonstrated that he did not kill Soto Arriví.

Rivera Cruz began his testimony as he usually did. He was calm and there was no latching between his and the witness's turns. There was no perceivable change in tone or pitch. However, as the interrogation advanced Rivera Cruz became louder, he gesticulated more and his turns latched more. He also seemed to speak faster. The intonation of his questions conveyed sarcasm, disbelief. The end of the first day of his interrogation of Torres Marrero was dramatic and suspenseful, leaving the audience waiting for more.

Torres Marrero appeared to be overwhelmed by Rivera Cruz's questions, which in many cases revolved around specific details that although were part of the police version, later it was demonstrated that they never had happened. These questions about details that later were demonstrated that they never occurred overwhelmed the witness. He interjected several times in frustration and was unable to offer details about the events. In fact, the first policeman to face Rivera Cruz seemed powerless.

Rivera Cruz, by confronting the witness with the evidence and the testimonies of other witnesses, was able to tell his version of the facts. In fact, it seemed at the end of the testimony that Rivera Cruz gave more information about the events than the witness. Later it became clear that through this testimony, Rivera Cruz let all the policemen know that he (Rivera Cruz) was well informed about what had happened on Cerro Maravilla.

Torres Marrero displayed many features associated with country folks; however, commentators of the hearings are silent about this. This is a contrast with comments about Rivera Cruz's and Ortiz Molina's way of speaking. This asymmetry makes us reflect about the linguistic ideologies that associate linguistic features with social groups.

The main topics of Torres Marrero's interrogation were: personal information, the instructions that he received from his superiors, his activities on July 23, 24 and 25, and the

firearms that he had on July 24 and 25. A great amount of time was devoted to the details of the shooting, his position at the moment of the arrival of the *público*, and when he obtained and returned firearms from the police armory, all of which proved to be highly problematic for the witness.

6.4.3.1 Torres Marrero's non-standard features

Torres Marrero was of rural origin, as was Rivera Cruz, and he employed many non-standard linguistic features. Among the features observed in his speech were the lateralization of r (/r/-[l]), rhotacism (/l/-[r]), aspiration of s ([h]) at the end of syllable, velar r (/r/-[x]), aspiration of r at the end of a syllable (/r/-[h]), change of /r/ to [h] before liquid ([dahlo] instead of [darlo]), change from middle vowel /e/ to close vowel [i] (dispués instead of después), the inflection (-nos) of the first person plural in the imperfect²⁷, instead of the standard form (-mos), change in the inflection (-a>-e) of the present subjunctive of the first conjugation (vaye instead of vaya) apocopation (pa' instead of para) (Álvarez Nazario, 1990).

6.4.3.2 The testimony

Rivera Cruz began his testimony in a calm way as he generally did. He asked general questions about Torres Marrero such as profession, experience and so on. In the first segment, Rivera Cruz asked questions about the book or records of the armory of the Division of Intelligence. Rivera Cruz asked about some guns (a rifle and three revolvers) that Torres Marrero had taken from the armory. The witness said that he took them and gave them to Lt. Jaime Quiles. He also said that he did not return the guns, but that he supposed that Lt. Quiles had.

²⁷ This form is also found in the conditional and the imperfect subjunctive, although I have not found examples of them in Torres Marrero's testimony.

Rivera Cruz confronted the witness with the book of records that showed that the witness was the person who returned the rifle.

(26) Fragment 26, pp. 102-3

1. HRC: Bien. Y qué aparece usted haciendo en ese documento?
HRC: What do you appear to be doing in that document?
2. RTM: Entregando un rifle.
RTM: Returning a rifle.
3. HRC: Entregando qué?
HRC: Returning what?
4. RTM: Un rifle.
RTM: A rifle.
5. HRC: Mire a ver si es el mismo rifle AR-15 que usted había sacado a las cinco de la mañana el mismo 23 de julio del 78. (LOUD) y le entregué el otro exhibit que es el 157.
HRC: Look and see if it is the same AR-15 rifle that you had taken at five o'clock in the morning that same July 23, 1978 (LOUD) and I handed you the other exhibit that is the 157.
6. RTM: Es correcto.
RTM: It is correct.
7. HRC: Es el mismo rifle?
HRC: Is it the same rifle?
8. RTM: Sí, correcto.
RTM: Yes, correct.
9. HRC: O sea, usted lo sacó por la mañana y usted lo regresó por la tarde, ¿verdad que sí? (LOUD)
HRC: So you took it in the morning and you returned it in the afternoon, isn't that true? (LOUD)
10. RTM: Sí.
RTM: Yes.
11. HRC: (LOUD, Opening the arms dramatically) Y usted le dice a la comisión que se lo entregó a Quiles y no volvió a bregar más con esa arma.
HRC: (LOUD, Opening the arms dramatically) And you tell the commission that you handed it to Quiles and you did not deal with that gun anymore.
12. RTM: Con el arma, pues no recordaba que [a lo mejor fue...]
RTM: With the gun, well, I did not remember (it). [Perhaps it was...]
13. HRC: [No lo recordaba.]
HRC: [You did not remember it.]
14. RTM: No lo [recordaba.]
RTM: I did not [remember (it).]
15. HRC: [Se refrescó la memoria] ahora. (laughter from the audience)
HRC: [Refresh your memory] now (laughter from the audience)
16. RTM: Bueno, de hecho, hace cinco años.
RTM: Well, in fact, it was five years ago.

17. Senador Ramos: Señor Presidente, sería posible permitirle que el Investigador le permitiera contestar y terminar sus oraciones al testigo.
Senator Ramos: Mr. Chairman, Would it be possible to allow that the investigator permit the witness to answer and to finish his sentences.
18. Sr. Presidente: Sí. Esa es la norma que siempre ha prevalecido y que siempre se ha observado en esta comisión y esa es la norma vigente. Y el señor investigador está de acuerdo en que así es cómo lo han hecho en el pasado y lo hace en el presente y lo hará en el futuro.
Mr. Chairman: Yes. That is the norm that has always prevailed and that has been observed in this commission and that is the effective norm, and Mr. Investigator agrees that this is the way that it has been done in the past, how he does it currently, how he will do it in the future.

In example 32, turn 5, Rivera Cruz is asking the witness to say if the rifle that the book showed that he returned on the afternoon of July 23 was the same that he had taken from the armory that same morning. The question is perceivably loud. In turn 11, the lawyer gestured exaggeratedly with open arms as if suggesting unconcern. Rivera Cruz, through paralinguistic means and through intonation, was commenting on the witness's answer, taking a sarcastic stance towards it. The gestures and intonation indexed a colloquial register more than a formal one. In the next turn, Torres Marrero said that he did not remember having done it, and tried to explain something, but Rivera Cruz interrupted him and repeated the witness answer *No lo recordaba* (You did not remember it). The witness repeated that he did not remember it but Rivera Cruz interrupted him again and added that he (Torres Marrero) needed to refresh his memory, which provoked laughter in the audience. This was said with declarative intonation. In turn 17, minority Senator Ramos intervened and requested that Rivera Cruz, through Chairman Aponte Pérez, let the witness finish his answers. Chairman Aponte Pérez said that that had been the norm.

In this segment, Rivera Cruz employed a colloquial register. He was very aggressive with loud questioning and interrupting the witness. His intonation and gestures conveyed disbelief and sarcasm. The witness seemed overwhelmed by Rivera Cruz's questions and comments.

In the following segment, Rivera Cruz was confronting the witness with the same books and the same entry in the books that he had been discussing in the previous fragment. The witness had declared that he returned from the Toro Negro area (where Cerro Maravilla is located) about 4:00 or 5:00 PM on July 23. However, the entry on the book said that he returned the rifle at 3:00 PM. Rivera Cruz is confronting the witness with this discrepancy and at the end of the fragment with the fact that, although the entries in the book appear in chronological order, his entry (at 3:00 PM) appeared at the end of a page, and in the next page the first entry was at 2:00 PM. That is, his entry did not follow chronological order.

(27) Fragment 27

1. RTG: Eso es correcto, pero eso se supone que como eso es en rojo, eso lo haga el tipo que va a entregar las armas, a lo mejor...
RTG: It is correct. But it is supposed that because it is in red (ink), it would be done by the guy that would hand in the guns, perhaps...
2. HRC: =A lo mejor, ¿qué?
HRC: =Perhaps, what?
3. RTG: ...la página...
RTG: ... the page...
4. HRC: Ah?
HRC: Ah?
5. RTG: Se le olvidó la fecha.
RTG: He forgot the date.
6. HRC: ¿Se le olvidó la fecha?
HRC: He forgot the date?
7. RTG: Pero yo le hice una entrada, a las tres de la tarde en la página 233.
RTG: But I made an entry, at three in the afternoon in page 233
8. HRC: Usted hizo la entrada a las tres de la tarde en la página 233 y es el final de la página, ¿correcto? (LOUD. Rivera Cruz approaches the stand)
HRC: You made an entry, at three in the afternoon in page 233, and that is the end of the page, correct? (LOUD. Rivera Cruz approaches the stand)
9. RTG: Correcto.
RTG: Correct.
10. HRC: Y mire a ver si cuando usted pasa la página, pasó la página siguiente a la página 234, la primera entrada que aparece arriba dice, “domingo 23 de julio, 2:00 PM.” (LOUD)
HRC: And if when you turn the page, when you turned to the following page, to page 234, the first entry that appears above says, “Sunday July 23, 1978, 2:00 PM.” (LOUD)

11. Lcdo. Castillo Blanco: Señor Presidente.
Attorney Castillo Blanco: Mr. Chairman.
12. Presidente: Señor Letrado, adelante.
Chairman: Mr. Attorney, go ahead
13. Lcdo. Castillo Blanco: El investigador tiene que gritar al lado mío?
Attorney Castillo Blanco: Does the investigator have to shout next to me?
14. Presidente: No creo que el investigador esté gritando a su lado. Adelante.
Chairman: I don't think that the investigator is shouting next to you. Go ahead.

Rivera Cruz's aggressiveness was constant during this interrogation. Torres Marrero tried to articulate an explanation for the anomaly in the book (1), but he made a pause, and Rivera Cruz aggressively asked "Perhaps what?" Then Rivera Cruz approached the witness stand and pointed out that the witness's entry did not follow chronological order. Again, his speech was perceivably loud, prompting attorney Castillo Blanco, who was Torres Marrero's lawyer, to complain about Rivera Cruz's loud speech. Chairman Aponte Pérez rejected Castillo Blanco's complaint. While Rivera Cruz spoke loudly, the witness did not articulate the sounds clearly. In several occasions complained of this.

Later in the interrogation, Rivera Cruz finally arrived at the day of the events. The witness declared that Soto Arriví, Rosado Torres, and the then undercover agent González Malavé, were wearing military clothes. In the next fragment, Rivera Cruz showed themselves a photo of Soto Arriví's body in which he was not wearing military clothes.

(28) Fragment 28

1. HRC: I am now going to show you Exhibit 22, Exhibit number 21, 20 and 19 and Exhibit 18. All of them refer to Carlos Soto Arriví. Please examine them and tell me if he was wearing, at the moment of his death, some military shirt.
2. RTM: He did not have one, no.
3. HRC: Excuse me?
4. RTM: That he did not have one on.
5. HRC: And you had seen this well?
6. RTM: *Mmm?*
7. HRC: You saw this well, saw Carlos Soto?

8. RTM: Well, if he is the one involved in the shooting with me.
9. HRC: This is the one that you killed?
10. RTM: Correct.
11. HON. CALERO JUARSE: Mr. President.
12. HON. RAMOS, ORESTE: Mr. President, that is not the answer. It has to be clearly stated in the record. That is what I am referring to right now (*a couple of moments ago*).

Rivera Cruz used declarative intonation in (9). This was common in his interrogation, and every witness treated them as questions. The speech activity –interrogation- creates an expectation that the speech acts of the interrogator are to be understood as questions. The intonation seems to be secondary because the expectations seem to override it. Witnesses went ‘on automatic,’ treating the declarative intonations as questions. This suggests the importance of expectations in this context.

Rivera Cruz’s question in (9) presupposed that Torres Marrero killed someone. The ambiguity created between the expectation and intonation –declarative or question?- and the presupposition –that Torres Marrero had killed someone- can be understood in different ways. If we assume that Rivera Cruz was paraphrasing what the witness had declared, certainly, the paraphrase did not reflect the witness’s answer because it added propositional content. However, if we take Rivera Cruz’s paraphrase as a question, then there is nothing to object to, except that the question has a presupposition, which is common in interrogations, particularly in cross-examination.

The objection raised by Ramos was about the clarity of the record (the transcripts). He explained that the problem was that the record suggests that Torres Marrero killed Soto Arriví.

The question in (9) is not a dangerous presupposition. The witness had declared that he had killed Soto Arriví. That was not in dispute –for the moment. The witness had no problem accepting the presupposition and confirming the question/statement.

The question seems to lay the groundwork for a further line of questioning. Rivera Cruz is inviting the audience to pay attention to the witness's willingness to accept responsibility for the killing and for the inaccurate information that he had just offered (i.e. all of them had military clothes). In fact, he is laying the groundwork for what would be one of the most dramatic moments of Torres Marrero's interrogation. Given the seriousness of an act of killing, the admission of killing is salient. However, later on, Rivera Cruz would put that admission into question.

At the end of the first day of Torres Marrero's testimony, Rivera Cruz returned to the register book of the armory that was mentioned in the previous fragment. In that book there was an entry dated on August 3, 1978. In that entry it was mentioned that Torres Marrero had had the 357 Magnum used to kill Soto Arriví in his possession during the entire time/day of the event..

(29) Fragment 29

1. HRC: Look, let's see if the reason why that entry is there is because you were not carrying any 357 Magnum on July 25, 1978 when Carlos Soto Arriví was killed, because what you were carrying was a long weapon, and the person who killed Carlos Soto Arriví is not named Rafael Torres Marrero.
2. RTM: I told you I had the 357 Magnum. I have said it repetitively.
3. HRC: No, that is not the answer that I understand that is the question I am asking...
1. RTM: =Well, I told you [that I...]
2. HRC: >[I tell you,] if the reason why this entry, (in the book of the police armory) appears on August 3, 1978 saying that you had without interruptions carried the 357 Magnum revolver, 56445, since July 23, 1978 because, the Puerto Rico Police through the Office of Intelligence and you, want to show in the book that you carried that Magnum since July 23, 1978 without interruption, and that it was the gun you were carrying when you killed Carlos Soto Arriví, to avoid the answer that Mr. Marte has given, which states that what you were carrying was a long gun, and that you were inside the structure of Channel 7 (touching the structure of channel 7 in the model of the tower area) when the events took place, and not here in this corner where you have placed yourself with the other three (3) people.< (LOUD and moving the right hand marking each chunk of information).

This was a dramatic moment in the hearings. It was dramatic because the question was surprising. Rivera Cruz was putting into question that Torres Marrero was the one who killed Soto Arriví. Although the first and second investigations did not solve who killed Rosado Torres, it was generally accepted that Torres Marrero had killed Soto Arriví. Torres Marrero himself had taken responsibility for that death (see fragment (29). It was also dramatic because it went to the heart of the case: the killing and possible cover-up of the killing. By questioning the admission made by Torres Marrero, Rivera Cruz was suggesting that the witness could have committed the crime of perjury.

But what made this moment memorable was Rivera Cruz's performance. The hypotactic question in example 35 (Fragment 18), turn 5, was practically shouted without hesitation. Rivera Cruz gesticulated vigorously with eyes wide open. The stance was overtly confrontational.

With this question, Rivera Cruz was summarizing a central element of his theory, all under the form of a question. There are several propositions in this example. However, because the parts of the questions were interrelated, if the investigator dismantled the question, it would be difficult for him to introduce the whole theory, so the investigator tied them together. Although the witness answered that that was not true, the theory was presented. Moreover, Rivera Cruz was letting the witness know that he knew what had happened as, in fact, was later demonstrated. During this testimony, Rivera Cruz demonstrated his relentlessness. He was emphatic and passionate, and he let the audience know the direction of his investigation.

Torres Marrero on the other hand, seemed overwhelmed and powerless, hearing a loudly damaging story. This powerlessness affected the witness credibility because appeared to be trying to survive the interrogation. Moreover, Rivera Cruz's aggressiveness positioned him as a suspect.

I have said that commentators remarked on the country folk identity of Rivera Cruz and Ortiz Molina. They both had features associated with rural Puerto Rican Spanish and both had publicly said that they were from the rural area. Torres Marrero also exhibited linguistic features associated with the rural areas, but I have not been able to find any comment associating him with a *jíbaro* identity. Why?

Before I tried to answer this question, I want to emphasize that when I am speaking about the *jíbaro*, I am not referring to present-day peasants, who every day become less and less common. I am speaking about a cultural reference, and identity irrespective of having a human referent, that is present in the Puerto Rican imagination.

Torres Marrero did not have only features associated with rural Puerto Rican Spanish. He also exhibited features associated with police jargon, expressions such as, ‘It is correct’, and ‘Positive’ meaning yes and ‘Negative’ meaning no. These expressions index a police identity, and therefore, authority. However, the witness seemed to be powerless. The image of a powerless policeman is powerful.

On the other hand, I have mentioned in previous analyses that identities seem to have expectations attached. That is, a performance activates expectations about the performer. If the qualities associated with an identity do not match with the qualities that a speaker seems to claim through indexical meanings, the identity performed can be seen as unauthentic or irrelevant. The labels that designate identities seem to cluster a series of characteristics, some of them perhaps more central than others.

I think that this identity was not mentioned in commentaries about the case because the associations with *jíbaro* are mostly positive and Torres Marrero did not seem to be able to claim

them. Suspect of a crime is not the first association that comes to mind. The claiming through semiotic means is in tension with the content.

6.4.4 Roberto Torres González

Torres González was the Superintendent of Police at the time of the Cerro Maravilla killings. At the moment of Torres González's testimony, the Senate's investigation had already produced evidence demonstrating that the Department of Justice had been at least negligent in their previous investigations. The Police version had already collapsed and several witnesses – policemen and civilians- had petitioned federal and local immunity in exchange for their testimonies and they had been granted. Just days before his testimony (November 17), two forensic experts gave dramatic testimonies in which they said that the physical evidence suggested that the men were killed while they were on their knees.

Torres González avoided direct confrontation with Rivera Cruz. The former Superintendent, unlike other members or former members of the executive branch, expressed his respect for the Committee's investigation and his interest to cooperate with it. During his testimony he accepted that the Senate investigation had revealed important contradictions, and also said that he was not sure if he was told the truth by his subordinates. All this suggested that he was a cooperative witness. However, the epistemic modality that he managed seemed at odds with his stated purpose to cooperate with the investigation.

The most striking feature of Torres González was the modality conveyed by his answers. The most striking feature of his way of speaking was the modality of possibility conveyed by many of his answers, rendering his testimony as uncertain, at least. He conveyed uncertainty by means of modal verbs, modal adverbs, conditional constructions, lexical choices, and repetitions.

