The Assassin Next Door

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Chile's infamous undercover operative Armando Fernandez Larios has lived a quiet life in Miami. But his past is about to catch up with him.
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After more than a decade of suburban, middle-class existence in a Kendall condominium, Armando Fernandez Larios has lately felt obliged to resume his secret-agent ways. The former undercover operative for Chile's National Intelligence Directorate in the bloody postcoup years of the mid-Seventies does not live where he says he lives, and the corporation he set up to provide himself an occupation does nothing at all. His home telephone number does not ring at his house but relays calls to a cell phone. Answering that phone, a man with a Chilean accent responds to the salutation, "Señor Fernandez?" by asking who is calling, then invariably saying that Señor Fernandez is out of town.

His Miami lawyer says Fernandez works at an auto-body repair shop, though he won't name the establishment. If it's true he is in the business of repairing damaged automobiles, and if you believe life finds winding ways to exhibit an odd sort of congruence, such a thing would credit your hypothesis. For 23 years ago Armando Fernandez Larios helped blow up a car, a sky-blue Chevrolet Chevelle, as it drove through traffic a few blocks from the White House in Washington, D.C., in the only assassination of a foreign diplomat ever to take place on U.S. soil.

The explosion took the lives of two people and left the Chevy in smoking shambles. Years later, finding refuge in the very nation where he committed his crime, Fernandez made what he believed were amends in his life, a life he thought he had repaired. But if he seems wary today, it is likely he feels on the nape of his neck the warm panting of his past catching up with him.

Ronni Moffitt was humming, maybe a classical air she had played the night before on her flute, as the car traversed Washington on the morning of September 21, 1976. Driving the Chevelle was a fellow of the Institute for Policy Studies where Ronni, a 25-year-old researcher and newlywed, also worked. His name was Orlando Letelier, a former foreign minister for the government of Chile who had been forced to leave his country to avoid torture or death. A man named Virgilio Paz, a communist-hating Cuban exile from Miami, was following Letelier and Moffitt in another car. Near Sheridan Circle he gathered up his nerve and pressed a button on a device plugged into the cigarette lighter.

Ronni Moffitt's husband of four months, Michael, who also worked for the Institute for Policy Studies, a liberal think tank, was in the back seat of the Chevy. He heard a hissing sound, like a hot iron being thrust into a basin of water, he later recounted.

The hissing noise emanated from a mundane beeper of the type used by doctors and drug dealers circa 1976, modified to activate a detonator embedded in C-4 plastique packed

with TNT. These were molded into a baking pan purchased at Sears, along with the electrical tape that affixed the contraption to the underside of the chassis.

A white flash. A noise some witnesses likened to the sound of an artillery shell exploding. The vehicle aflame and hanging in the air, carried forward until it fell and crashed into a parked Volkswagen.

Both Letelier's long legs (he was a tall man) were blown off and to pieces (his left foot, socked and shod, remained fifteen yards from the charred wreck even after the site had been cordoned off). The upper part of his body turned around in the remnant of the driver's seat so that when a dazed Michael Moffitt tried to pull him from the vehicle, the former diplomat was facing the back seat and wearing an expression of astonishment at the fact that his car was on fire and his legs were gone and blood was falling in gouts from his ragged thighs. Minutes later, before the ambulance arrived, he died.

Ronni Moffitt, her hair singed and her face blackened, stumbled to the curbside grass, clutching her throat. Her carotid artery and her windpipe had been severed. Though blood was gurgling thickly from her mouth, more flowed down her trachea into her lungs. She drowned in her blood.

Armando Fernandez Larios is a former Chilean army officer who for several years was an agent of that country's notorious security apparatus, known by the fear-inspiring acronym DINA. By his own admission, he helped kill Orlando Letelier and Ronni Moffitt, though he claims he did so unwittingly.

Two months ago Fernandez turned 50. His legal address is the Kingston Square condominiums on SW 77th Avenue, a few blocks from Dadeland Mall. The unit he purchased in October 1988 is on the west side of the complex of two dozen cream-color buildings, eight units apiece, arrayed around a pool and tennis courts.

The complex is gated, and requires a remote-control device to enter and leave. Even so, it's not hard to slip in. Six visits there in recent weeks -- morning, evening, midday -- found the condominium unit always empty. "He's never here," said the woman who lives in the condo below Fernandez.

Does he sleep there?

"Not in recent months," she replied.

What kind of man is he?

"Nothing more than 'Buenos días' or 'Buenas tardes,'" she remarked. "He never spoke with anyone in the building. Once a few years ago, he left the water running and it leaked into my house and I had to deal with him about that, and he was perfectly correcto."

Do the neighbors know of his past?

"Someone circulated a newspaper article a few months ago," she recounted, "and that is how we learned something of him."