Sometimes conflicting modality markers were present in a single turn, giving the impression of being cooperative while being highly imprecise at the same time. Through these mechanisms he minimized his responsibility for his propositions. The imprecision of the information offered by him seemed to contradict his explicit manifestation of his desire to cooperate with the investigation and the certainty conveyed in other instances. Rivera Cruz in most instances did not challenge this imprecision. By not challenging the witness for his imprecision, Rivera Cruz helped to construct the identity of Torres González as a cooperative witness. At the end of the interrogation, when the topic was the responsibilities of those involved in the case, Rivera Cruz became more aggressive. Torres González immediately tried to pacify him by flattering the investigator.

Since modality and evidentiality are two important indexical mechanisms that speakers have at their disposal to create relationships with propositions, they are of high interest in the study of identity formation. The gap between his explicit manifestation of cooperation and the imprecision conveyed in his testimony is worth of attention because we can see how identities as ‘friendly witness’ and ‘hostile witness’ are constructed in interactions and how they are negotiated by interactants. The modalities conveyed by the Torres González blurred the distinction between a cooperative witness and an uncooperative one.

Rivera Cruz’s interrogation of Torres González lasted approximately two hours and he asked almost 350 questions. The content of his testimony could be divided in six parts: 1) general personal information, including profession, experience, posts; 2) everyday operation of the Police Department, particularly about the chain of command and the responsibilities of different officials; 3) timeline of the flow of information about the groups infiltrated by the undercover agent Alejandro González Malavé, including the reports that he received from his

subordinates and his reports to Governor Romero Barceló in the days prior to the Cerro Maravilla events; 4) his activities and the flow of information on the day of the events; 5) the days after the events, including his actions after information surfaced that put into question the Police version; 6) responsibility of the people involved in the case, including the witness himself and Governor Romero Barceló.

In the following fragment the witness answered the question about facts conveying a modality of possibility. This modality of possibility was present through all his testimony. In turn 1, Rivera Cruz asked Torres González about the appointment of Commander Angel Luis Pérez Casillas as Chief of the Division of Intelligence. Torres González said that he did not know Pérez Casillas personally and that he was recommended to him (agentless). Then, this exchange happened.

(30) Fragment 30

1. HRC: Bien. ¿Recomendado a usted, por quién, le fue a usted recomendado para dirigir la Oficina de Inteligencia, quién se lo recomendó?
HRC: Ok. Recommended to you by whom?
2. RTG: Es posible que haya sido el jefe, el Superintendente Assistant en Servicios Operacionales, el Coronel Desiderio Cartagena, oficina que iba a responder directamente a él.
RTG: It is possible that it was the chief, the Assistant Superintendent in Operational Services, Colonel Desiderio Cartagena, office to which he would be reporting directly.
3. HRC: Bien. Usted señala... (Rivera Cruz continúa con otra pregunta.)
HRC: Ok. You say... (Rivera Cruz continued with another question.)

In turn 2, a sentence in the subjunctive is embedded under a higher clause with an adjective of modality (*Es posible*). The lexical meaning of *posible* obviously conveys the modality of possibility. In Spanish, the subjunctive is used for non-assertiveness (Atsuko 1999); therefore, the subjunctive conveys modality²⁸. Torres González's answer in turn 2 (example 36) is less than certain. It is not even probable, but only possible that Colonel Cartagena

²⁸ Atsuko (1999) argues that in Spanish the subjunctive conveys the modality of suspended judgment.

recommended Pérez Casillas to him. This non-assertiveness is present through his whole testimony, and it is the most salient feature of his way of speaking.

Of particular interest for the Senate was the flow of information between Torres González and his subordinates and between Torres González and Governor Romero Barceló. It is precisely in answers related to this topic that the modality of possibility is more pervasive. In the following fragment Rivera Cruz asked Torres González the date in which he became aware that a group of people was planning to attack communication towers in Puerto Rico. In this fragment the witness seemed to express certainty, but evidentials are at least contradictory.

Torres González did not just diffuse the responsibility for his propositions. He also diffused the responsibility for his actions. In one of the most surprising declarations on his testimony, the former Superintendent expressed that he was not informed of the preparation of a bomb in the apartment of the undercover agent González Malavé.

Torres González did not just diffuse the responsibility for his propositions. He also diffused the responsibility for his actions. In one of the most surprising declarations in his testimony, the former Superintendent expressed that he was not informed of the preparation of a bomb in the apartment of the undercover agent González Malavé.

(31) Fragment 31, p. 26

1. HRC: ¿A usted, entonces, no le informaron que en la residencia del agente encubierto Alejandro González Malavé se había fabricado un explosivo y que luego fue transportado en el vehículo de motor de dicho agente encubierto desde esa residencia y se fue y se colocó en presencia de miembros de la Policía de Puerto Rico frente al correo de la 65 de Infantería, eso no se lo informó?
HRC: So, you were not informed that in the residence of undercover agent Alejandro Gonzalez Malavé an explosive was fabricated and then transported to the motor vehicle of the undercover agent from that residence and was taken and set in the presence of members of the Puerto Rico Police in front of the mail at 65 de Infantería, you were not informed about that?
2. RTG: Eso fue...
RTG: That was...

3. HRC: ¿Eso es una práctica usual, al que ese tipo de información a usted no se le notificase, aun después de haber ocurrido el evento?
HRC: Is that a regular practice, in which you are not notified of that type of information, even after it happened?
4. RTG: Me imagino que sí, me imagino que sí.
RTG: I imagine that it is so; I imagine that it is so.
5. HRC: ¿Que se imagina que sí, qué?
HRC: What do you imagine is so?
6. RTG: Que sea una práctica generalizada de esa manera ...
RTG: That it is a general practice that way ...
7. HRC: ¿Aun siendo usted el jefe de la Policía en ese momento?
HRC: Even being the chief of Police at that moment?
8. RTG: Me imagino que sí.
RTG: I imagine that it is so.
9. HRC: ¿Que no se le notificase?
HRC: That you were not notified?
10. RTG: Que la mejor razón para eso es que hasta mí no llegó ese conocimiento y voy más lejos, es posible que no haya llegado al Coronel Desiderio Cartagena. Y si llegó más abajo, pues, mire, tendrían que decirlo ellos, porque, vuelvo y repito, no.
RTG: That the best reason for that is that such knowledge did not come to me and, further, it is possible that it did not reach Colonel Desiderio Cartagena. And if it reached the lower levels, well, look, they would have to say it, because, again I repeat, no.

Rivera Cruz is asking him about specific events. These events had been established, and the people involved had admitted their participation. Since Torres González expressed that he did not know about those events (while he was superintendent), Rivera Cruz asks him if it was a usual practice. Torres González says that the fact that he did not know about the events are the best proof that it was a usual practice. Moreover, he takes the opportunity not only to say that he did not know, but that possibly his immediate subordinate, Cartagena Ortiz, did not know about the events either. If Cartagena Ortiz did not know, he did not know either, at least according to the chain of command.

Moreover, he took the opportunity not just for saying that he did not know, but that possibly his immediate subordinate, Cartagena Ortiz, did not know about the events either. This unsolicited addition suggests that the witness had confidence in his Assistant Superintendent

Cartagena Ortiz and he would have told him. If Cartagena Ortiz did not know, he did not know either, at least according to the chain of command. This confidence, which later he explicitly addressed, was convenient because that implies that his trust could have been betrayed without him suspecting it.

When Rivera Cruz asked Torres González if he received information about the operation in the Toro Negro area after a meeting with Governor Romero Barceló on July 24, the witness answered with a conditional proposition.

(32) Fragment 28, pp. 43-44

1. HRC: Le pregunto si después del 21 de julio del '78 en que usted señala que habla con Cartagena, Pérez Casillas y su mejor recuerdo es que ese mismo día habla con el señor Gobernador, después de esa fecha, ¿cuándo vuelve usted a enterarse o a tener alguna comunicación directa o indirecta de la operación esta, de los sucesos que se iban a llevar a cabo en el área de Toro Negro o Cerro Maravilla para hacerle daño a alguna torre de comunicación?

HRC: I ask you if after July 21, 1978 when you said you talked to Cartagena, Perez Castillas's and your best recollection is that it was on the same day as when you spoke with the Governor. After that date, when did you find out again or have any direct or indirect communication about this operation regarding the events that were going to take place in the area of Toro Negro or Cerro Maravilla to damage one of the communication towers?

2. RTG: Pude haber tenido algún conocimiento si con posterioridad al 21 de julio y con anterioridad al 25 se me sometió algún resumen; si no se me sometió ningún resumen, pues, obviamente, no he tenido más información hasta el 25 por la mañana. Dependo de esas cosas, dependo de esas cosas.

RTG: I could have had some knowledge, yes, after July 21 and before the 25th I was given a summary; if I was not given a summary, well, obviously, I did not have more information until the 25th in the morning. I depend on those things, I depend on those things.

The witness, instead of offering his recollection, his answer (turn 2) stated a necessary condition for obtaining the information he was asked about. The necessary condition that he establishes is that he had to receive a summary. The answer in turns 2 includes a modal verb (I could have some knowledge), which conveys possibility, followed by a conditional clause (if... I was given a summary) which open two possibilities: he received a summary or he did not. But

since he did not say if he did receive the summary, the question did not receive a satisfactory answer (i.e. an answer providing the information requested by the question). Notice that even if the condition stated was met (that he in fact received the summary), the modality of possibility still holds. In other words, even if he received a summary, he *could have had* some knowledge. At the end, the answer to the question was dependent on what other people did or did not do (giving him a summary), which he did not clarify. According to the cooperation principle (Grice, 1975), the hearer is invited to assume that he did not remember if he received the summary or not. The commitment of the Torres González is weak, even if the condition was met. He shifted away his responsibility for proposition. We also can see how the report that he could have received on the 24th is constructed as unremarkable. Other details, like going to Bayamón and being there for hours, seem to be more memorable.

In the next segment, Torres González continued speaking about the same report offered contradictory modalities in the same utterance.

(33) Fragment 25, p. 51

1. HRC: El día 24, que usted lo recibió, porque usted está seguro que el que dice 24, aunque es el mismo contenido, usted recibió esa información antes del 25, antes de que ocurrieran los hechos.
HRC: On the 24th, when you received it, because you are sure that the one (*report*) that says 24th, even though it is the same content, did you receive that information before the 25th, before the events took place?
2. RTG: Estoy seguro que lo debo haber recibido.
RTG: I am sure that I must have received it.

Rivera Cruz asked Torres González if he was sure of what he had said. This was a rare instance of this. Rivera Cruz almost never asked him if he was sure of anything. Torres González uses the modal adjective of certainty par excellence ‘Estoy seguro’ (‘I am sure’), but only to be immediately undone by the modal of possibility *deber* followed by a compound infinitive. His certainty is then hedged.

In the next fragment Rivera Cruz is asking Torres González about the moment in which Governor Romero Barceló learnt about the shootings on Cerro Maravilla.

(34) Fragment 26, p. 65

1. HRC: Cuando usted recibió esa información, ¿qué usted hizo?
HRC: When did you receive that information, what did you do?
2. RTG: Recuerde que le he dicho que ya está terminando la parada. Ya los actos conmemorativos del Día de la Constitución están a punto de terminar. De alguna forma debo yo haberle enviado algún tipo de información al Gobernador, información...
RTG: Remember that I have told you that the parade is concluding. The commemorative acts are almost done. In some way I must have sent some kind of information to Governor, information...
3. HRC: ¿Estando en el templete?
HRC: Being in the stage?
4. RTG: Estando el Gobernador en el templete, pero yo personalmente, no, y le voy a decir por qué yo no. Le debo haber enviado algún tipo de información con uno de sus agentes de seguridad, “Mira, deja saber al Gobernador que se ha formado un tiroteo allá en el área de Toro Negro y que lo mantendré informado”. No lo hago yo personalmente, porque acercársele uno de sus agentes de seguridad al Gobernador y decirle algo así por el estilo, pasa desapercibido...
RTG: The Governor was in the dais, but I personally, no. And I will tell you why not me. I must have sent him some kind of information with one of his bodyguards, “Look, let the Governor know that there has been a shooting in the Toro Negro area, that I will keep he informed”. I do not do it personally because if one of his bodyguards approaches the Governor and tells his something, goes unnoticed...

Three aspects are salient in this fragment. First, again related to modality, is the use of the modal verb ‘deber’ which has been discussed above. Second, related to the first one, Torres González answer seems to be an inference based on what was supposedly appropriate in the context of the communication with the governor under the circumstances, and not based in his recollection. He seems to be speaking about another person and not of himself. After all, he was the one who told to one of the bodyguards to tell the governor about the shootings on Cerro Maravilla. Third, even when the modal verb communicates possibility, he constructs a reported

speech, about what he possibly said, again based in deductions of what was supposedly appropriate.

Despite the fact that the witness offered long explanations in his answers I think that I have demonstrated that the information provided by Torres González was limited. Most of the information was presented as possibilities and inferences.

Since identities are related to the acts that speakers perform, at this point it is appropriate to ask: What was Torres González doing? Was he offering the information that Rivera Cruz was asking for? The witness certainly gave answers and sometime with details. But are these appropriate answers? Clayman (2001) points out that there are not clear parameters to decide what counts as an answer. However, for the purpose of this study I consider an appropriate answer one that provides the information that the questioner requests or the expression of the impossibility to answer the question for not remembering or not knowing the answer. Taking this limited conception of appropriate answer, there is no doubt that Torres González in many cases did not offer the information that Rivera Cruz requested.

It seems surprising that Rivera Cruz did not challenge this imprecision almost until the end of the testimony.

The last example about the imprecision that Torres González displayed during his testimony. Again is about the report dated on July 24. In the next fragment, Rivera Cruz asked Torres González about the report that was mentioned in the previous fragment. A brief contextualization is necessary. There was a draft of a report in which specific information about the planned attack on Cerro Maravilla was offered. The date of the report was July 21, 1978, but there was a strikeover on the date and the date of July 24, 1978 was superposed. There was also an official report with the date of July 24, 1978. Rivera Cruz wanted to know if the report was in

fact created on July 21 because the official version said that the Police (and Governor Romero) had learned about those specific details on July 24. This report was of particular interest for Rivera Cruz because if it was produced on the 21, then the authorities knew about specific details before than when they had.

(35) Fragment 24, pp. 47-48

1. HRC: O sea, ¿que usted tuvo conocimiento el 24 de julio del 78, sobre esos hechos que usted ha declarado o ha leído de ese documento?
HRC: In other words, that you had knowledge on July 24, 1978 about those events that you have declared or have read from that document?
2. RTG: Oh, sí. Definitivamente.
RTG: Oh, yes. Definitively.
3. HRC: ¿Cuándo tuvo usted ese conocimiento?
HRC: When did you acquire that knowledge?
4. RTG: Pues, este conocimiento debo haberlo tenido, cuando se me somete este informe semanal.
RTG: Well, I must have acquired that knowledge, when the weekly report was submitted to me.
5. HRC: ¿En qué fecha?
HRC: On what date?
6. RTG: Bueno, el informe tiene fecha de 24 de julio del 78, éste, le dije que el 21 no se me sometió esto.
RTG: Well, the report has the date of July 24, 1978, *mmm*, I told you that on the 21st that was not presented to me.
7. HRC: El 24 era lunes.
HRC: The 24th was a Monday.
8. RTG: Lunes. Tiene que haber sido el 24, debe haber sido temprano en la mañana o tarde en la tarde o con posterioridad a esa fecha. Le digo esto así, porque el día 24 de julio, también viene a mi memoria, que como a eso de las diez de la mañana o algo por el estilo, las diez de la mañana, diez y media, salgo con el Coronel Cartagena y nos trasladamos a Bayamón, porque yo interesaba supervisar personalmente los arreglos de seguridad del Gobernador, quien se iba a encontrar en el templete al otro día durante la parada y almorzamos por allá y creo haber regresado a la oficina con posterioridad a las cuatro de la tarde. Por eso es que le digo, que de haberseme traído ese informe a mi conocimiento, tiene que haber sido; si fue el 24, tiene que haber sido antes de las diez de la mañana o tiene que haber sido con posterioridad a las cuatro de la tarde o en otra fecha, no sé.
RTG: Monday. It must have been on the 24th, it must have been early in the morning or late in the afternoon or after that date. I tell you like this, because on the day of July 24, it also comes to my memory, that about ten in the morning or something like that, at ten in the morning, ten thirty, I go out with Coronel Cartagena and we went to Bayamón, because I was interested in personally supervising the security

arrangements of the Governor, who was going to be on stage the next day during the parade and we had lunch around there and I believe I went back to the office later at four in the afternoon. That is why I tell you that if that report was brought to my knowledge, it must have been, if it was the 24th, it must have been before ten o'clock in the morning or it must have been after four in the afternoon, or at another date, I don't know.

In example 41, turn 2, we have an affirmative answer with an intensifier. The witness is establishing one of the most important aspects of his testimony; that is, when he knew the specifics about the Cerro Maravilla plans. In turn 6 the witness uses the indicative mood ('eso no se me sometió'), which implies reality. Here he is categorical unlike in most other cases in which dates were involved. Then he explains that 'It must have been' early in the morning or latter in the afternoon because he was out of his office. At the end of the segment Torres González through a process of deduction proposes two periods of time on July 24 in which the report must have been submitted. Such specificity was not required by Rivera Cruz's question. But the most important element for the analysis is that the specification comes after a construction that functions as a conditional (de haberseme traído, 'If the report was brought to my knowledge'). Conditional also expresses a modality of possibility. The analysis then seems to be based on a possibility, even when he had said that he received the report on July 24. At the end of his turn he again raises the possibility that it was not even the 24 (or on another date, I don't know). Again Torres González by means of conditional constructions did not answer the question. Instead he offered a series of details that he remembered and proposed two timeframes in which he could have received the report.

As mentioned above, the witness also shifted responsibility away for his actions. In example (31) we have seen that he claimed that he did not know that he a bomb was prepared in the apartment of the undercover agent González Malavé. He also said that he imagined that it was a usual practice not telling him things that happened during his time as Superintendent. But

he also expressed his trust in Assistant Superintendent Desiderio Cartagena Ortiz, whom he described as running the day to day operation of the Police Department.

Late in his testimony, Torres González, after admitting that the hearings had discovered important contradictions, Rivera Cruz asked the following question.

(36) Fragment 36

1. HRC: ¿Usted entiende, usted entiende que como jefe de la Policía, el señor Cartagena Ortiz y los demás miembros de la Policía que estuvieron relacionados en estos incidentes, le dijeron a usted toda la información cierta y correcta de cómo ocurrieron los hechos en el Cerro Maravilla el 25 de julio del 78?
HRC: Do you understand, do you understand that as chief of Police, Mr. Cartagena Ortiz and the other members of the police that were involved in these incidents, did they give you all the true and correct information about how the events on Cerro Maravilla occurred on July 25, 1978?
2. RTG: Quiero creer que eso fue así. No tengo motivos... no tengo razones aún para creer diferente...
RTG: I want to believe that that is so. I do not have motives... I do not have reasons to believe differently...

The verb selection in the answer to one of the last questions posed by the investigator was ambiguous and revealing at the same time. Torres González answers the question with the construction ‘querer’ (want) + infinitive. Querer is a volition verb. It seems that believing in what his subordinates told him requires an act of volition. This is far from certainty. But immediately, he expresses that “I still have no motives to believe in a different way...” The volition verb seems to contradict this proposition. If there are no motives to believe in a different way, believing should not be an act of volition, but one of conviction. In this case a modality of certainty or probability would have been more coherent. In any case, he seemed uncertain about having been told the truth of what happened. The expression of uncertainty opens the possibility to leave that his subordinates lied to him. Therefore he would not be responsible.

Roberto Torres González seemed cooperative for several reasons. He gave long answers offering many details and background –although generally only tangentially relevant. Rivera

Cruz did not challenge his answers –except at the end- and therefore he helped to construct Torres González as a cooperative witness. The witness also claimed to be trying to remember. But he also sometimes conveyed certainty. Interestingly, one of the moments in which Torres González conveyed certainty was when he seemingly contradicted former Governor Romero Barceló. Governor Romero Barceló originally denied that he had knowledge about the specifics of the Cerro Maravilla attacks before they occurred. After some public dispute, he admitted that Torres González had told him about it.

(37) Fragment 37

1. HRC: Le pregunto, don Roberto
HRC: I ask you, don Roberto.
2. RTG: Uhum,
RTG: Uhmm,
3. HRC: Luego del día 25 de Julio del 78 en que sí ocurrieron los sucesos del Cerro Maravilla...
HRC: After the day of July 25, '78 when the Cerro Maravilla events happened
4. RTG: Sí.
RTG: Yes
5. HRC: Y el señor gobernador dijo públicamente ante el país, que él no tenía información alguna respecto a ese operativo que se llevó a cabo el 25 de julio del 78 en el Cerro Maravilla
HRC: And Mr. Governor said publicly in front of the whole country that he did not have any information regarding that operation that was carried on July 25, '78 on Cerro Maravilla
6. RTG: Ujum.
RTG: Uhmm.
7. HRC: ...Pero lo cierto es que usted le informa aquí, a la Comisión que usted le había informado en los señalamientos que usted ha hecho, el día 21, ¿eso es así?
HRC: ... but the truth is that you had informed him according to what you have said that, the 21 (of July), isn't it?
8. RTG: Y LO DECLARO BAJO JURAMENTO.
RTG: AND I DECLARE IT UNDER OATH (LOUD).

The modality indexed in (8) is of certainty and the information seems to be damaging for the governor. However, this was more apparent than real. By the time of this testimony, Governor Romero Barceló had publicly admitted that he was told about some specifics about the

plan to attack towers in Toro Negro. However, this certainty when providing apparently damaging information helped him to create the identity of a cooperative witness.

I have mentioned that at the end of this testimony, Rivera Cruz became more aggressive. We can pinpoint the precise moment in which Rivera Cruz changed his identity and changed the context by requiring specificity and latching his questions.

(38) Fragment 38

1. HRC: Bien. ¿Usted entiende, señor Torres González, que usted como jefe de la policía, estuvo lo suficientemente enterado, al mando de la policía de todos los sucesos que ocurrieron antes y durante el momento en que ocurren los sucesos del Cerro Maravilla, como para estar en sus funciones como jefe de la policía, enterado para tomar decisiones? ¿Usted estuvo lo suficientemente enterado por la gente que estaba en las posiciones que usted confiaba en ellos?

HRC: Ok. Do you understand, Mr. Roberto Torres González, that as Chief of Police you were informed enough, in charge of the Police, of all the events that happened before and during the moment in which the events take place, so to be able to fulfill your responsibilities as police chief, informed so you could make decisions, informed by the people that you trusted in?

2. RTG: Lo que sucede es lo siguiente, que hay que comprender muy bien en la forma en que se funciona en la policía de Puerto Rico, y no solamente en la policía de Puerto Rico, sino en otras policías mundiales también, de los Estados Unidos también. Comencé en un momento mi deposición y le informé que en la policía de Puerto Rico y por necesidad en las policías, tiene que ser así. Hay que delegar responsabilidad y junto con esa responsabilidad, hay que delegar la autoridad para cumplirse con esa responsabilidad. Sería prácticamente imposible para cualquier Superintendente, sea el que sea, tener ese tipo de control sobre cualquier operación que se esté celebrando en el día de hoy, como se celebra diariamente en Mayagüez, en Ponce, en Aguadilla, en todos los pueblos de la Isla.

RTG: What happens is this. We have to understand very well the way in which the Puerto Rico Police works. And not only the Puerto Rico Police, but also other Police in the world, including the United States too. I began at some point of my deposition, and I told you, that in the Puerto Rico Police and by necessarily all the Police in the world, it has to be like that. You have to delegate the responsibilities and together with that responsibility, one must delegate the necessary authority to fulfill that responsibility. It would be practically impossible, I go farther, I eliminate practically, it would be absolutely impossible for any superintendent, it doesn't matter who he is, I don't care who he is, to have that kind of control over any operative that occurs today, as they occur daily in Mayagüez, in Ponce, in Aguadilla, in all the cities of the island.

3. HRC: //Quién tomaba las decisiones operacionales en la policía de Puerto Rico desde el punto de vista del uso de la fuerza para bregar con esa situación.

- HRC: //Who took operational decisions in a daily basis, in terms of the use of force to deal with that situation.
4. RTG: Bien. Para eso, yo contaba con un Superintendente Auxiliar de Operaciones.
RTG: Ok. For that, I relied on the Assistant Superintendent for Field Operation.
 5. HRC: ¿Que era quién?
HRC: That was who?
 6. RTG: Desiderio Cartagena. El Coronel Desiderio Cartagena.
RTG: Desiderio Cartagena. Coronel Desiderio Cartagena.
 7. HRC: ¿Y usted delegó toda esa responsabilidad en él?
HRC: And did you delegate all that responsibility to him?
 8. RTG: Obviamente, tenía que hacerlo así.
RTG: Obviously, I had to it in that way.
 9. HRC: //But did you do it in that way?
HRC: //Pero, ¿lo hizo así?
 10. RTG: Pues claro que sí. La responsabilidad y la autoridad, claro, él a su vez, pues, tenía personas que le respondían directamente a él. Porque tampoco era él, Desiderio Cartagena ni llámese como se llame el que sea, no podría controlar toda la Fuerza Uniformada, más todos los civiles de las agencias de investigación, como el que tenía el Negociado de Investigaciones Criminales, más la División de Inteligencia...
RTG: Of course. Responsibility AND authority, of course. He in turn, well had other people that reported directly to him. Because he neither, Desiderio Cartagena nor anyone else, he couldn't control all the Police, plus all the civilians working in the investigative agencies, like the Bureau of Criminal Investigations, and the Division of Intelligence had...
 11. HRC: Sí.
HRC: Yes
 12. RTG: ... Para eso, él tenía necesidad de asignar también responsabilidades y junto con las responsabilidades, autoridad.
RTG: ...In order to do that, he also had to assign responsibilities and with responsibilities, the authority.
 13. HRC: Bien (Continúa con otra pregunta)
HRC: O.K (He continues with another question).

The question in (1) was a close question. However, Roberto Torres González offered a long explanation about the functioning of the Department of Justice, presumably to conclude that he did not have much information about the Cerro Maravilla case because of the way in which the In (3), Rivera Cruz's turn is latched, which in this case also seems a sign of impatience. In (11) again we have latching, but moreover, Rivera Cruz is asking from Torres González to be specific. The modality conveyed in (10) "I had to do it in that way" seems to convey obligation

(deontic modality), more than probability or certainty. At this point Rivera Cruz began to require explicit and unequivocal answers. Rivera Cruz became confrontational and Torres González began to sound more like an uncooperative witness.

When addressing the responsibility of the Police high hierarchy for the Cerro Maravilla events, Rivera Cruz asked the following question:

(39) Fragment 39

1. HRC: ¿Y si se demuestra que no hubo tal gesta heroica?
HRC: If it is demonstrated that there was not such heroic deed?
2. RTG: Pues, ya las personas no van a estar tan contentas.
RTG: Well, the people won't be so happy.
3. HRC: Esto no es cuestión de que estén más contentas o menos contentas.
HRC: This is not a matter of they being happier or less happy.
4. RTG: Por eso.
RTG: So.
5. HRC: Le pregunto...
HRC: I ask you...
6. RTG: Mire, no le quiero faltarle el respeto...
RTG: Look, I don't want to disrespect you...
7. HRC: Yes
HRC: Yes
8. RTG: Yo sería incapaz, usted no sabe el aprecio que yo le tengo a usted, sabe.
RTG: I would not be capable. You do not know the appreciation that I have for you, you know.
9. HRC: Bien.
HRC: O.K.
10. RTG: Usted no sabe el aprecio que yo le tengo...
RTG: You don't know the appreciation that I have for you.
11. HRC: Gracias
HRC: Thank you.
12. RTG: Y el respeto profesional, ambas cosas, sabe
RTG: And professional respect, you know.
13. HRC: Gracias.
HRC: Thank you.
14. RTG: Ambas cosas.
RTG: Both.
15. HRC: Bien.
HRC: O.K.
16. RTG: Pero sí lo que quiero decir es lo siguiente, mire administrativamente hablando, nadie se puede sacudir, que hay que aceptar la responsabilidad administrativa por las cosas buenas y cosas malas de la policía.

- But I want to tell you this, look, administratively speaking, no one can pass it off, one has to accept the administrative responsibility, for the good and the bad of the Police.
17. HRC: ¿Ni siquiera el gobernador?
HRC: //Not even the Governor?
18. RTG: Ni el gobernador, ni el pueblo puertorriqueño, nadie, porque, fíjese, que últimamente, el jefe mío no era el gobernador, era el pueblo de Puerto Rico.
19. RTG: Neither the Governor, nor the people of Puerto Rico, no one, because look, at the end my boss was not the governor, it was the people of Puerto Rico...
20. HRC: No hay más preguntas.
HRC: There are no more questions

Notice how in (3) Rivera Cruz ‘scolded’ Torres González for the answer in (2). The question was about responsibility for the acts and not for the reaction of those involved. Torres González immediately tried to repair what he framed as an involuntary disrespectful answer. The witness then appealed to Rivera Cruz’s positive face and flattered him, perhaps excessively. Torres González in this way tried to avoid confrontation by recognizing his ‘wrong answer’ and trying to amend what he framed as an attack to Rivera Cruz’s positive face. The explanation for framing the answer in (2) as an attack is that Torres González acknowledged his obligation and answered Rivera Cruz’s questions and therefore his position as witness.

Torres González represented himself as unable to be aware of all the details of the daily operation of the Police. By bringing into relief his trust in his subordinates, he is diffusing the responsibility for his act and distributing it and placing it in the nature of the institution of the police and the way in which it functions (Hill and Zepeda, 1992). He constructed an identity as a clueless chief of Police who was not informed of important aspects of the day to day workings of the Department he was supposed to direct. At the interactional level, modality and evidentiality are crucial semiotic mechanisms employed by the witness to shift responsibility away from his propositions, helping to perform the identity of a cooperative, although unreliable witness. Many of his answers conveyed uncertainty and inference, particularly when the questions were about

the timeline of the flow of information before the Cerro Maravilla events. The information that he offered was imprecise and more important, deniable in case to be proven inaccurate.

Rivera Cruz became aggressive and what until that moment seemed to be the interaction between a lawyer and a friendly witness became a more conflictive encounter. The witness complied with Rivera Cruz's requirements –sort of-, but at the end it became apparent that the relationship between lawyer and witness was antagonistic. In terms of new information, Torres González did not provide much, and Rivera Cruz did not challenge this. We can only speculate about the motives.

Roberto Torres González was able to create a likeable identity, appearing to be cooperative, but without offering information that most likely he had. He was able to blur the distinction between cooperative and uncooperative witness.

6.4.5 Alejandro González Malavé

In courtrooms, a certain degree of hostility and aggression is expected. The literature has emphasized the hostility and aggression that witnesses, defendants and plaintiffs have to endure. This is understandable because in trials the interactional behavior is rigidly regulated, and a consequence of this is that lawyers have resources at their disposal that are not available in the same way to witnesses. Although lawyers have constraints in what they can say, there are many strategies to circumvent them. The main foci of attention have been this asymmetry of resources, the strategies that lawyers employ to exploit it, and the consequences that this asymmetry and these strategies have for those involved in the process, particularly for witnesses and defendants. Because this asymmetry is real, and not an invention of researchers, it is more common to see

lawyers exploiting the resources that they have at their disposal, than to see witnesses doing the same.

Lawyers are expected to exploit this advantage to the detriment of witnesses. That is why many of these strategies have been documented. Some of these strategies are subtle, such as the juxtaposition of different parts of a testimony, while others are blunt, such as the use of sarcasm. In this sense, then, certain hostility can be expected, mostly from lawyers.

Hostility on the witness's part, on the other hand, is dangerous because there is a tendency in Western cultures to value reason more than emotion and hostility is perceived as a negative trait. On one side, lawyers' aggressiveness and hostility are seen as strategies. On the other, witnesses' hostility is detrimental to their credibility.

Attention to witnesses' strategies during trials has been scarcer. This is in part because this asymmetry has been understood as power, and I suspect most researchers do not feel comfortable giving more power to those perceived as having it –manifested in the resources available to lawyers and not to the witnesses- to the detriment of those who have less.

In González Malavé's interrogation, I have found that the witness effectively employed several strategies to resist the interrogation, to defy and provoke the interrogator, and to refuse blatantly to cooperate with the investigator, without regard to the obviousness of his strategies. In a courtroom, this would be more difficult, although not impossible.²⁹

Again, the Cerro Maravilla hearings were not a trial, but they shared many characteristics with one. In González Malavé's testimony, I have identified several common strategies to evade questions, but there are also threats, personal attacks, mockery and sarcasm. Moreover, these strategies were deemed by many observers as effective. Through these strategies were deemed

²⁹ In a courtroom, this would be more difficult, although not impossible. One extreme example of this was the case known as the Chicago Seven. In that case the defendant, accused of inciting riot at the 1968 Democratic Party Convention, openly defied and mocked the judge (Shultz, 1993).

by many observers as effective. Through these strategies, the witness was able to create a new context- indexical entailment- which undermined Rivera Cruz's identity as a competent lawyer in control of the situation and at the same time challenged the process. Since identities are relational, undermining the interlocutor's identity –particularly in a confrontation- is to resist and also to perform an identity –particularly in a confrontation-is to resist and also to perform an identity. While González Malavé undermined Rivera Cruz's identity, he performed an identity based on courage, control, and wit. Through this analysis, I demonstrate that institutional positions (e.g. witness, investigator) are not enough to understand identities too. The creative capacity for creating new contexts and the utilization of unexpected indexicalities to do so are crucial to understand how identities are created.

In this analysis, I describe the several strategies employed by González Malavé in order to resist Rivera Cruz's interrogation. Particular attention is given to the uncooperativeness of the witness and how this uncooperativeness created a new context that detracted from the seriousness of the event and created a verbal context between the lawyer and the witness.

Alejandro González Malavé was the undercover officer who went to Cerro Maravilla with the two men killed on July 25, 1978. His testimony took place on November 15 and 16, 1983. It was one of the most anticipated testimonies of the whole hearing. His name and his actions had been mentioned many times during the hearings, and in a news article in July he had dismissed the Senate investigation as irrelevant because, according to him, the case had been solved already.

At the time of his testimony in November, the police version had collapsed, and witnesses were requesting and acquiring immunity. Even González Malavé's supervisor and *compadre*, agent Carmelo Cruz, had requested immunity. The testimony of the *público* driver

had raised many questions about González Malavé's participation in the events, and as the investigation unfolded, he seemed to be the villain.

The days after his testimony, newspapers published numerous letters to the editor, editorials and columns commenting on it. Many observers were appalled by his testimony (Benítez, 1983; Boue, 1983). Some were delighted (Editorial: *El Vocero*, Nov 18, 1983). Still others considered it effective (for the agent), although disrespectful and inappropriate (Ferrer, 1983). Reactions to his testimony are particularly revealing because in them people articulated their understandings regarding his way of speaking as well as his interactional style and they also related them to social groups. In other words, these reactions constitute explicit metapragmatics. It is unrealistic to expect candid reactions from all commentators since partisanship played an important role. However, interest is an inherent element of linguistic ideologies (Errington, 2001; Kroskrity, 2000; Kulick, 1998; Silverstein, 1998).

The asymmetric reception of his testimony could be exemplified by these two comments made by two members of the Judicial Committee while questioning González Malavé.

(40) Fragment 40

1. Senator Fas Alzamora: Please, Mr. Deponent, let's continue, I have little time to ask questions and I would like you to be responsive to those questions and if I do not ask you for explanations, then, keep them to yourself, because I have been here two days listening to many explanations here, which I have not understood, and out of respect for this forum, then, I have tried to leave it like that. Because if these same explanations, which sometimes you have offered here between yesterday and this moment were given to me in the street, then, I would say or I do not understand anything, I am dumb, or what is said to me is nonsense. And I am not referring to you in particular, but this is the truth as I see it. So, I, ask you as a favor, to get to the point of the answers, to the questions that I am asking.
2. Mr. Chairman: Let's go to the question.
3. Mr. González Malavé: I will try to speak so that you understand me.
4. Senator Calero Juarbe: Mr. Malavé, you... the Examiner during this morning and today, tried to insinuate or to attribute to you that the University of Puerto Rico had dropped you out because you were dumb, because of academic deficiency in language. However, you have demonstrated to me that you are a brilliant person.

5. Mr. González Malavé: Thank you.

Senator Fas Alzamora describes what González Malavé says as nonsense, and Senator Calero Juarbe praises the intelligence of the undercover agent, presumably reflected in his linguistic abilities. It is worthy of attention that Senator Calero Juarbe's statement pinpoints the academic "deficiency in language" because Rivera Cruz did not say such a thing (at least it is not in the recording nor the official transcripts). It is possible that he identified the agent's way of speaking as a possible weakness. It is no surprise that Senator Fas Alzamora is a member of the Popular Democratic Party (PDP), while Senator Calero Juarbe is from the New Progressive Party (NPP). It is tempting to use these memberships as the sole explanation of these evaluations, particularly in the politically charged atmosphere that surrounded the Senate hearings. Furthermore, it would be naive to ignore these political positions. However, membership in different parties may not totally explain the difference in their evaluations of González Malavé's testimony. Are there just partisan considerations totally divorced from what happened in the hearings? Is one of these two politicians (among many other people) just risking appearing nonsensical? What logics (ideologies) granted these two different appraisals even if political interest drove them? Is there any sociolinguistic ground to sustain both of these opposite judgments? Can the concepts of indexicality and stance help us to understand them? These are some of the questions that I hope to answer. Before entering into the analysis, I discuss the expectations that people had about the undercover agent's testimony. To reproduce the context – indexical presupposition- and what creates a new context –indexical entailment- in the interrogation of the undercover agent Alejandro González Malavé, we must pay attention to these expectations.