And how did that make her feel?

"I'm not afraid," she said. "He was always polite."

In the few available, dated photographs of Fernandez, he appears a bit overweight, somewhere between pudgy and hefty. Youthful looks earned him the description "baby-faced" in the Seventies and Eighties, a time when he was occasionally mentioned in the Washington Post or Santiago's El Mercurio.

Fernandez moved to Miami in early 1988, after spending seven months in a federal detention center, punishment for his part in the assassination of Letelier and the "incidental" murder of Ronni Moffitt. Such brief incarceration might suggest his role was inconsequential, but in fact he has admitted to much more: He provided the crucial surveillance that allowed the killers to find their prey.

In August 1976 he had come undercover to Washington using an official Chilean passport in the name of Armando Faundez Lyon. For several days he tailed Letelier, pinpointing his residence (where he lived with his wife, Isabel, and three of their four sons) and his place of work. He identified the car he drove and detailed the exile's routines.

During a meeting at New York's JFK airport on September 9, the day he headed back to Chile, Fernandez passed along this information to his partner, Michael Townley, DINA's top assassin. Townley built the bomb, and on the night of September 19 secured it to the underside of Letelier's car. Then he gave Virgilio Paz the device to detonate it.

In January 1987, after nearly eleven more years of intelligence and military service in Chile, Fernandez returned to the United States -- this time to face long-standing criminal charges in the Letelier case. In lengthy depositions he provided information implicating the head of DINA and his chief of operations in Letelier's assassination, and he worked out a deal with the Justice Department to plead guilty as an accessory to murder.

Why Fernandez abandoned the Chilean army (he called it a "resignation" while Chilean authorities termed it "desertion") only he knows for certain, though he did assert to U.S. District Court Judge Barrington Parker that he'd come back in order "to clear my name." But he also said he believed himself to be "a marked man" in Chile, and feared reprisals from his erstwhile intelligence-service comrades and bosses.

The deal Fernandez struck with the Justice Department has allowed him to live and work in the United States despite his lack of an INS green card. According to his lawyer, the agreement also protects him from being sent back to Chile to face criminal charges there.

As a cabinet member in the toppled administration of Chilean president Salvador Allende, Orlando Letelier, 44 years old at the time of his death, was considered by Gen. Augusto Pinochet to be an enemy of the state. The dictator and his intelligence chief, Gen. Manuel Contreras, decided that several prominent exiles capable of promoting a unified expatriate opposition must be killed.

According to Argentine investigators, Michael Townley, using a car bomb of his own design and manufacture nearly identical to the one employed in Washington, had murdered retired Gen. Carlos Prats and his wife Sofia in Buenos Aires on September 30, 1974. Prats had been Pinochet's predecessor as commander of the Chilean army and was known as a constitutionalist opposed to the overthrow of Allende's democratically elected civilian government. When he made it clear in the months prior to September 1973 that he would not participate in a revolt, he was hounded from his post by mutinous subordinates, including Pinochet, who then led the rebellion. The coup d'état, assisted by the U.S. Central Intelligence Agency and in which Allende died, ushered in a reign of terror in which an estimated 3000 political opponents were murdered.

As early as the Prats assassination, Armando Fernandez Larios was paired with Townley in undercover operations in Chile and abroad. Prats's family, which has been pursuing the case of the slain general and his wife for a decade through the lethargic Argentine judicial system, accuses Fernandez of complicity in the murder and wants him questioned by an Argentine judge.

Townley, a U.S. citizen, was expelled from Chile by executive decree in 1978, delivered in handcuffs to Justice Department officials at the Santiago airport. This offering-up of a scapegoat came only after Washington threatened to break diplomatic relations with Chile over lack of cooperation in the Letelier case.

Townley felt betrayed, which led him to make his own deal with the Justice Department in exchange for testimony against his DINA superiors and the Cuban exiles who assisted in the plot. He served 40 months in jail and is now in the federal witness-protection program living who knows where (Duluth? Tucson?) under who knows what guise (television repairman? school bus driver?). He is a veritable retired jackal, a U.S. citizen who moved with his family (his father was a Ford Motor Co. executive) to Chile at the age of fourteen and blossomed into a gone-native neofascist, an apprentice and eventually expert assassin entrusted with the most sensitive "wet jobs" of exterminating the regime's opponents abroad.

Fernandez, whose nom de guerre was el aguila (the eagle), detonated no bomb and was in Chile the moment Letelier and Ronni Moffitt were killed. But for years he had worked hand-in-hand with Townley. Such deep and enduring complicity would appear to render absurd Fernandez's claim to federal authorities that he was ignorant of DINA's objectives in stalking Pinochet opponents abroad. When el aguila was following Orlando Letelier around Washington in the late summer of 1976, he must have known he was setting up the man for slaughter.