6.4.5.1 Defining expectation

In an opinion column in the newspaper *El Mundo*, Antonio J. González (1983) wrote:

“The expectations of the people of Puerto Rico for the testimony of Agent González Malavé (...) were somewhat frustrated by the evasive, insolent, arrogant and disrespectful way in which the character [González Malavé] riposted the Investigator. Using a forced vocabulary, learned perhaps during his long and close relationship with university student groups, the agent adopted an intellectual pose trying to impress the audience.”

What were those expectations? Conceivably, we can consider three factors: the institutional goals, the previous experiences within the process of the hearings, and the status of the investigation at the moment of González Malavé's testimony. First, the stated purpose of the Senate investigation according to Resolution 91 was to carry out a thorough and full investigation of the events that occurred in July 25, 1978, when Arnaldo Darío Rosado and Carlos Soto Arriví were killed at Cerro Maravilla, as well as the antecedents, including the activities of the two men, the activities of the police, and the activities of members of other government agencies that could have been related to the planning, organization and direction of the operation. It also ordered an investigation of all activities of the executive branch, on the July 25, 1978 or later, that could have been related to the previous investigations of what happened at Cerro Maravilla on July 25, 1975, as well as any attempt from a public official to cover-up the participants from any act against them. The investigation also should include a study of the procedures and general practices used by the Puerto Rico Police and a study of their relations with undercover agents. In part, the expectations were related to the gathering of evidence toward these objectives. Reasonably, one expectation was the revelation of new information towards these ends, and Rivera Cruz had been able to produce it.

Second, for most people, there was not another referent for this kind of event except the previous sessions of the hearings. The expectations at the moment of González Malavé's

testimony were based on what people had seen in previous sessions of the hearings with previous witnesses. Rivera Cruz had conducted effective interrogations and had demonstrated a command of details, an excellent memory, and that he had control of the situation. He had been aggressive with the hostile witnesses and deferent with cooperative ones. The hearings had followed the format of a trial, and Rivera Cruz asked the questions while the witness more or less followed the institutional order –with the exceptions of those who refused to talk at all. People could expect an effective interrogation in which reluctant witnesses were forced to make damaging admissions in a quasi-legal format. In this format, the investigator asks the questions, and the witness must answer them.³⁰

Third, besides the expectations on Rivera Cruz, the situation of the investigation up to that point is also relevant. The police version had collapsed already, and witnesses were requesting and acquiring immunity. That version was beyond salvation, and it was reasonable to expect that the information gathered could be used by the investigator to put the witness in a difficult situation. There was always the possibility that the witness would request immunity and cooperate with the investigation.

To reproduce the context –indexical presupposition- and what creates a new context – indexical entailment- in the interrogation of the undercover agent Alejandro González Malavé we must pay attention to these expectations.

³⁰ This does not mean that all witness fully cooperated with the investigator. In fact, cooperation is not necessarily expected in adversarial contexts because cooperation can damage negatively the speakers involved. That is why speakers must take an oath when they declare and why perjury is a very serious “language crime”. However, most witnesses tried to maintain the appearance of cooperation through strategies as claiming not remembering and lying.

6.4.5.2 General description of the testimony

The testimony of Alejandro González Malavé was characterized by his uncooperativeness. He was a difficult witness for Rivera Cruz and the Chairman from the very moment he took the witness stand. He attacked Rivera Cruz's questions and his character, the investigation, members of the press, public employees and other individuals. His testimony polarized the public opinion. Newspapers published different opinions about it, from editorials to letters to the editor's own view. One of the aspects of the undercover agent's testimony that received the most attention was his use of language.

Although González Malavé made gestures of nervousness, he had a calmed answer to almost every question. He articulated his words clearly and did not enter in important internal contradictions (i.e. within his own narrative). One characteristic that was profusely commented in the media was his hypercorrect use of Latinisms and other learned words. He was not shy of confronting Rivera Cruz and displayed blunt assertions and unsolicited additions in which he accused people of being terrorists and delinquents. While explaining his beliefs about democracy, the role of the undercover agent and terrorism, he conveyed certainty and authority, based on lexical selection and epistemic stances.

One of the characteristic of González Malavé's testimony was the constant negotiation of the context –or rather, the struggle for context- between the witness and the interrogator in a moment-by-moment basis. The witness repeatedly took unexpected pragmatically salient stances through which he questioned the worthiness of the questions posed by the investigator, and by doing so he questioned the value and nature of the event itself while altering the institutional order.

The witness performed stances through different mechanisms: intonation, syntax, lexical selection, presuppositions and implicatures, explicit and implicit metapragmatic comments, personal attacks, opting out of the conversational maxims, sarcasm and innuendos. All these stances served as positioning devices.

At times, this interrogation took the form of a verbal confrontation between the witness and the investigator. It is crucial to underscore that confrontation is not a lonely task, but intersubjectively constructed: González Malavé's reaction to stances taken by Rivera Cruz in his questioning and vice versa.

The witness zealously resisted Rivera Cruz's characterizations of him and his acts. He described and evaluated his own character, his own acts, the hearings, and the people of the groups that he infiltrated –legal and illegal groups.

The use of language associated with the legal profession, academia and the Marxists groups that he infiltrated, was a salient choice. Columnists, letters to the editor, editorials, and comedians commented on his interactional style, his hypercorrection, and the wordiness of his interventions. The vast majority of them criticized him for what they deemed as disrespectful and inappropriate interactional behavior, his uncooperativeness, the hypercorrect and imprecise use of words and phrases, and the inauthenticity of his way of speaking and so on. However, there was a consensus that he was a very difficult witness who did not enter in substantial internal contradictions and limited the ability of Rivera Cruz to obtain new information.

Rivera Cruz's and senators' questions to González Malavé can be divided into nine topics: activities before the Cerro Maravilla events, the Cerro Maravilla events, activities after July 25, 1978 – including his previous sworn statements, the character of the two men killed, democracy and terrorism, the role of the institution of the undercover agent and his feelings –or

lack of them - for the deceased and the people in the groups he infiltrated. The questioners did not bring up the topics of democracy and terrorism. He brought them up, and his statements were highly controversial.

6.4.5.3 Establishing the rules of engagement

At the beginning of the first day of his testimony, González Malavé wanted to read for the record a written statement that he had prepared. The chairman of the committee, Francisco Aponte Pérez, asked for a copy of the statement, and, after reading it, he did not allow the witness to read it aloud. According to the chairman, the statement was a diatribe against the investigation. The witness insisted on reading his statement, but the president ordered the investigator Héctor Rivera Cruz to begin with the interrogation. The agent responded:

(41) Fragment 35

1. AGM: Quiero hacer claro, que el Pueblo de Puerto Rico se va a enterar a través de los medios noticiosos de lo que aquí le he propuesto a usted.
AGM: I want to make clear, that the people of Puerto Rico will know through the media what I have expounded here for you.
2. Presidente Francisco Aponte Pérez (FAP): De eso nos ocuparemos en su momento oportuno. Adelante.
Chairman Francisco Aponte Pérez (FAP) (Chairman): We will take care of that at a convenient moment. Continue.

Although other witnesses had asked also for the opportunity to read a statement -in some cases it was granted and in others it was rejected-, the witnesses accepted the chairman's decision. In the case of González Malavé, the speech act that followed the Chairman's refusal was a threat about the inevitability of the public disclosure of his statement.

The speech act of threatening entails that something bad can happen to someone and therefore serves to convey that the threatened party is vulnerable. On the other hand, the one who threatens is in a position of power. Threatening, then, is a relationship established between

the witness and, presumably, the committee or the investigation. Early on, the witness hinted his understanding of the event. Other witnesses had complained, others refused to talk, but González Malavé was the first one that began his testimony with a threat. This set the tone of his testimony.

6.4.5.4 Explicit metapragmatics and the struggle for context

The investigator began to ask general questions about the undercover agent, such as name, profession, time in the Police Department, and so on. Those questions received a straightforward answer.

However, the troubles began once Rivera Cruz began to ask questions about the wife of González Malavé. The witness's wife, Carmen Fernández, was hired by the police shortly after the Cerro Maravilla events. Apparently, Rivera Cruz wanted to explore if hiring the witness's wife was an indirect way of compensating him. The following exchange occurred.

(42) Fragment 36

1. HRC: ¿Desde cuándo trabaja para la Policía de Puerto Rico?
HRC: Since when has she worked for the Puerto Rico Police?
2. AGM: Desde el 1978.
AGM: Since 1978.
3. HRC: ¿Desde qué mes?
HRC: Since what month?
4. AGM: No recuerdo el mes exacto.
AGM: I don't remember the exact month.
5. HRC: Le pregunto, específicamente, si desde el mes de agosto del 1978.
HRC: I ask you, specifically, if it is since August 1978.
6. AGM: Es posible.
AGM: It is possible.
7. HRC: Le pregunto, específicamente si desde el 9 de agosto de 1978.
HRC: I ask you, specifically if it is since August 9th, 1978.
8. AGM: No, señor.
AGM: No, sir.
9. HRC: Bien. ¿Desde qué fecha?
HRC: Ok. Since what date?
10. AGM: Le dije 1978.

- AGM: I told you 1978.
11. HRC: Yo le pregunto, específicamente, si desde el 9 de agosto de 1978. Usted me dice: No, señor. Pues, yo le pregunto, entonces, ¿desde qué fecha?
HRC: I ask you, specifically, if it is since August 9th 1978. You tell me: No, sir. Well, I ask you, then, since what date?
12. AGM: Desde el 1978.
AGM: Since 1978.
13. HRC: Usted dice que es posible que en el mes de agosto del 78. Le pregunto, de qué día del mes de agosto del 78.
HRC: You say that it is possible that it was August 1978. I ask you, what day of August 78.
14. AGM: Le dije que había una posibilidad de que fuera en el mes de agosto. Ni siquiera dije que fuera en el mes de agosto precisamente.
AGM: I said that there was a possibility that it was in the month of August. I did not even say that it was in the month of August exactly.

Rivera Cruz asked since when the witness's wife worked for the Police Department. The answer is since 1978. Then the investigator asked for the month, which the witness answered with "I don't remember the exact month." The investigator then asked a yes or no question about the month of August, to which González Malavé answered with "Es posible" (*It's possible*). An epistemic modality of possibility is encoded in the answer. Answering in terms of possibility enables the speaker to avoid confirmation, because the speaker is not fully committed to the answer. The investigator continued trying to narrow down the date. He then asked if she was hired on August 9, 1978. The answer is an unequivocal "No, señor" (No, sir). The witness suggests that he is certain that it was not on August 9, 1978. The implicature of Turn 8 (Frament 36) is that he at least had an idea about when she was not hired and perhaps when she was. Then Rivera Cruz repeats the adjacency pair in Turns 7 and 8, and asks when it was that she was hired, and the witness answered again that it was in 1978. While Rivera Cruz tries to narrow down the date, the witness widens the period of time when the hiring of his wife took place. Then Rivera Cruz indirectly reports the witness's answer in Turn 6: "*Usted dice que es posible que en el mes de agosto del '78. Le pregunto, ¿De qué día del mes de agosto?*" ('You say that is possible that

it was in the month of August 1978. I ask you, what day in the month of August?'). The witness then repeats what he had said and the lawyer had just reported, ('I said that there was a possibility that it was on the month of August. I did not even say that it was in the month of August exactly'). In other words, he returns to the epistemic stance of possibility, and the question then is left unanswered. The uncooperativeness of González Malavé is evident, because the implicature in turn 8 is defeated by the epistemic stance of possibility. If the implicature does not hold, then, the explanation is that the witness has opted out of the Cooperative Principle. The epistemic stance of possibility is then effectively employed to avoid cooperation with the investigator.

Shortly after the preceding exchange, Rivera Cruz began to ask questions about Carlos Soto Arriví, one of the men killed at Cerro Maravilla. Asked about the circumstance in which he met Carlos Soto Arriví, González Malavé said that it (meeting Soto Arriví) must have been in an activity of a subversive nature." Few turns later, he said that he had met had met Soto Arriví several months before July 1978. In order to demonstrate that González Malavé had met Carlos Soto in 1976 in a legal activity and not in 1978 in a subversive activity, Rivera Cruz gave González Malavé a report written by the witness in 1976 in which he mentioned Carlos Soto as an attendee at a meeting of a legal pro-independence organization, the Federation of Students for Independence (FEPI) in which the participants were discussing future activities. The report mentioned that Carlos Soto was the son of a university professor, Pedro Juan Soto –a known Puerto Rican writer- which dissipated any possible confusion about the referent of Carlos Soto. After Rivera Cruz presented the report in which Carlos Soto is mentioned, Rivera Cruz asked González Malavé if the activity mentioned in the report was subversive. González Malavé answered "that is correct." The following exchange took place.

(43) Fragment 37

- 103 HRC: ¿Dónde es la actividad subversiva ahí, que están haciendo, qué hay de subversivo en esa reunión?
HRC: Where is the subversive activity there, that they are doing, what is subversive in that meeting?
AGM: Comité de zona de la FEPI (Reading the report)
AGM: FEPI's zone committee (Reading the report)
- 105 HRC: ¿Cuál es la...
HRC: What is the...?
AGM: Federación Estudiantil Pro-Independencia.
AGM: Federation of Students for Independence
HRC: ¿Cuál es la actividad subversiva que usted relata ahí?
HRC: What is the subversive activity that you narrate there?
AGM: (Reading the report) 18 de septiembre, 10:00 a.m. a 11:25 a.m. Se reunieron en el local de la FEPI en Río Piedras. Jaime Denson, conocido terrorista puertorriqueño; Carlos Iván Ramos, otro individuo que no recuerdo quién es ahora; Julio Camacho, individuo vinculado con la izquierda en Puerto Rico; Carlos Soto, que me imagino que será el mismo ahora.
AGM: (Reading the report) September 18, 10:00 to 11:25 a.m. They met in the FEPI's local in Rio Piedras. Jaime Denson, a known Puertorrican terrorist, Carlos Ivan Ramos, another individual that I don't remember now who he is, Julio Camacho, an individual related to the left in Puerto Rico, Carlos Soto, whom I imagine he is in the same.
HRC: ¿También terrorista?
HRC: Also a terrorist?
- 110 AGM: Sí señor, también terrorista.
AGM: Yes, sir, also a terrorist.
HRC: ¿Carlos Soto, en ese momento?
HRC: Carlos Soto, in that moment?
AGM: Sí, señor.
AGM: Yes, sir.
HRC: ¿Qué edad tenía cuando usted hace ese informe?
HRC: How old was he when you wrote that report?
AGM: ¿Qué edad tenía quién?
AGM: How old was who?
- 115 HRC: Carlos Soto.
HRC: Carlos Soto.
AGM: Desconozco.
AGM: I don't know.
HRC: ¿Qué actividades terroristas usted conocía de Carlos Soto, para el 16 de septiembre del '76?
HRC: What terrorist activities did you know of Carlos Soto, by September 16, '76?
AGM: ¿Usted me preguntó sobre qué actividad?
AGM: Did you ask me about what activity?

- HRC: No, yo le estoy preguntando, usted está haciendo mención de nombres y haciendo señalamientos.
- HRC: No, I am asking you and you are mentioning names and making statements.
- 120 AGM: Por eso, si me permite terminar su pregunta...
- AGM: Then, well, if you allow me to finish your question...
- HRC: No la pregunta, usted contesta preguntas que yo le hago, testigo. ((To the Chairman)) Y que se le instruya al testigo, que conteste preguntas.
- HRC: No, the question, you answer questions that I ask you, witness. And the witness be instructed to answer questions.
- Chairman: Así se le instruye.
- Chairman: He is instructed so.
- HRC: Que esto no es un coloquio suyo, esto son preguntas que yo le hago y usted las contesta.
- HRC: That this is not a colloquium of yours. These are questions that I ask you and you answer them.
- AGM: Estoy contestando la primera pregunta que me hizo.
- AGM: I am answering the first question that you asked me.
- 125 HRC: La pregunta que le hago ahora es, ¿qué actividad terrorista usted conocía de Carlos Soto Arriví para la fecha en que hace ese informe?
- HRC: The question that I am asking now is, what terrorist activity did you know from Carlos Soto Arriví to the date in which you wrote that report?
- AGM: De Carlos Soto, ninguna. No lo conocía.
- AGM: From Carlos Soto? No, any. I didn't know him.
- HRC: Bien, ¿Y usted le dice a la comisión que lo conoció en una actividad terrorista?
- HRC: Ok. And you tell the committee that you met him in a terrorist activity?
- AGM: Dije que era lo más probable.
- AGM: I said it was most likely.

As said above, the organization mentioned in the report was a legal organization that promoted the independence of Puerto Rico. In 103, Rivera Cruz asked González Malavé which was the subversive activity mentioned in the report, and the witness proceeded to read the report aloud, adding comments to the names of those present at the meeting, characterizing one of them as 'a terrorist' and the other as 'an individual connected to the left'. Asked about Carlos Soto, the witness also characterized him as a terrorist at the moment of the meeting, presumably based on his participation in the meeting. The answer in (110) is firm and contains a repetition from Rivera Cruz's question in (109): "*Sí, señor, también terrorista.*" ('Yes sir, also a terrorist'). The

repetition adds emphasis and show a willingness to repeat the proposition. The parallelism between these two phrases –X (is) a terrorist, Y (is) connected to the left- seems to suggests an analogy or a relationship between being a terrorist and being ‘connected to the left’. I will return to this point later.

In turn 116 Rivera Cruz asked about what specific subversive activity González Malavé knew of by September 16, 1976 –the date of the meeting in the report- in which Carlos Soto had been involved. The witness asked for a clarification of a question (turn 118), but Rivera Cruz seemed impatient. Turns 119, 121 and 123 constitute explicit metapragmatics in which Rivera Cruz addressed the dissaligment between the expected behavior and González Malavé’s interactional behavior. He glossed González Malavé’s answers as a ‘colloquium of yours’, and explicitly described what was expected: ‘These are questions that I ask you and you answer them’. By not complying with the expected interactional rules, the witness was creating a context different from what had been the norm, a context in which he could add comments and go beyond his expected role in the institutional order, that is, to answer the questions that he was asked. Thus, these unsolicited additions – and *(a) known Puerto Rican terrorist* and *an individual connected to the left* - constitute an indexical entailment. Rivera Cruz’s turns (119, 121 and 123) are aggressive reactions to this indexical entailment. The confrontation is intersubjectively created by the indexical entailment and Rivera Cruz’s take of it.

The witness said that he did not know any terrorist activity from Carlos Soto at the moment of the meeting because he, González Malavé, did not know him. The witness had said that he did not know Carlos Soto, but someone had given him that name, and he wrote it in the report. At the end (128), González Malavé reminded the investigator that he only conveyed probability. In fact, he had said that “it must have been in an activity of subversive nature.”

“*Tiene que haber sido*” (‘It must have been’) encodes inference, and probability is indirectly encoded.

Returning to (121) *-And the witness be instructed to answer questions-* Rivera Cruz, besides scolding González Malavé, appealed to the authority of the chairman in order to restore the expected interactional behavior. But this appeal to the Chairman’s authority was retaliated a few turns later. Several witnesses complained during the hearings because they perceived that Rivera Cruz was shouting at them. González Malavé’s was one of them and he did it shortly after the previous fragment. He also appealed to the Chairman’s authority to force Rivera Cruz to change his way of speaking. The packaging of the complaint became emblematic of González Malavé’s way of speaking:

(44) Fragment 38

132 AGM: “Mr. Chairman, please instruct the investigator that my auditory senses are not lacking in subtlety; that he does not have to raise his voice at me.”

González Malavé’s appeal to the chairman’s authority takes the form of a petition to inform the investigator about his *auditory senses* (in plural) and a petition for the chairman’s intervention on his behalf in order to make Rivera Cruz change his way of speaking. This is in fact an explicit metapragmatic comment about the interactional behavior of the investigator. On one hand, unsolicited additions were considered inappropriate by Rivera Cruz in the context of the investigation; on the other hand, shouting was considered inappropriate by the witness in the same context, as evidenced by their respective appeals to the Chairman. Thus, the appropriate interactional behavior was explicitly discussed early on in the interrogation. These explicit metapragmatic comments were used to negotiate the context. Witness and investigator were discussing who had the right to do and say what in the interaction and how it could be said, and this is directly related to their institutional positions –as interrogator and interrogated.

6.4.5.5 Mocking the questions

There were many other instances in which the context was in struggle. These instances were not the only ones. The witness answered many questions according to the institutional order, but not all. An indexical entailment does not by itself change the context of the whole speech event once and for all. The context is in constant negotiation, and a previous context can be reestablished and a new context created again. In the next fragment, the context was again contested, although implicitly.

Rivera Cruz confronted González Malavé with a second report written by the witness in 1976 in which he mentioned again “Carlos Soto, son of university professor Pedro Juan Soto.” The witness argued that it could have been another person with the same name.

(45) Fragment 39

- 149 HRC: Le pregunto si es el mismo Carlos Soto que usted mencionó en el informe anterior.
HRC: I ask you if he is the same Carlos Soto that you mentioned in the previous report.
- 150 AGM: Es posible.
AGM: It is possible.
HRC: ¿Cuántos Carlos Soto, usted conoció en su vida como agente encubierto y confidente de la Policía?
HRC: How many Carlos Sotos did you meet in your life as an undercover agent or as informer?
AGM.: Pude haber conocido varios.
AGM: I could have met several.
HRC: Varios. Dígame los nombres? [y (inaudible)]
HRC: Several. Tell me the names? [And (inaudible)]
AGM: [Carlos Soto, Carlos Soto y Carlos Soto.]
AGM: [Carlos Soto, Carlos Soto, and Carlos Soto.]
- 155 HRC: Y Carlos Soto. ¿Cuántos conoció? Dígale a la Comisión? >¿O el único que usted conoció fue Carlos Soto Arriví?<
HRC: And Carlos Soto. How many did you meet? Tell the committee. >Or was the only one that you met Carlos Soto Arriví?<
AGM: Dije que era posible que hubiese conocido a 2 ó 3.
AGM: I said that it was possible that I had met two or three.
HRC: >¿De dónde era la otra persona que usted conoció, además de Carlos Soto Arriví con el mismo nombre?<

HRC: >Where was the other person that you knew besides Carlos Soto Arriví with the same name from?<

AGM: Ahora no recuerdo.

AGM: I don't remember now.

In (149) Rivera asked if the Carlos Soto mentioned in the report was Carlos Soto Arriví. Again, the witness' answer '*Es posible*' ("It's possible") conveyed an epistemic modality of possibility. The question that follows suggests that Rivera Cruz was looking for a more specific answer. He wanted González Malavé to admit that Carlos Soto was Carlos Soto Arriví, and therefore, the witness had not told the truth when he said that he had met Carlos Soto several months before the Cerro Maravilla events in 1978. Rivera Cruz asked how many people with the same name he had met. The answer in (152) ('I could have met several') also calls our attention because of its epistemic modality –the commitment of the speaker to what he or she is saying. In that utterance, -the compound infinitive, specifically *haber* + participle, as in *pude haber conocido*- conveys a modality of possibility, or as Gómez Torrego (1988, p. 88) puts it '*conjetura*' (conjecture, speculation). A factual question (3), thus, was answered with a conjecture. This suggests uncooperativeness with the investigation because the question did not receive a straightforward answer. Moreover, any evidence brought about this issue in the future, would not contradict his answer because it only conveyed possibility. In (153) Rivera Cruz insisted in obtaining information about the people called Carlos Soto that González Malavé 'could have met'. The command in (5) could be deemed to be wrongly worded and could be paraphrased as: "Tell me the names of the people named Carlos Sotos that you had met." Nevertheless, the meaning of the question was easily retrievable from the sequence. Rivera Cruz was requesting information that would allow him to identify the people named Carlos Soto as different individuals, and the name Carlos Soto evidently was not such information.

The witness answered the command –in fact, he rushed the answer- in terms of its denotation. González Malavé ignored the retrievable meaning available from the sequence, answering just the immediately previous question. The blatant violation of the maxim of relation, quantity, and arguably the maxim of quality –the difficulty of assuming sincerity in this answer suggests that the witness has opted out of the cooperative principle. From a Gricean point of view, this is flouting the maxim of relation, because the answer does not address the retrievable meaning of the question. It also violates the maxim of quantity because the answer is less informative than required. To answer the questions in terms of their denotation requires a decontextualization, removing the question from the sequence and ignoring the pragmatic information. According to Sperber and Wilson (1995), the ability to read this pragmatic information is a natural cognitive process. If this is the case, ignoring the pragmatic information is an act of volition, because to retrieve the communicative information is what is natural. The speaker, then, is utilizing a language ideology in which language is basically used for denotation. Moreover, this uncooperativeness does not only resist the investigator’s agenda, but also serves as a mockery of the question and therefore of the investigation and the institution. This is the case because Rivera Cruz has been invested by the Senate to carry out the investigation, and he represents the Senate. The mocking of the question is tantamount to mocking the process. Mocking the process is mocking the institution that deemed the process necessary. The witness took advantage of the packaging of the command to underscore the inadequacy of the question, taking a satirical stance toward it and in the process, making fun of Rivera Cruz, he retracts from the seriousness of the event. The identity of the lawyer as a competent and feared lawyer and the seriousness of the event are eroded because the witness is willing and able to mock them. Rivera

Cruz becomes the object of ridicule. At the same time, González Malavé's stance taking situated him as an uncooperative witness who was not afraid of the investigator and the process.

Moreover, González Malavé's stances towards the questions are overt and salient. They seemed to be designed to be perceived –or at least he did not care if they were obvious. In this sense, these answers are more than just not complying with the institutional order. They are a public challenge to the institutional order.

In the following fragment that occurred the second day of González Malavé's testimony, the witness also ignored the pragmatic information and answered the question in terms of its denotation.

(46) Fragment 40

15. HRC: Bien, Y cuando el señor Darío Rosado se baja del vehículo de motor por el lado derecho del mismo, Conforme usted lo señala, ¿cómo se bajó él? Descríbame cómo lo hizo.

HRC: All right. And when Mr. Darío Rosado gets out of the motor vehicle from the right side of it, as you stated, how did he get out? Describe to me how he did it.

16. AGM: Abrió la puerta, sacó un pie primero, imagino, luego otro, enderezó la estructura física de él y comenzó a caminar

AGM: He opened the door, took out one foot first, I imagine, then the other one, he straighten his physical structure and started to walk.

The witness again is blatantly violating the maxim of quantity by employing an almost clinical and uninformative description, restricting the answer to the minimum and irrelevant information –violating the maxim of relation. This is evidence of the witness's reluctance to cooperate with the investigator even on unproblematic aspects of his testimony. The witness is exploiting a linguistic ideology in which language has a primarily denotational function.

Again, the witness is not concerned in concealing his resistance. On the contrary, it seems that the answers, by the blatant disregard for the maxims, are designed to be perceived as defiance. Clayman (2001) argues that in interviews, resistance can be overt and covert. In overt

resistance the interviewee simply states that he or she will not answer the question. Overt evasions have the disadvantage that they make the resistance evident. However, it gives the speaker the opportunity to explain his or her reasons and take measures of damage control. Covert resistance can take many forms, such as a roundabout trajectory, and answering only part of the question. The advantage of this strategy is that the interviewee could get away with it. The disadvantage is that the interviewer could confront the witness with the evasion.

In the previous fragments we must ask, is this resistance covert? What are the chances of this uncooperativeness not being noticed? The answers were not informative, and it is very likely that the witness was aware of it. The almost clinical description –hyperformal- in the second example (Berk-Seligson, 2002) serves to emphasize the inadequacy of his answer because it makes the mockery salient. The answers seem to be rhetorically designed to ridicule the questions rather than to keep an appearance of cooperation.

González Malavé's stances towards the questions are overt and salient. They seemed to be designed to be understood –or at least he did not care if they were obvious. In this sense, these answers are more than just not complying with the institutional order. They are a public challenger to the institutional order.

The answer does not lack a certain kind of humor, but it is humor at the expense of the seriousness of the process. The witness refused to follow the rules and plays by his own interactional rules. Moreover, the identity of Rivera Cruz was challenged. The competent lawyer asked the wrong questions and being the investigator did not mean that his questions had to be taken seriously. The witness, on the other hand, created a new context in which cooperation was optional and the event's seriousness and goals were at risk.

What are these answers saying about the speaker? The answers were inappropriate because they ignored the cotextual and contextual information. They suggest that the speaker is not concerned even with the appearance of cooperation. But his answers also suggest a jocular stance toward the questions by not conforming to the expectations of the quasi-legal encounter that had been the norm during the hearings until his testimony.

Up to this moment, I hope to have demonstrated that the witness was uncooperative and the stances adopted towards the questions were central to create this uncooperativeness. The witness was intentionally unaccommodating to the context, therefore creating a new one. Since metalinguistic comments are not just comments about linguistic forms and uses, but also about those who use the language, they are also comments about the investigator. In the next section, the speaker went beyond mere uncooperativeness and adopted a blatant confrontational stance towards the investigator.

6.4.5.6 Attacking Rivera Cruz and everyone else

In two occasions González Malavé attacked Rivera Cruz personally through unsolicited additions. Before the following fragment that occurred the first day of González Malavé's testimony, Rivera Cruz was asking about an incident in a school in which the witness was arrested for a misdemeanor, but charges were not pressed against him. Rivera Cruz was trying to demonstrate that González Malavé had enjoyed some kind of impunity while he was an informant in high school. Rivera Cruz, after having presented evidence of González Malavé's involvement in illegal activities while he was an informant and having established that he was not accused for any of them, asked the undercover agent:

(47) Fragment 41

1. HRC: ¿Los informantes cometen crímenes?

- HRC: Do informants commit crimes?
2. AGM: Sí, cometen crímenes, incluyendo investigadores...
AGM: Yes, they commit crimes, including investigators...

The undercover agent replied with an innuendo suggesting that Rivera Cruz was involved in illegal activities. Goffman (1981, p. 134) explains that in an innuendo

“a speaker, ostensibly directing words to an addressed recipient, overlay his remarks with a patent but deniable meaning, a meaning that has a target more so than a recipient, is typically disparing of it, and is meant to be caught by the target, whether this be the addressed recipient or an unaddressed recipient, or even a bystander.”

With this unsolicited addition, the witness was returning the perceived accusation and responding to the question about his crimes as an informer. Personal attacks on the investigator were not common during the hearings. This innuendo was an attack on Rivera Cruz’s identity as a man of justice and on his moral aptitude to investigate supposed wrongdoing.

The expected interactional order –Rivera Cruz asked the questions and González Malavé answered -was again disrupted. The question was not just followed by an answer, but also with a counter accusation in the form of an innuendo. Suddenly the accused became the accuser.

Several heated and even disrespectful exchanges had occurred during the hearings, mainly between senators and witnesses. Some witnesses had complained because they claimed that Rivera Cruz was shouting at them, and one witness described his repetitions as disrespectful. However, other witnesses, although uncooperative, had not attacked him personally.

Rivera Cruz had twice threatened to resign after a commentary and a question from two senators –not witnesses. A well known pro-independence politician, Noel Colón Martínez, advised him publicly to develop some armor because he perceived that Rivera Cruz was too sensitive to any questioning of his professionalism (Penchi, 1983).

One of the stated purposes of the investigation was to gather information in order to legislate about the institution of the undercover agent. The witness’s involvement in illegal

activities and his role of leadership in some organizations were the natural foci of interest for the investigator, as well as the way in which he was being remunerated.

In the next fragment from the second day of testimony, Rivera Cruz asked González Malavé about his wife's salary. The witness claimed that he did not know the amount of it. González Malavé's wife was hired by the Police Department, and four years later she was promoted to Director of Payroll. Rivera Cruz wanted to explore if that was an indirect way of compensating González Malavé.

(48) Fragment 42

1. HRC: Bien. Y usted le dijo ayer a la Comisión que sí, su esposa fue ascendida en la Oficina de Nómina al cargo de Directora de la Oficina de Nómina, ¿eso es así?
HRC: O.K. And you said yesterday to the Committee that yes, that your wife was promoted in the Office of Payroll to the post of Director of the Payroll Office, is that so?
2. AGM: Yo no lo dije. Lo dijo usted, pero es correcto.
AGM: I didn't say it. You said it, but it is correct.
3. HRC: Pero, ¿usted no lo acepta eso, que haya sido así?
HRC: But, don't you accept that that was so?
4. AGM: Sí, es correcto.
AGM: Yes, it is correct.
5. HRC: Es correcto. Y cuál es el sueldo de ella?
HRC: It is correct. And what is her salary?
6. AGM: Desconozco a estos momentos.
AGM: I don't know at this moment.
7. HRC: ¿No sabe cuánto se gana su esposa?
HRC: Don't you know how much she earns?
8. AGM: No, señor.
AGM: No, sir.
9. HRC: ¿Nunca le ha preguntado?
HRC: Have you ever asked her?
10. AGM: No, señor.
AGM: No, sir.
11. HRC: ¿Eso no es importante?
HRC: It's not important?
12. AGM: Para mí, no.
AGM: Not for me.
13. HRC: Para usted no. Bien. ¿Gana más que usted o la misma cantidad que usted?
HRC: Not for you. OK. Does she earn more than you or about the same amount?
14. AGM: Creo que gana más que yo.

- AGM: I think she earns more than me.
15. HRC: Más que usted. Pero, ¿usted vive con ella?
HRC: More than you. But, do you live with her?
16. AGM: No, señor, igual que usted tampoco con la suya.
AGM: “No sir, I don’t live with her, as *you don’t live with yours either.*”
17. HRC: Bien. ¿Que yo no? Ah?
HRC: O.K. That I do not... ¿Ah?
18. Presidente: Este es el tipo de expresiones que yo le voy a advertir al testigo...
Chairman: This is the type of expression that I will warn the witness...
19. Una voz: Señor Presidente, párelo...
A voice: Mr. Chairman, Stop him...
20. Presidente: Está la Presidencia dirigiéndose al deponente y quiero el respeto.
Chairman: The Chairman is addressing the deponent and I demand the respect...
21. Una voz: Señor Presidente...
A voice: Mr. President...
22. Presidente: Al deponente se le va a decir que de ahora en adelante la Presidencia no le va a tolerar este tipo de expresiones y este tipo de argumentación con el Oficial Investigador. ¿Está clara la instrucción de la Presidencia?
Chairman: To the deponent, he will be warned that from now on, the chairman will not tolerate this type of expression and this type of argumentation with the investigator. Is it the instruction from the chairman clear?
23. AGM: Sí, señor. Señor Presidente, considero que en el ámbito profesional el Investigador no debe entrar tampoco. Mientras él mantenga un balance y un respeto hacia mi persona, yo lo voy a mantener también hacia él.
AGM: Yes, sir. Mr. Chairman, I consider that in the personal sphere, the investigator should not discuss it either. While he maintains balance and respect toward my person, I will maintain it toward him.
24. Una voz: Aquí usted no...
A voice: Here you do not...
25. Presidente: La Presidencia reconoce que esta área, y usted tiene que reconocer, que esta área es muy pertinente a la investigación que se está llevando a cabo. Y entrar en esta área sobre la relación de empleo de su esposa es completamente apropiada.
Chairman: The chairman recognizes that this area... and you have to recognize it, that this area is very pertinent to the investigation being carried out, and that discussing your wife’s job is completely appropriate. Continue Mr. Investigator.

In (16) the witness accepted that he was not living with his wife, but he also, through an unsolicited addition paralleled his marital condition to Rivera Cruz’s. The repetition in the answer and the use of “As” and “either” serve to construct this parallelism. Whatever was wrong with him was also wrong in Rivera Cruz. The stance toward the interlocutor was overtly confrontational. The calm manner of the answer signals control over his emotions. The reaction

in the hall was indicative of the transgression. The voice heard was demanding action from the Chairman against the transgressor.

Ramírez (1999) describes a certain discourse about masculinity that is helpful to understand this exchange and why González Malavé answered the question with aggression. Ramírez (1999, p. 72) claims that in Puerto Rico male encounters are characterized by power and personal conflict. He argues that since childhood, males learn to demand respect, to respond to aggressions, to defend themselves physically as well as verbally and to demonstrate invulnerability, self-sufficiency, courage, and control of situations.

Ramírez points out that competition among men is expressed in two ways. On one hand, men show that they possess the attributes associated with masculinity, and on the other hand, they use devaluation mechanisms with the purpose of playing down the masculinity of the other and categorizing him as less of a man, a diminished man, or not a man at all (1999, p. 83). According to this author, power and competition are central for the understanding of masculinity in Puerto Rico, and aggressiveness and violence play an important role in the expressions of competition (1999, p. 93). In this model of masculinity, men represent themselves as individuals with authority, as invulnerable, and as respectable (1999, p. 77). Another element that, according to Ramírez is part of a dominant ideology in some sectors of Puerto Rican society, is that men have to be the provider in the family. Ramírez is careful in offering his reflection about masculinity in Puerto Rico. He describes this as *a* common discourse of masculinity, and not as *the* masculinity. In this sense I use his reflections.

The witness was not afraid to attack the investigator and to demand respect for what he perceived as a disrespectful question. González Malavé was demanding respect when asked a question in which the answer has the potential of damaging his masculine identity according to a

certain model of masculinity. He treated the question as offensive and replied with a confrontational unsolicited addition. He was demanding respect and asserting a kind of masculinity based on aggressiveness, courage and control. His interactional style, thus, indexed a certain kind of masculinity associated with courage, aggressiveness, and demanding respect. González Malavé's reaction to sensitive questions was criticized (*El Mundo*, 1983, November 18). Rhetorically, they helped to establish González Malavé as a man of certain kind of courage that demands respect –at least for some observers. As demonstrated by Johnstone and Kiesling (2008) the same linguistic feature can have multiple social meanings.