The light slap Fernandez received for this unprecedented act of terror in the heart of the nation's capital remains a subject of debate and speculation. Judge Barrington Parker, who accepted Fernandez's guilty plea in February 1987, rejected the part of the bargain that would have limited jail time to seven years, demanding a free hand to impose the full ten years allowed by law. But he ended up sentencing Fernandez to seven years, with the possibility of release in as little as 27 months. Just five months later, the judge responded favorably to a motion brought by Fernandez's attorneys and ordered him freed. Judge Parker even thanked him for his help in making a case against DINA commanders and praised him for coming forward. (Parker has since died.)

Upon his release Fernandez headed for Miami. In late 1988 he bought his Kendall condominium. A year after that he set up a consulting and import-export business called Fervic Corp. The company is listed in the telephone book, but the person who answers calls to its number -- the same Chilean-accented man who answers calls to Fernandez's home number -- says only that the firm is no longer in business and hangs up when asked about its purpose and past.

It's understandable that a man with Fernandez's history might be leery of people asking questions about his activities, for not all things fade away in a mere quarter-century. Ghosts don't die, and the wives and husbands and siblings and children of ghosts don't forget. Often they don't forgive.

This past March a process server went to the Kendall condominium at dawn and found Fernandez at home. The sleepyheaded former intelligence agent was handed papers informing him he was being sued in Miami federal court because 25 years earlier he is alleged to have taken part in the torture and murder of a young Chilean political prisoner and father of two girls, a leftist economist who, while bound in the back of an army truck, was repeatedly stabbed then thrown along with twelve others into a mass grave where they lay mute, encased in salty desert soil until they were exhumed in 1990, virtually mummified, to accuse their tormentors and executioners.

U.S. District Court Judge Joan Lenard now has before her case No. 99-528, in which four members of Winston Cabello's family -- three siblings and his mother -- allege that Armando Fernandez Larios inflicted upon their brother and son torture, cruel and inhuman punishment, and wrongful death. They are seeking compensatory and punitive damages of an unspecified amount.

Cabello's killing is part of a sensational case in Chile known as la Caravana de la Muerte (the Caravan of Death). It is called a caravan because a delegation of army officers spent several days in October 1973, a month after the Pinochet coup, traveling from jail to jail in the northern Chilean cities of Cauquenes, Copiapo, Calama, La Serena, and Antofagasta to carry out the summary executions of 72 political prisoners. Winston Cabello was one of thirteen slain in Copiapo. No one questions that simple fact at the heart of the case.

On the night of October 16, Cabello and twelve others (mostly leftist functionaries, union officials, and professors) were taken from their cells by army officers working from a list. Two were shot and killed at the garrison. The other eleven, their hands bound behind their backs, were marched past the dead men and loaded into a truck.
A few miles outside town, the truck stopped and the prisoners were ordered to get out. Several did and were shot to death on the moonlit roadside. Others, including Winston Cabello, refused to disembark. So members of the death squad climbed into the truck and slashed and stabbed the uncooperative prisoners with their corvos, crescent-shaped knives that are part of Chilean military tradition, carried in a sheath on a soldier's belt.

The Cabello family's lawsuit alleges that most members of the death squad were drunk, that they had been drinking pisco that evening, and that members of the delegation from Santiago, of which Fernandez has acknowledged he was a part, invited one of the officers from the Copiapo garrison to come with them for una fiesta. According to the lawsuit, "the officer understood that he was being invited to participate in the torture and execution of the thirteen political prisoners selected that evening."

The army delegation sent by Pinochet to the north that October was headed by Gen. Sergio Arellano Stark. He, along with four other members of the team, is currently under house arrest in Santiago awaiting trial by Judge Juan Guzman on charges of kidnapping in the Caravan of Death case. That Arellano and other former military officers have been brought before a civilian judge and indicted on atrocity charges is something that would have been inconceivable even one year ago.

In 1978 the Chilean armed forces dictated for themselves a sweeping amnesty law that provided blanket immunity from prosecution for security-force members. Until this year, nearly a decade after Chile returned to civilian rule, no judge had had the temerity to investigate any of the hundreds of rights-abuse cases that had been piling up and collecting dust.

Then something happened thirteen months ago that altered Chile's political and judicial landscape. Augusto Pinochet, retired dictator, was arrested in London on a warrant from a Spanish judge. After more than a year of legal wrangling, he remains under house arrest, awaiting extradition to Spain for trial on torture charges.

With Pinochet out of the country and civilian rule established firmly enough to be considered unassailable, Judge Guzman took a courageous step forward by indicting 30 military officers on human-rights-abuse charges. This past September he included Armando Fernandez Larios in the Caravan of Death indictment, charging him with nineteen counts of kidnapping.