6.4.5.7 Who is Alejandro González Malavé?: Contrasting views of identity

If Identities are multiple, in the case of an undercover agent, this multiplicity reaches new levels since the nature of the job requires simulation, and performances are consciously deceiving. González Malavé moved between conflicting worlds: the world of the Police and the world of political activism, the world of the streets and the world of intellectuals, the world of establishment and the world of anti-establishment. The written reports that he wrote for his supervisors as informer and undercover agent are singularly revealing of the intertwined relationship among those worlds. The representation and interpretation of these reports in the hearings demonstrate that two different understandings of identity underlie the negotiations of González Malavé's identity. While Rivera Cruz seemed to relate identity to a body, González Malavé seemed to relate identities to actions, institutional roles and perhaps motives.

In the next fragment, Rivera Cruz wanted to establish that the witness had participated in a crime –the stealing of a licence plate – as opposed as an undercover agent, weakening Rivera Cruz's point. From the following example, we can observe explicit negotiations about the identity of the witness. Rivera Cruz was discussing another report written by the witness in which the

gave an account of the stealing of a license plate committed by the witness and another man, John Saunders. The fragment is revealing because in it, we have the intersection between ideas of identity and ideas about the role of the institution of the undercover agent in a democratic society, and we can see how these ideas influence each other.

(49) Excerpt 14 p. 198

1. HRC: Bien. Le pregunto, si en ese informe o documento que le he mostrado, se hace mención en el mismo de que se hubiese hurtado alguna tablilla a algún vehículo de motor.
HRC: All right. I ask you, if that report or document that I have showed you, it is mentioned in it that a license plate had been stolen from any vehicle.
2. AGM: Sí, eso es así.
AGM: Yes, that is right.
3. HRC: ¿Qué es lo que dice respecto a esa información, el informe, en ese punto que hemos preguntado?
HRC: What does it say about that information, the report, about that point that we have asked you?
4. AGM: El informe menciona, respect que a la fecha mencionada anteriormente a las 10:30 p.m., John Saunders y Alejandro González estacionaron un vehículo en el sector de Isla Verde y hurtaron una tablilla de Camaro.
AGM: The report mentions respecting the said date at 10:30 p.m., John Saunders and Alejandro González parked a car in the Isla Verde area and they stole a license plate from a Camaro.
5. HRC: Bien.
HRC: All right.
6. AGM: Se describe la tabilla. Informa más adelante “Alejandro González simula arreglar su auto marca Volkswagen mientras John Saunders desprende la tablilla del Camaro.”
AGM: The license plate is describe. Later it says “Alejandro González pretends he is fixing his Volkswagen, while John Saunders detach the license plate from the Camaro.”
7. HRC: Bien. O sea, que de acuerdo al informe ese, usted y John Saunders participant en un hurto de una tablilla de un vehículo de motor.
HRC: All right. That is, that according to that report, you and John Saunders participate in a theft of license plate from a motor vehicle.
8. AGM: Es así.
AGM: It is so.
9. HRC: Y fue así.
HRC: And it was so.
10. AGM: Es así.
AGM: It is so.

11. HRC: Bien. O sea, que ahí no hay nada distinto a lo que usted escribió ahí, es la verdad. Usted y Saunders participaron en el hurto de la tablilla, en plural, en plural.
HRC: All right. That is there is not something different from what you wrote there. It is the truth. You and Saunders participated in the theft of the license plate. In plural, in plural.
12. AGM: Claro, yo participe en calidad de agente encubierto y John Saunders en calidad de terrorista.
AGM: Of course, I participated as undercover agent and John Saunders as terrorist.
13. HRC: Bien. Pero no hurtaron los dos la tablilla.
HRC: All right, but both stole the license plate.
14. AGM: No señor, la hurtó él.
AGM: No, sir, he stole it.
15. HRC: ¿Pero y no dice ahí que la 'hurtaron'?
HRC: But it does not say there that 'they stole'?
16. AGM: Lo que pasa, estoy hablando en tercera persona nuevamente.
AGM: That is what happened. I am speaking on third person again.
17. HRC: En tercera persona nuevamente, o sea...
HRC: In third person, again, so...
18. AGM: Por eso dicen 'hurtaron' y estoy mencionando mi nombre, no estoy diciendo 'yo'.
AGM: That's why it says 'they' stole and I mention my name. I am not saying 'yo.'
19. HRC: Entonces pero, John Saunders era uno solo.
HRC: Then, but, John Saunders was only one.
20. AGM: Sí.
AGM: Yes.
21. HRC: Y John Saunders y González Malavé son dos.
HRC: And John Saunders and González Malavé are two.
22. AGM: Y Alejandro González es otro, también.
AGM: And Alejandro González another one too.
23. HRC: ¿Perdón?
HRC: Excuse me?
24. AGM: O sea, que yo estoy hablando en tercera persona y estoy haciendo claro que Alejandro González, no estoy diciendo que yo.
25. AGM: That is, I am speaking in third person and I am making clear that it is Alejandro González, not me.
26. HRC: Bien. ¿Pero Alejandro González es usted o no es usted?
HRC: All right. But Alejandro González is you or he is not you?
27. AGM: Sí, eso es así.
AGM: Yes, that is so.
28. HRC: O sea, en ese informe, cada vez que encontremos a Alejandro González ¿Es usted o no es usted?
HRC: That is, in that report, each time that we find Alejandro González is you or he is not you?

29. AGM: Sí, señor.
AGM: Yes, sir.
30. HRC: Bien.
HRC: All right.
31. AGM: Investigador, yo creo que es que no me ha entendido.
AGM. Investigator, I think you have not understood me.
32. HRC: No, no, yo lo he entendido lo más bien, lo uqe yo quiero ver es que si el lenguaje que usted dice ahí, cuando usted dice que John Sanders y Alejandro González, y corrijame si eso no es lo que dice ahí 'hurtaron una tablilla'.
HURTARON.
HRC: No, no, I have understood you very well. What I want to see is if the language that you use there, when you say that Jhon Saunders and Alenadro González, and corrcet me if that is not what it say, 'they stole the license plate',
THEY STOLE.
33. AGM: Sí, señor.
AGM: Yes, sir.
34. HRC: Bien. O sea, ¿Usted está diciendo con ese verbo, en esa forma que los dos participaron en el hurto, cierto?
HRC: All right. That is, you are saying with that verb, in that way that both participated in the stealing, right?
35. AGM: No estoy diciendo 'hurté yo', pero estoy diciendo que sí, que hubo una acción de dos personas, dodne estaba Alejandro González en calidad de agente encuebiertoy y estaba John Saunders en calidad de terrorista...
AGM: I am not saying 'I stole', but I am saying that yes, that there was an action by two persons, where González Malavé was (participanting) as undercover agent and John Saunders as terrorist.
36. HRC: Y usted observaba. Si, usted observaba mientras John Saunders...?
HRC: And you were observing? If yu were observing while John Saunders...
37. AGM: Participé, investigador, participe.
AGM: I participated, Investigator, I participated.
38. HRC: Participó. Mire a ver si usted dice ahí que usted hacía mientras la tablilla se la estaban llevando.
HRC: You participated. Look if it says there what you were doing while the license plate was being stolen.
39. AGM: Simulaba.
AGM: I pretended.
40. HRC: ¿Qué simulaba?
HRC: What were you pretending?
41. AGM: Arreglar mi auto.
AGM: To fix my car.
42. HRC: O sea, que estaba llevando a cabo una acción específica para disfrazar la actividad.
HRC: That is, you were carrying out a specific action to disguise the activity.
43. AGM: Es posible.
AGM: It is possible.
44. HRC: Es posible.

- HRC: It is possible.
45. AGM: Sí señor.
AGM: Yes, sir.
46. HRC: O sea, que, no estaba observando nada más.
HRC: That is, that you were not just observing?
47. AGM: Eso es así.
AGM: That is so.
48. HRC: Estaba participando en la acción.
HRC: You were participating in the action.
49. AGM: Esos es así.
AGM: It is so.

In 10 and 32, González Malavé accepted that he participated in the stealing of the license plate, but he makes a distinction between terrorist and undercover agent. John Saunders participated as a terrorist while González Malavé participated as an undercover agent. These different characterizations relate identities (i.e. undercover agent and terrorist) to institutional roles and motives, while divorcing them from the actions. They were participating in the same act, but the meaning of their participation comes by their motives and institutional roles. For González Malavé the grammatical person serves to differentiate the identities.

A different notion of identity seems to underlie Rivera Cruz's understanding: Both Saunders and González Malavé participated in the crime and there is no need to differentiate between the identities of the participants because it is irrelevant. Rivera Cruz is more concerned in establishing the referent of Alejandro González in the report.

6.4.5.8 A suspicious collage. Indexicalities from disparate groups

One of the features of González Malavé's way of speaking was his hypercorrections. He hypercorrectively employed Latinisms and lexical items associated with academia and the groups he used to infiltrate. At one point, he asked the Chairman of the Committee to instruct Rivera Cruz to stop shouting. The packaging of the complaint became emblematic of his way of speaking:

(50) Fragment 50

AGM: Mr. Chairman, please instruct the investigator that my auditory senses are not lacking in subtlety, that he does not have to raise his voice at me.

Hypercorreciotn was highly salient in the undercover agent's testimony, and it was commented on and mocked in the newspapers afterwards (Isabel, 1983). He used Latinisms out of context and even made up one. Latinisms index as particular profession (lawyers) dominantly masculine in the 1980's. It was probably associated with education, intelligence, knowledge of the law, and success. Moreover, he was facing a lawyer. His use of them is even more salient when we consider the lack of Latinims on Rivera Curz's way of speaking –who only used the word exhibit to refer to a piece of evidence and ad verbatim-, and his use of non-standard forms. The witness, on the hand, used them abundantly: a prima facie, mouts propio, grosso modo, ipso facto, a priori, a posteriori. He even coined con anteriori, which presumably menas the same as a priori. In the next fragments, I reproduce some examples.

(51) Fragment 51

1. HRC: Bien. ¿Con qué delitos usted bregó allí?
2. HRC: All right. With what kind of crimes did you deal there?
3. AGM: Ese tipo de inofrmación yo o a puedo mencionar públicamente porque podría afectar investigaciones **a posteriori** que se están realizando en estos momentos.
4. AGM: That kind of information, I cannot mention publicly because it could affect investigations *a posteriori* htat are in progress at this moment.

(52) Fragment 52 p. 148

1. HRC: ¿Cuando usted fue a juramentar como Agente Encubierto, usted le informó a ella que entraba a trabajar como Agente Encubierto de la Policía?
2. HRC: When you went to otah as an undercover agent, did you inform her that you were going to work as an undercover agent?
3. AGM: **A posteriori**.
4. AGM: *A posteriori*.
5. HRC: Bien. **A posteriori** de la fecha en que juramentó el cargo.
6. HRC: Ok. *A posteriori* of the date in which you pledged.
7. AGM: Es correcto.
8. AGM: It is correct.

(53) Fragment 53

1. HRC: Bien. ¿A través de quién usted hizo contacto para trabajar como confidente de la Policía de Puerto Rico?
HRC: Ok. How did you make contact to work as an informer for the Puerto Rico Police?
2. AGM: No hice contacto, específicamente, **motu proprio**, sino que fui reclutado por el agente Carmelo Ruiz.
AGM: I did not make contact, specifically, *motu proprio*, but I was recruited by Agent Carmelo Cruz.

(54) Fragment 54

1. AGM: No, señor. Le informé con anteriori que me abstenía de emitir opinión al respecto.
2. AGM: No sir. I informed you con anteriori that I would refrain from commenting in that respect.

Although Latinisms are common in legal language, they are not generally present in everyday language. They are used by professionals in professional settings, and even in an institutional setting they are more common in written language than in spoken language. They are words that most people do not generally use, and the nuances of their contextual requirements may escape the untrained observer. González Malavé seems to use them in order to convey sophistication. However, at another level, in the context of his testimony and the verbal contest that he created with Rivera Cruz, the presence of Latinisms was also an attempt to confront Rivera Cruz in his own camp: the legal profession.

Rivera Cruz had been criticized for his non-standard linguistic features. The use of Latinisms suggests González Malavé's disposition and attempt to engage Rivera Cruz in his domain regardless of the education differential and their institutional positions in the institution. The witness tried to reduce the differences between himself and the investigator through language, although not always with precision.

Nothing of what has been discussed is more puzzling than the use by González Malavé of the language of the groups he infiltrated. The presence of these features underscores the importance of lingual histories and the impact that they have on speakers. Some of the words and phrases that he used hypercorrectly were: in a dogmatic, *systematic planning*, *the global conception of the Puerto Rican revolution*.

(55) Fragment 55

1. HRC: Tenga la bondad, Alejandro, explíqueme eso, o sea, ¿Qué es lo que usted entiende por '**planificación sistemática**'?
HRC: Please, Alejandro, explain it to me, that is, what is it that you understand for *systematic planning*?
2. AGM: Planificación, el acto de planificar...
AGM: Planning, the act of planning...
3. HRC: En un lenguaje que lo pueda entender el Puelbo, porque usted sabe, las Vistas.
HRC: In a language that the people can understand it, because you know, the Hearings.
4. AGM: Pues, sí, le voy a decir, la voy a definir cada una de las palabras, entonces.
AGM: Well, yes, I will say it; I will define each of the words then.
5. HRC: Sí.
HRC: Yes.
6. AGM: Planificar como tal, el acto de concebir o pensar hacer con la intención de llevar a cabo. Sistemático, de una forma específica, con un sistema planificado, o sea, sistemático de 'sistema'. Entendemos por 'sistema', además de las diferentes definiciones que podría tener, según la Real Academia Española. 'Sistema', en este caso, la forma y manera específica de llevar a cabo algo. Revolucionaria, alusio a revolución, a lo que se infiere por aparato, estructura revolucionaria, elemento de, que impliquen o tratan de crear unos cambios radicales. Revolución significa cambios, cambios radicales.
AGM: Planning as is, is the acto of conceiving or thinking about with the intention to do. Systematic, of a specific form, with a planned system, that is, a systematic system. Let's understand by 'system', besides the different definitions htat it can have, according to the Royal Academy of Spain. 'System,' in thiscase, the form and specific way of carrying something out. Revolutionary, allusive to revolution to what is referred by apparatus, revolutionary structure, element fo, that implies or tries to create radical changes. Revoution means changes, radical changes.

At one point, Rivera Cruz was asking about González Malavés job in the newspaper Claridad, where he was in charge of national distribution. Rivera Cruz wanted to know if the money that González Malavé collected when he distributed the newspapers was kept by him or if

he had to take it to the newspaper. The answer was confusing to say the least. Senator Silva wanted to clarify the answer. In the next fragment appears what followed.

(56) Fragment 56

1. Sr. Presidente: Sí, lo que queremos saber, el Senador insiste en saber si hay alguna diferencia entre que usted cobraba como tal el periódico o si cobraba.
Mr. Chairman: Yes, what we want to know, the Senator insists in knowing if there is any difference between you, charging for the paper as such or if you were charging.
2. Sr. Silva: O sea, si él cobraba por los servicios, para su bolsillo, o si él cobraba el periódico y traía el dinero a San Juan.
Mr. Silva: That is, if he charged for the services, for his pocket, or if he charged the newspaper and brought the Money to San Juan.
3. Sr. Presidente: Clarifíqueme eso.
Mr. President: Clarify that for him.
4. HRC: Sí, se le puede clarificar.
HRC: Yes, it can be clarified.
5. AGM: Es correcto. Lo que aquí se define **de una manera dogmática**, más bien clara, o sea, se está diciendo...
AGM: It is correct. What here is defined *in a dogmatic way*, more or less clear, that is, it is being said...
6. HRC: Perdóneme, que no lo entiendo. El que no le entienda soy yo ahora. Mire, ¿qué usted quiere decir con que se describe 'dogmática'?
HRC: Excuse me, I do not understand. The one who does not understand now is me. Look, what do you mean that it is described as dogmatic?
7. AGM: De una forma enmarcada específica, sin que haya variantes. O sea, lo que se entiende aquí no tiene otro tipo de entendimiento que no sea el que yo lo llevaba y cobraba esos periódicos en específico.
AGM: In a specified marked way, without variances. That is, what is understood here has no other type of understanding than the one I took it to be and charged those papers in specific.
8. HRC: ¿Cuál sería la variante?
HRC: What would be the variance?
9. AGM: La variante sería que yo entregaba los periódicos y cobrar por hacerlo.
AGM: The variance is that I delivered the papers and charged to do it.

(57) Fragment 57

AGM: En el caso de terrorismo de derecha, sería llevar a cabo acciones como tales que impliquen de una **forma radical, dogmática, sistemáticamente planificada**, con una intención criminal específica, el mantener un estatus definido como derechista. Claro, no podríamos describir en este caso la revolución. Definido específicamente como democrático, podría decirse, pero utilizando, entonces, los instrumentos esos.
AGM: In the case of right wing terrorism, it would be to conduct actions such that imply a *radical, dogmatic, systematic planned form*, with a specific criminal

intention, to maintain a defined status known as right wing. Sure, we can't describe the revolution in this case. Defined specifically as democratic, it could be said, but using, then, those instruments.

(58) Fragment 58

AGM: Lo que pasa es que hay una diferencia bien marcada entre lo que es terrorismo de izquierda y terrorismo de derecha. Me atrevo en estos momentos a asegurar específicamente que la pega de un pasquín en determinado momento por elementos de izquierda es el preámbulo **a la concepción global de una ideología de izquierda que culmina en un proceso revolucionario.**

AGM: What happens is that there is a clearly defined difference between left wing terrorism and right wing terrorism. I dare to say at this time that specifically the posting of a flyer in a specific momento by left wing elements is the preamble *for the global conception of a left wing ideology that culminates with the revolutionary process.*

The influence of the groups he infiltrated did not escape the attention of some observers. In a letter to the editor of the newspaper El Nuevo Día a reader commented:

“Those years of training and living together with Marxists explain the mystery of his polemic capacity and why the conventional Cartesian logic of the Investigator and the senators did not work against the Marxist logic learned and used by González Malavé.” (Nogales Vallejo, 1983) (My translation).

Another wrote in the pages of El Reportero:

“Semantics, analogous, dogmatic, variances, categorically, craftsman, obvious, lateral, supported by, notice, speculate. There is no doubt that even when you do not know how to use them, you have bottled (on your mind) some vocabulary of the so-called “terrorists.” (Isabel, 1983) (My translation).

In the same newspaper, another reader remarked:

“The interrogated employed at all times the ill-learned and worst digested rhetoric that he learned through his ideological readings while he pretended to be an independence supporter and socialist, added to the vocabulary of the Police indoctrination.” (Marxuach, 1983) (My translation)

Even when not all the words mentioned in the letter of Doña Isabel are necessarily characteristic of the ideological language of Marxism, the association of them with those groups is explicit. What seems to be the case is that the language of those groups is associated with academia, in good part because of the great influence of the leftist ideology in the University of Puerto Rico.

People associated those words with those groups and with the ability for polemics ascribed to them.

The use of terminology associated with the groups he infiltrated suggests one of three possibilities: first, he in fact sympathized in some way with those groups, as Rivera Cruz suspected; second, he was mocking the groups he infiltrated as Rodríguez Juliá (1986) suggests; third, there were qualities of the groups he infiltrated with which he wanted to be associated.

González Malavé explicitly expressed his scorn of the groups he infiltrated, their beliefs and more importantly, his actions indicate that he was no friend to them. Nevertheless, he used lexical items that index to the same groups that he claimed to despise and consider as criminal. The consequences of his acts as undercover agent, suggest that he did not sympathize with the people with whom he was directly involved.

Rodríguez Juliá (1986) suggests that González Malavé was mocking the groups that he infiltrated. This suggestion is reasonable since he expressed contempt for these groups' beliefs. The mockery of their way of speaking would explain the contradiction between his expressed scorn of those who used that way of speaking and his use of it. It would be also consistent with what sometimes seems to be a playful use of language.

However, there is evidence that suggests otherwise. In the contexts in which he used this way of speaking, he spoke deliberately, in almost a clinical way. Moreover, his reaction to Rivera Cruz's requests for an explanation of those hypercorrect uses sometimes triggered his sarcasm. This suggests that González Malavé expected to be understood and the sarcasm was a form to suggest that Rivera Cruz was not able to command that kind of language. The undercover agent used terminology associated with Marxist theory even in very serious matters as when he explained the importance of defending democracy and the ways to do it. It is doubtful

that those very important aspects were subject to this kind of mockery because his credibility as an undercover agent and as a citizen concerned with threats to democracy was on the line.

González Malavé seemed to be more concerned with establishing a verbal contest with Rivera Cruz than with mocking the groups infiltrated. Sarcasm was used against Rivera Cruz to expose the inadequacy of his questions, to demonstrate that Rivera Cruz could not ‘defeat’ or ‘scare’ him despite his institutional advantage, because González Malavé had the courage, the intelligence, the linguistic resources, and the argumentative ability to do so.

More likely, González Malavé retorted to a repertoire of indexical resources that was the result of his lingual history. As a Police agent, he was exposed to the language of lawyers. As an undercover agent, he infiltrated leftist political groups. He was exposed to their way of speaking. Why then did he use terminology associated with the groups he claimed to despise?

The Marxist movements and other *independentista* movements have been associated with an educated elite: intelligence and skills for polemics. González Malavé was appealing to those indexicalities associated with those groups, like intelligence. It seems to me that part of the appeal of this way of speaking for González Malavé has to do with the fact that not everybody manages the meanings of those words that tend to sound scientific.

6.4.5.9 Recapitulating the interrogation of Alejandro González Malavé

González Malavé retorted to a repertoire of indexical resources that was the result of his lingual history and was ideologically associated with qualities that were useful to achieve his communicational goals during the hearings.

For achieving this, he employed an array of interactional strategies and combined different ways of speaking that, although contradicted the content of this testimony, were helpful

to create a persona based on courage, sacrifice, patriotism, and masculinity. The combination of these contradictory factors helped to create a unique persona.

González Malavé used language strategically to index intellectual sophistication and masculinity. He was constructing his identity in opposition to Rivera Cruz's. While Rivera Cruz was criticized for his use of colloquial and non-standard forms, he used words associated with intellectual sophistication. While Rivera Cruz based his masculinity in hard work, intelligence, and success, González Malavé was basing his in personal courage and control.

He drew on the resources that his lingual history made available to him in order to achieve his communicative goals: to demand respect, and to provide the least information possible. In this sense, he succeeded. The inaccurate use of lexical terms did not impede him from being successful.

6.4.5.10 Asymmetric reception of Rivera Cruz's performance

The opinions of the two senators presented at the beginning of this chapter, one describing González Malavé's way of speaking and nonsense and the other describing it as brilliant are accurate at different levels. We have to understand the ideologically driven metapragmatics. Senator Fas Alzamora was probably focusing on the lack of lexical precision and Malavé's shamelessness, but also on his stance which was defiant and unhelpful for the investigation. Senator Calero Juarbe was probably focusing in the confrontational stance adopted by the agent and the achievement of communicative goals.

The frustration of the expectations came from those who expected new revelations and contradictions. But not everybody wanted them. The public that attended the hearings used to clap for the Investigator at the end of the session day. Rodríguez Juliá describes the exit of González Malavé the first day of his testimony. Police officers were waiting for him and

surrounded him euphorically. One agent turned to the public and shouted: “Today you could not clap.”

The hypercorrection was only articulated by those who condemned his testimony. The confusion of words reflected, according to one letter to the editor (Herrera, 1983), lack of intelligence, superficiality (Bouet, 1983), lack of education. The incongruence of the indexicalities was underscored by them. Using the lexical terms of the infiltrated and the language of lawyers was a reflection of his psychological confusion (Benítez, 1983). The indexicalities were a point of attack. The stances he adopted were also criticized. The indexical entailments of them recontextualized the speech event in a negative way according to their expectations. Finally, they chastised the content of his words, which, in conjunction with his way of speaking, reflected his psychological confusion and his disregard for human life and democracy. Those who attacked González Malavé underscore his linguistic transgressions and the ideological content of his expressions as well as his oppositional stances. Those who approved his testimony ignored the hypercorrection and emphasized the achievements of communicative goals. He was able to limit not only the information given, but also to ridicule Rivera Cruz and the Senate hearings. The stances were the most salient dimension of doing this. They also praised the content. The extreme right had been beaten, and someone gave them a voice. Indexical meanings are tools to take stances. Stances were the goal, not the indexical meanings that support and linguistically embodied those stances.

Police officers were offended by their treatment during the hearings. They were concerned about their image in society and their ability to fight left wing terrorism. They considered the hearings abusive and disrespectful. The New Progressive Party was concerned by the potential negative impact that the hearing were having on its administration. For these groups,

this was a kind of vindication, not because information had surfaced that helped their position, but because someone was able to disrupt Rivera Cruz's agenda and had demanded respect.

7.0 DISCUSSION

Rivera Cruz's investigation was a success by all means. He was able to demonstrate that the police version did not correspond to the facts beyond any doubt, he presented evidence that strongly suggested that the Department of Justice was involved in a cover-up, he was able to present an alternative version of the facts, and that version was accepted as the truth. All these seem to have been part of Rivera Cruz agenda. When I speak about agenda, I am not speaking about intentions when asking a question, or to make a particular identity move. By agenda, I refer to the overarching purpose that was stated in the Senate's Resolution 91, and that became apparent from the start of the hearings.

Rivera Cruz's investigation demonstrated that he was a meticulous, organized, and intelligent investigator. Most commentators of the hearings remarked on this. But most of them also commented on Rivera Cruz's identity, and many of them mentioned specifically his use of language. Rivera Cruz's way of speaking was salient for many observers. They commented the impact of Rivera Cruz's way of interacting and some specifically related his way of speaking with his identity. This constitutes explicit metapragmatics that offer us valuable insights of linguistic ideologies.

In this chapter, I discuss the co-construction of identities in the hearings. Perhaps it is necessary to remind the reader about the definition I have adopted, which comes from Kiesling. He defines identities as

...named relationships in cultures and interactions, and the labels for identities are shorthand for identifying a person's myriad ways they relate to others in socially relevant ways (...) Because identities are relational, a person has no fixed identity, only identities are constructed in contextualized interaction (and to the extent that an identity is psychologically real, it is based on the self's conception of its place in psychologically idealized models of interaction) (2006, p. 495-496).

Specifically, I discuss how the indexical meanings conveyed by Rivera Cruz's stance taking were crucial to his success. I argue that he was able to create and maintain a context in which witnesses (with the exception of González Malavé) behaved as witnesses and the witnesses' co-created identities seemed to advance Rivera Cruz agenda. I further argue that the testimony of González Malavé demonstrates that Rivera Cruz success was not just a consequence of his institutional role or the interactional advantages that pre-allocation conferred him, but also a result of what I would like to call "identity management."

7.1 SOCIAL MEANINGS AND STANCES IN RIVERA CRUZ'S PERFORMANCE

As mentioned in the previous chapter, the major differences in Rivera Cruz's way of speaking were noted depending on the kind of witness that he interrogated. When he interrogated witnesses that sustained the police version, he was aggressive, conveyed sarcasm, disbelief. He used more yes or no questions, he used more "Dígame si es o no cierto," more repetitions, longer questions, with more harmful presuppositions, higher volume, more variation in pitch, and higher speech rate.

Some of Rivera Cruz's non-standard features were highly salient and appeared in any moment of part of any given interrogation. One of the most salient features was the non-standard inflection (-nos) of the first person plural in the imperfect. In one testimony he produced this

form in his very first turn: “Como estábamos viendo ayer” (As we were seeing yesterday). Other features such as the elision of intervocalic –*ñ*- in the past participles tended to appear when Rivera Cruz was being aggressive and speaking loud. This suggests that some of these features tended to appear when he was emotionally involved.

Intonation variation also seemed to be richer as the interrogations advanced, particularly when interrogating hostile witness. These variations were employed to convey his attitude towards the propositions of the interlocutors. They also helped to produce a vivid performance with a distinctive popular flavor that became more intense as the interrogation advanced. At the end of the first day of his interrogation of Torres Marrero, he produced what could be called unmitigated aggressive intonation accompanied by rapid hand gestures. This helped the audience to focus the attention on him.

Rivera Cruz was identified several times as a *jíbaro* and positive qualities were associated explicitly with this characterization. Caricaturesque representations of the *jíbaro* tend to present this rich intonation variations and loudness. The late comedian Adalberto Rodríguez exaggerated these features. I suspect that when the hearings began in June 1983, the audience did not expect these features in the main investigator’s way of speaking.

The non-standard features of Rivera Cruz’s way of speaking were a constant reminder of his origin. They are associated with poverty and lack of formal education. These qualities are not generally associated with control and power; however, he was in control -with the exception of the interrogation of González Malavé. This made his performance intriguing. His way of speaking also was a constant reminder of the disadvantages that he had to overcome. I suspect that this provoked admiration converting a potential liability in strength.

In part, the attractiveness of Rivera Cruz's way of speaking has to do with the complex combination of indexical messages. In his way of speaking, stigmatized linguistic features associated with poverty and lack of formal education and stances of knowledge, authority and control combined making his identity remarkable and interesting. His performance challenged the expectations of the audience.

7.2 THE MANAGEMENT OF IDENTITIES

Rivera Cruz's stance taking positioned his interlocutors as friendly witnesses and hostile witnesses and consequently as credible and dubious witnesses as we can see in the following fragment in which his intonation and overlapping provoked laughter from the audience.

(59) Fragment 59

1. HRC: (LOUD, Opening the arms dramatically) Y usted le dice a la comisión que se lo entregó a Quiles y no volvió a bregar más con esa arma.
HRC: (LOUD, Opening the arms dramatically) And you tell the committee that you handed it to Quiles and you did not deal with that gun anymore.
2. RTM: Con el arma, pues no recordaba que [a lo mejor fue...]
RTM: With the gun, well, I did not remember (it). [Perhaps it was...]
3. HRC: [No lo recordaba.] (sarcastic intonation)
HRC: [You did not remember it.] (sarcastic intonation)
4. RTM: No lo [recordaba.]
RTM: I did not [remember (it).]
5. HRC: [Se refrescó la memoria] ahora. (laughter from the audience)
HRC: [You refresh your memory] now (laughter from the audience)
6. RTM: Bueno, de hecho, hace cinco años.
RTM: Well, in fact, that was five years ago.

Rivera Cruz, thus, casted doubts on the witness lack of recollection and judging from the reaction of the public, the answer of the witness appeared to be ridiculous. The identities co-constructed seemed to be identities that advanced Rivera Cruz's agenda. They seemed to be

reactive identities instead of pro-active. By this I mean that while he seemed to be in control, the identities of the witnesses that he interrogated seemed to be more dependent on their relationship to Rivera Cruz than the other way around. That is, in general terms, the identities that he and the witnesses created interactionally were beneficial to Rivera Cruz's agenda, and not necessarily to the witnesses themselves. The interrogation of district attorney Osvaldo Villanueva is a good example of this. Villanueva spoke standard Puerto Rican Spanish. He remained always composed despite the fact that Rivera Cruz was aggressive in his interrogation. This witness at Rivera Cruz's request analyzed evidence and gave his opinion. He conveyed certainty in his answers. He mentioned his experience as investigator and Rivera Cruz also emphasized it. His way of speaking indexed professionalism and seriousness. However the indexicalities that he performed were counterproductive because Rivera Cruz undermined this identity by contrasting Villanueva's professionalism with the flaws of the witness work. Rivera Cruz thus undermined the witness identity and credibility because his professionalism was rendered as dubious and his identity as unauthentic.

Credibility is crucial in the legal context. The *raison d'être* of trials is precisely to determine where the 'truth' lays, to allocate responsibility, and to maintain the social order. In everyday life, credibility is ascribed, at least in part, to individuals. That is why words as "liar", "fraud", "impostor", "hypocrite", "pretender", "phony" and expressions as "character assassination" exist.

Matoesian (2001) argues that in rape cases the actions of the people involved must fit some logic, but this logic is not ideologically neutral; rather it is based in ways of thinking that underlie the legal processes. The appropriateness of a behavior is assessed in function of the

observance of the expectations that these ways of thinking naturalize, thus rendering behaviors that depart from the expectations as irrational and suspicious.

It seems to me that a process similar to this explicated by Matoesian can help us to understand how Rivera Cruz undermined Villanueva's identity. I argue that an implication of performing certain identity and, therefore, claiming certain qualities associated with that identity is that certain expectations are activated. In the case of Villanueva, his performance as a formal, professional, serious, experienced and knowledgeable lawyer came with expectations about the kind of work that could be expected from him. Following Matoesian, (2001) that was the 'logic' against which Villanueva's identity would be mapped. Rivera Cruz demonstrated that Villanueva's work as district attorney in his investigation of the Cerro Maravilla events did not fit that logic, that is, his work in the second Justice Department investigation differed from the expectations that his performed identity produced. Moreover, Rivera Cruz did not challenge Villanueva's claiming of certain qualities. Instead he highlighted two characteristics attached to Villanueva's performance: experience and knowledge. By doing this and at the same time demonstrating Villanueva's failure in fulfilling those expectations, Rivera Cruz was eroding Villanueva's identity.

I have said that the non-standard features were a constant reminder of Rivera Cruz origin and I have argued that he turned a potential liability in strength. However, the use of linguistic features does not by itself create a particular identity. Rafael Torres Marrero produced even more non-standard features than Rivera Cruz, but they do not seem to evoke the same qualities. From reception we only get silence in this respect. I have not seen comments associating explicitly Torres Marrero with a *jíbaro* identity. While Rivera Cruz combined these non-standard features with evaluations, stances of certainty, authority and control, Torres Marrero was at times

incoherent and seemed to be overwhelmed by Rivera Cruz interrogation. In fact, he seemed powerless when he faced Rivera Cruz. Since he was interactionally positioned as a suspect, potentially positive associations with his way of speaking were rendered as irrelevant if not damaging.

Indeed Rivera Cruz benefited from his institutional position and the pre-allocation of turns that this institutional role entails. But the interrogation of Alejandro González Malavé is illustrative of the limits of these advantages. Despite having the same resources that he had when interrogating other witnesses, Rivera Cruz was not as effective as he was when interrogating other witnesses. This indicates that power is not just a function of the institutional role, but it is negotiated and resisted when people speak face to face. Identities as well are not constructed; rather they are relational and therefore co-constructed.

7.3 THE DARING AND DETERMINED MAN

The case of González Malavé was unique. Rivera Cruz was aggressive, but the witness was also aggressive and the interrogation was widely characterized as unsuccessful. Again, the explanation lies in the fact that identities are not constructed; rather they are relational and therefore co-constructed. González Malavé was able to create a new context (indexical entailment) creating new conditions (i.e. a verbal contest) and new identities. Rivera Cruz was not the lawyer whose question must be answered, but a disrespectful questioner that should be confronted. González Malavé was an unruly witness that refused to cooperate. Once a new context was created, the streetwise identity of González Malavé dominated the encounter,

because González Malavé challenged the control, knowledge, and the validity of the process by refusing to cooperate.

Several researchers have documented speakers' resistance to interrogators, even under disadvantageous conditions. Berk-Seligson (2009) describes how an eighteen years old Mexican immigrant with limited English suspected of murder and rape was able to resist the coercive interrogation of two policemen, one of them an English speaker with no knowledge of Spanish and the other with a limited proficiency in Spanish. This second officer, despite his limitations in Spanish and his role as policemen who had the suspect under his custody, acted as interpreter. Berk-Seligson demonstrates the problems that emerge from this kind of double role (police officer and interpreter) and the coerciveness and disadvantages that this practice imposes upon the person interrogated. While the police officer is an interested part in the investigation, he acts as a neutral –or worst, as a deceitfully friendly- party.

In Berk-Seligson's study, the Mexican immigrant whose encounter she describes resisted the interrogation by explicitly refusing to give information and by using vague language that blurred his responsibility and the seriousness of the alleged crimes.

The case of the undercover agent Alejandro González Malavé was different because he went beyond uncooperativeness and, instead, became the aggressor against Rivera Cruz. While other witnesses were uncooperative –claiming not remembering, lying, delaying answers, avoiding responsibilities, refusing to talk, and so on-, González Malavé was overtly confrontational and disrespectful. While other witnesses limited themselves to discuss the appropriateness of their actions as police officers in a democratic country, González Malavé did not seem concerned with even the appearance of cooperativeness because the premise and the discourse in which he framed his actions (i.e. the fight against dangerous terrorists and the

special measures that he deemed as justifiable in this fight) enabled him to be dismissive about the whole interrogation.

González Malavé's way of speaking had elements from disparate groups: the police jargon, the academia, and the groups that he infiltrated, performing identities that indexed disparate groups. This puzzled many observers and some were outraged. Some observers associated this 'appropriation' with a lack of authenticity, particularly since he used lexical items and grammatical structures hypercorrectly. What is strange however in González Malavé's way of speaking is not that he performed indexicalities from different groups, after all, that seems to be the norm. What made his performance unpalatable for many observers was the witness's relationship with the groups that he indexed. Again, one point that I have been trying to argue through this study is that when speakers perform an identity, certain expectations are activated. I do not think that all the characteristics associated with one group have to be met, but it seems to me that a certain degree of resemblance is expected.

González Malavé was particularly effective because he was able to disrupt Rivera Cruz's likely agenda. He questioned the authority of Rivera Cruz and the committee. Although to speak about intentions is to walk into quicksand, González Malavé let us know early in his testimony that he did not accept the authority of the committee. And that he did, not just by being uncooperative but also by being the aggressor. In this fragment previously discussed, González Malavé reacted aggressively to Rivera Cruz's question.

(60) Fragment 60

1. HRC: Para usted no. Bien. ¿Gana más que usted o la misma cantidad que usted?
HRC: Not for you. OK. Does she earn more than you or about the same amount?
2. AGM: Creo que gana más que yo.
AGM: I think she earns more than me.
3. HRC: Más que usted. Pero, ¿usted vive con ella?
HRC: More than you. But, do you live with her?

4. AGM: //No, señor, igual que usted tampoco con la suya.
AGM: //No sir, I don't live with her, as *you don't live with yours either*.
5. HRC: Bien. ¿Que yo no? Ah?
HRC: O.K. That I do not... ¿Ah?

Notice that the question in (3) is treated as offensive and triggered a latched answer. Rivera Cruz asked the witness to repeat the answer, but Rivera Cruz seemed confused. Perhaps he could not hear the answer or perhaps the unexpected indexicality caught him off guard. In any case, the answer was treated by the audience as a personal attack to Rivera Cruz and judged as improper by the chairman of the committee. The marital status of the witness was a delicate topic for the witness that threatened his masculine identity and therefore required confrontation.

While Rivera Cruz masculinity was based on authority, control, work ethics, professional success, González Malavé performed an identity that relied more in self-confidence and personal courage. The stances of certainty, authority, uncooperativeness and confrontation disrupted Rivera Cruz's likely agenda and in contrast to what happened in the interrogations of other witnesses, González Malavé seemed to control the interaction –by derailing Rivera Cruz interrogation. Rivera Cruz seemed to be struggling to evoke the context that had become natural during the hearings. The witnesses were witnesses and they did what they were supposed to do. González Malavé did this by not cooperating and taking aggressive stances towards Rivera Cruz's proposition and identity.

González Malavé disrupted Rivera Cruz's agenda because he provided very little new information, he attacked the investigator directly, he mocked his questions, he delayed his answers, and he opted out from the cooperative principle (Grice, 1975). Moreover, he did not seem to be concerned by the obviousness of it. Given the bluntness of his answers I cannot help thinking that these strategies were designed to be seen. Thus, González Malavé, challenges

created an opposition between him and Rivera Cruz and served to position Rivera Cruz as the object of attacks and he, González Malavé as the aggressor.

Many of Rivera Cruz's questions in this interrogation were concerned with the role of González Malavé as instigator of illegal activities. In the following fragment the investigator asked the witness about a questionnaire that he filled when he was trying to infiltrate a political group. In that document he said that he was 'daring and determined'. Rivera Cruz highlighted these self-ascribed features, leading the audience to conclude that González Malavé was singling out these features because he wanted to appear before the group as ready to take action. Rivera Cruz was accumulating evidence that indexed an active and willingly actor and not a mere observer. However, González Malavé embraced this characterization. By accepting this characterization he was taking control of the implications of these qualities, because the characterization made sense in his understanding of his role as informer and because they were part of the indexicalities performed during his interrogation. They in a sense helped to create his identity as a courageous man that was willing to take risks and render these two qualities -daring and determined- not a part of a job, but a personality trait.

Unity in González Malavé identities is not found in the groups that he indexed. This is one reason why his performance was puzzling. Rather it is found in the stances that he took towards propositions and towards Rivera Cruz. The narrative that emerged during his testimony gave consistency to his stance taking because they also suggested that he was a courageous man that was willing to take risks, to confront others and to disobey the authority.

González Malavé was successful because he was able to undermine the context that most likely Rivera Cruz wanted to evoke. By refusing to cooperate and by challenging Rivera Cruz he

indexed a context in which both speakers were in the same conditions: men at a verbal contest or moreover, a man of (physical) action versus a man of words.

In the present study I have demonstrated how power was exercised in face to face interaction. The present study concurs with Berk-Seligson (2009) who found that speakers, even in disadvantageous conditions can resist and exercise power. Thus, this study suggests that power is better understood as a constant negotiation between speakers and not necessarily dependent on the institutional roles of speakers.

Rivera Cruz was able to exercise control and power. He undermined some of his interlocutors' identities and reinforced others; he positioned witnesses as friendly and hostile. With hostile witnesses, he adopted confrontational stances, conveying doubt and sarcasm. In the context of these interrogations, the testimonies of witnesses were marked as suspicious. Rivera Cruz introduced his narrative, overwhelmed witnesses, and played with their identities. His interlocutors' identities seemed to be reactive instead of pro-active. However, the presence of linguistic features ideologically associated with rural speakers, which in turn are ideologically associated with powerlessness, lack of education and social disadvantages, created a clash of indexicalities and linguistic ideologies.

The association between these features and rural speakers is not based on the exclusive presence of them in rural speech. In fact, as Álvarez Nazario (1990) points out, most of these features are shared by rural and urban population, particularly among the non-formally educated. However, the association was promoted by writers, who in their representations of the *jíbaro* identified these features as emblematic of the group. Cultural policies, particularly their manifestations in the Institute of Puerto Rican Culture and in the school curriculum solidified

this association and a cluster of features became enregistered (i.e. became a recognizable way of speaking).

The overarching question that motivated this study was: Why people talked about Rivera Cruz's performance and his way of speaking? The answer lies in his creative stance taking through which he was able to provoke a clash of linguistic ideologies in an unexpected and unconventional way. He combined features associated with lack of power and lack of authority with a dominant performance. It is not possible for me to determine if Rivera Cruz was aware of variations in his stance taking. However, I have observed that variation there were some features that shifted but others that did not. The non-standard inflection [-nos] did not shift, while the elision of intervocalic [d]

Now I would like to turn to the research questions that motivated the present study. The first question is: How were identities created during the hearings?

7.4 RESEARCH QUESTIONS

7.4.1 How Were Identities Created?

Different participants relied in different resources to create their identities. That is why I analyzed different witnesses emphasizing different ways to create identities. In the case of Osvaldo Villanueva, he took a stance of control and knowledge that in the end seemed to work against him. Julio Ortiz Molina relied in his humble and sometimes seemingly powerless identity, but at the same time he was able to leak his identity through his frequent use of reported speech, conveying affect and commenting on what others said. Roberto Torres González

indexed lack of authority through modality and evidentiality, but he also created the identity of a respectful witness unique among other witnesses that were part of the police force. Finally, the undercover agent Alejandro González Malavé created his identity by subverting the context. This subversion seemed to be a personality trait.

Rivera Cruz's way of speaking indexed dissimilar groups (i.e. lawyers, rural folks) through the combination of standard and non-standard. Although rural Puerto Rican Spanish has certain positive qualities associated with it –humility and honesty, for example–, authority, control and power are not ideologically associated with rural Puerto Rican Spanish. However, Rivera Cruz was authoritative and in control. This combination was most likely unexpected in the formal setting of the hearings, particularly coming from the main investigator. It is this combination –a way of speaking not highly regarded that indexed a group historically portrayed as dispossessed– exercising power decisively which defied people's expectations and even –perhaps for a short period of time– put into question linguistic ideologies that relate certain ways of speaking with lack of intellectual sophistication and lack of social skills. This was part of why Rivera Cruz's way of speaking captivated the imagination of many observers, including the press and the academy.

7.4.2 Can Stances Explain Disparate Indexicalities?

It seems that stances can explain disparate indexicalities. The case of Alejandro González Malavé suggests that this is the case. This witness employed lexical items that are associated with the police, intellectuals (that he despised), leftists and lawyers. Moreover, his performance was marked by the hypercorrect use of legal and academic language. The answer to the question of why he used language associated with the groups that he despised can be found in the positive

qualities associated with it, like knowledge, intellectual sophistication (and perhaps masculinity). What identity was González Malavé performing? Most likely he was not trying to claim membership on these groups. Instead, he was claiming the attributes that are associated with these forms. The indexicalities performed indexed certainty, intelligence, authority, control and certain unruliness, and courage that seem to coincide with certain model of masculinity. It is possible that he was following a linguistic ideology that associates linguistic forms directly with qualities, and considering that the fact that certain groups use these forms is incidental.

Returning to the research question, even disparate indexicalities (policemen and subversive) can be employed to take the same stance, for example, in the case of González Malavé, a confrontational or competitive stance. It is difficult not to think that, up to a certain point he found the way of speaking of leftists appealing and he associated it to positive features. His way of speaking reflects his singular personal history –police informer since he was 16, living between conflicting worlds, depending on courage and rapid thinking in order to avoid being discovered - and relationship with disparate groups helped to create a unique way of combining stances, that although created suspiciousness among observers, also helped to create opposition and confrontation and helped him to defy the authority, while demanding respect.

During the hearings emerged that González Malavé disobeyed the instructions of his superiors. For example, he was not supposed to participate actively in illegal activities and he participated on them repeatedly. In one report written by the undercover agent he explained that members of a legal group questioned him because he was too aggressive with other members of the group, and he reported that he answered that if they did not want him in the group, he would leave.

There are certain characteristics that must be at least apparent certain coherence for an identity ascription to be possible. In the case of González Malavé, he indexed disparate groups. However, observers ascribed him one of two identities, based on his stance taking towards Rivera Cruz and the propositions. Although I do not have other speech events to see if this pattern was reflected in his stance taking, this suggests that he exhibited a pattern of not conforming to the authority, which was reproduced during his testimony.

He was categorized as intelligent and courageous and as disrespectful. This takes us to the mediating role of linguistic ideologies and the interested use that speakers make of them.

We have seen that observers made different evaluations of Rivera Cruz and González Malavé. While many observers commented the effectiveness and dexterity demonstrated by Rivera Cruz, others characterized his performance as full of “clownish tricks” (Paniagua, 1983). The politically charged climate, in which the Cerro Maravilla hearings took place, makes us to question the role of linguistic ideologies as mediator between linguistic features and their social meanings. The truth is that linguistic ideologies mediate between language features and their social meaning, but at the same time linguistic ideologies are informed by speakers’ experiences and their understandings and these understandings are not divorced of interests. Ways of speaking are part of political struggles. They inform ideologies, but they are subject to ideological manipulations (in all directions) as any other constitutive part of an ideology.

7.4.3 Can Stances Explain the Stable Dimension of Identity?

It would be difficult for me to determine even in the case of Rivera Cruz, whom I have observed and heard by countless hours if he had a stable identity because I have mainly observed him only in one speech activity (i.e. interrogating). Even in this case I have observed there are changes

depending on the witnesses and topics. However, I think that there is something of him that transcends interactions.

If as Johnstone (1997, 1999) maintains, people seem to carry something from one interaction to another, and stances are the main tool for the creation of identities, whatever remains stable must be related to stances. As Kiesling (2009) points out, people seem to think of identities based on the stances that are usually taken. Others will necessarily try to make sense of the identities, as they try to make sense of everything else. I think people try to make sense of stances in a similar way that the relevance theory assumes that people try to understand the pragmatic meanings and precisely that is why the idea of identity as malleable and fluid seems to be counterintuitive. However, the understanding of clusters of stances will always be an abstraction of what speakers do, and there seems to be tolerance to variation.

Rivera Cruz's way of speaking was characterized by formal and colloquial ways of speaking. Both interacted to create a dominant identity, and were employed to manage the interactions and therefore to control them. This suggests a strong identity around which, other identities revolved. One reason to believe that his style transcended these interactions is that it worked and made him an effective lawyer. Suárez (2003) hints at the transcendence of this strong identity, although also speaking about the legal context: "Rivera Cruz is good and his style appears effortless because it is. He was never different in a courtroom."

In addition, the saliency of his non-standard features even in a formal setting evoked his personal history, which he seemed to embrace with a sense of pride. This indexes self-confidence and authenticity. One additional piece of evidence that intimates this is that he was unable to make adjustments to his way of interact in his encounter with the undercover agent González

Malavé. All this invites the analyst to believe that his identity transcends these interactions. However, in this study it is impossible to determine if his identity transcends these interactions.

7.4.4 How Can a Fluid Identity Also Be Stable?

A fluid identity can have (and I think must have) certain degree of stability. The explanation lies in the repetitiveness of stances and in a cognitive necessity to make sense of the things and people around us. Rivera Cruz changed his relationship with his interlocutors according to the topic, the moment of the interrogation or just the role of the witnesses as friendly or hostile. Sometimes these changes were salient. Rivera Cruz never raised his voice he interrogated Ortiz Molina, while he appeared implacable when interrogating Torres Marrero.

In this study, it is impossible to determine if the witnesses have a stable identity that transcends any specific interaction. It would be difficult for me to determine even the case of Rivera Cruz, whom I have observed and heard by countless hours if he had a stable identity because I have mainly observed him only in one speech activity (i.e. interrogating). Even in this case I have observed there are changes depending on the witnesses and topics. However, I think that there is something of him that transcends interactions.

Rivera Cruz's way of speaking seems to carry stances of certainty, seriousness, hard-working ethics, and pride for his origin in a powerful way that invites the audience to have confidence in him. I believe it is -paraphrasing Bakhtin- a taste of another time (the real or imagined Puerto Rico) combined with a sense of fervor and civic responsibility. Continuing with Bakhtin, he said that words do not forget where they have been. I think that they still remember that they were on the Hall of the Dead and in there they were transformed by becoming involved in a public discussion about linguistic forms and social meanings.

8.0 CONCLUSIONS

Identity has become a major interest for researchers in the areas of linguistic anthropology and sociolinguistics. Recent understandings of identity emphasize its malleability and fluidity. This conceptualization of identities as malleable comes from the realization that speakers relate strategically to propositions and their interlocutors in order to achieve their communicative goals. The concept of stance has been proposed as a powerful theoretical tool for understanding variation in a moment by moment basis, and for understanding how people manage talk and create identities.

On the other hand, many studies in institutional contexts tend to see power relations as pre-discursively determined given the interactional resources that lawyers have at their disposal and witnesses do not. Although it is undeniable that lawyers have advantages (i.e. introducing topics, asking questions, and so on), power is exercised and resisted in all communications. One ways to exercise power include the construction of relationships with other individuals, propositions, groups, ideas, acts, activities and so on through indexical mechanisms.

The present study is an exploration of the (co-)construction of identities in an institutional context, specifically in the Cerro Maravilla hearings. In this study I have examined the interactions between the Senate's main investigator, Héctor Rivera Cruz and five witnesses in order to explore how identities were created and how speakers managed the interactions.

In chapter 6, I analyzed Rivera Cruz's interactions with each witness. The major differences in Rivera Cruz's way of speaking were noted depending on the kind of witness that he interrogated and the subject. When he interrogated witnesses that supported the police version, he was aggressive, and conveyed sarcasm and disbelief. He used more yes or no questions, "Dígame si es o no cierto", more repetitions, longer questions with more harmful presuppositions, higher pitch, higher volume, more variation in pitch, and higher speech rate.

The non-standard features used by Rivera Cruz were a constant reminder of his origin. They are associated with poverty and lack of formal education. These qualities are not generally associated with control and power; however, he was in control -with the exception of the interrogation of González Malavé. I believe that this made his performance intriguing. His manner of speaking also was a constant reminder of the disadvantages that he had to overcome, provoking admiration and converting a potential liability into a strength.

It seems that in order to understand this testimony we must pay attention to one implication of our understanding of indexicalities and identities. If indexicalities are employed to claim certain qualities, they also create certain expectations that are ideologically associated with that identity. In short, performed identities come with certain expectations.

I argue that Rivera Cruz was able to create and maintain a context in which witnesses (with the exception of González Malavé) behaved as witnesses and the witnesses' co-created identities seemed to advance Rivera Cruz agenda. I further argue that the testimony of González Malavé demonstrates that Rivera Cruz success was not just a consequence of his institutional role or the interactional advantages that pre-allocation conferred him, but also a result of what I would like to call "identity management". The identities co-constructed in the interactions studied seemed to be identities that advanced Rivera Cruz's agenda -with the exception of

Alejandro González Malavé. They seemed to be reactive identities instead of pro-active. By this I mean that while he seemed to be in control, the identities of the witnesses that he interrogated seemed to be more dependent on their relationship to Rivera Cruz than the other way around. That is, in general terms, the identities that he and the witnesses created interactionally were beneficial to Rivera Cruz's agenda, and not necessarily to the witnesses themselves.

The most problematic witness for Rivera Cruz was the undercover agent González Malavé. He took an uncooperative and confrontational identity that signaled to a certain kind of streetwise masculinity. The content of his testimony seemed to concur with this identity because it was established that he had a history of subversion and problems with authority. His identity seemed to be tied to his personality. In his case, González Malavé's performance was effective because he did not offer much information and was able to confront Rivera Cruz and to question the whole process.

Stance taking also can neutralize the interactional advantage that pre-allocation confers to some speakers. During the interrogation of Alejandro González Malavé, he was able to create a new context by performing unexpected indexicalities in which the advantage of pre-allocation was limited.

González Malavé was able to create a new context (indexical entailment) by taking confrontational and uncooperative stances creating, thus, new conditions (i.e. a verbal contest) and new identities. Rivera Cruz was not the lawyer whose question must be answered, but a disrespectful questioner that should be confronted. González Malavé was an unruly witness that refused to cooperate. Once a new context was created, the streetwise identity of González Malavé dominated the encounter, because González Malavé challenged the control, knowledge, and the validity of the process by refusing to cooperate.

I have found that indeed Rivera Cruz took advantage of his pre-discursive right to ask questions to advance his agenda. I argue that besides the legal merit of his interrogations, part of his success lied in his performance. Through his questions, he was able to create different relationships with his interlocutors and propositions. These relationships varied according the witness and the topic. In order to create these relationships Rivera Cruz did not rely only in the formal register that is expected on a formal institutional context. He relied also on a colloquial register and a manner of interacting that the audience found appealing, because it was recognized as authentic. Many of his non-standard features indexed a rural origin that has been historically associated with Puerto Ricanness. Some linguistic features associated with rural Puerto Rico seemed to be ever present in his way of speaking and he explicitly said that he was proud of his origin. The presence of those stigmatized elements did not erode his effectiveness. Instead, they were a constant reminder of his origin and gave a common theme to the different identities performed.

Speakers can mix registers, jargons, interactional styles in creative ways that can make the identities performed memorable -although memorable does not mean necessarily admired or even liked. These were the cases of Rivera Cruz and González Malavé. On the one hand, Rivera Cruz's way of speaking mixed a formal register with a colloquial register. He also combined technical terms with non-standard features and a formal way of interacting with a popular way of interacting. On the other hand, González Malavé mixed legal language, police language, language of academia and language of the leftist groups that he infiltrated with a streetwise way of interacting. I suspect that those that saw them in the hearings remember their ways of speaking.

Stance taking in isolation is not enough to understand identities. It is the accruelement of stances taken and the way they are related to linguistic ideologies which can help us understand how identities are constructed. Rivera Cruz's performance attests to the creativity and the immense possibilities that individuals have for creating identities, while this individuality is still connected to discourses that exist in the broad society.

An important limitation of this study is the lack of ethnographic information. This information would have provided a more adequate understanding of the stable dimension of identity. It would have been desirable to observe Rivera Cruz in other contexts, outside of the hearings.

Despite the help that video provides to this study, another limitation is the fact that the camera not always was directed to the speaker. This imposes a limitation to the paralinguistic information available. There is a scarcity of studies about the possible discourse functions of some Puerto Rican variables, as the velar r.

There is a need of a model that combines the cognitive need to make sense of identities with a cognitive dimension. A model similar to the relevance theory (Sperber and Wilson), but with a strong social component could help us to better understand the interest involved in linguistic ideologies.

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