Human-rights lawyers in Chile say the flurry of indictments was made possible by Pinochet's arrest abroad and a watershed Supreme Court decision this past July. The court ruled that the 1978 armed-forces amnesty was no longer applicable in cases of desaparecidos, so-called disappeared people. Victims whose bodies have not been found may be considered kidnapped, and such unresolved kidnappings are continuing events

beyond the period covered by the amnesty. (None of the nineteen counts pending against Fernandez refers to the murder of Winston Cabello, whose body was exhumed and identified.)

This past October 7 the Chilean Supreme Court approved Judge Guzman's request for Fernandez's extradition from the United States and relayed it to the executive branch for transmission to Washington, which is expected to take place in the coming days. This long-gestating turn of events has made Miami-Dade resident Armando Fernandez a unique figure in the annals of international jurisprudence. In 1978 the U.S. government sought Fernandez's extradition from Chile in the Letelier case. Chile denied the request. Now it is Chile seeking to extradite Fernandez from the United States. According to several Justice Department sources familiar with the Fernandez case, such a convoluted situation is without precedent.

As complicated as that sounds, it is in fact even trickier.

According to attorney Steven W. Davis, part of a team of lawyers from three Miami law firms representing Fernandez, the government of the United States, in making its deal with Fernandez in the Letelier bombing case, promised him he would never be sent back to Chile.

But Shawn Roberts, legal director for the San Francisco-based Center for Justice and Accountability, which represents the Cabello family, argues that promises made to Fernandez in 1987 may not be valid now; much depends on how honest Fernandez was with U.S. officials. "Such a promise would not be binding," she says, "if it's found that Mr. Fernandez was not forthcoming in disclosing his prior actions."

Julie Ferguson, the Cabello family's attorney in Miami, notes that with each passing year, more previously secret U.S. government information regarding Pinochet's coup and its aftermath is coming to light. "For years it was, 'We didn't know this and we didn't know that.' But it turns out we knew a hell of a lot," she says. "In Fernandez's case there may have been questions that were not asked on purpose, a kind of willful blindness."

Current and former federal prosecutors decline to spell out precisely what is contained in the 1987 agreement with Fernandez. Channing Phillips, the assistant U.S. Attorney supervising the still-open Letelier bombing case (charges remain pending against DINA's former top officials), will not comment on the degree of Fernandez's protection. Justice Department spokesman Myron Marlin will only say that the deal with Fernandez is under court seal and that "it speaks for itself."

Fernandez attorney Steven Davis insists that the assurance given his client in 1987 is nothing less than a blanket promise that the former secret agent would not be returned to Chile under any circumstances. "And when the extradition request comes," Davis adds, "we would expect the U.S. to fulfill its commitment to him."

Whatever the outcome of the extradition request, the United States government has made extraordinary concessions to Fernandez that amount to a form of protection, at least against deportation. He lives here under what Davis describes as INS special status. "It's a de facto green card," he explains. "He is authorized to reside and work here." And unlike many other immigrants, he can do so without worrying about his criminal past. Under the harsh terms of a 1996 federal law, thousands of legal immigrants are facing deportation for having committed far less serious crimes. "So what's the deal?" asks Julie Ferguson. "Other people are being deported because they stole a typewriter. And Fernandez gets to stay?"

The Cabello family's suit is founded principally on two federal laws -- the Alien Tort Claims Act and the Torture Victims' Protection Act -- which provide jurisdiction in U.S. courts for human-rights violations committed abroad. The laws allow plaintiffs to seek monetary damages from those they accuse of wrongdoing, though Ferguson is quick to say, "The Cabellos are not in this for financial gain." Winston Cabello's sister, Zita Cabello-Barrueto, does acknowledge that the family would like to see Fernandez suffer financially as further punishment for his alleged crimes, but she says the major motivation for the lawsuit is to augment, by means of a trial, the public record regarding atrocities committed under Pinochet.

That goal would seem to be consistent with a U.S. foreign policy that has changed dramatically in the past two decades, one that now hails the return of civilian governments in Latin America and the resurgence of institutions of representative democracy, such as an independent and vigorous judiciary.

Just last month Secretary of State Madeleine Albright, in response to a British court clearing the way for Pinochet's extradition to Spain, stressed that the United States supports international efforts to achieve justice and "accountability."

That admirable policy could be put to the test, however, should the federal government deny Chile's request to extradite Fernandez. "The presence in the United States of human-rights violators from the Pinochet regime should not be tolerated," declares Shawn Roberts of the Center for Justice and Accountability.

"For 25 years my family has waited for justice to prevail," adds Zita Cabello-Barrueto from her home in San Mateo, California. "This lawsuit against Armando Fernandez Larios is an opportunity not only for my family but also for the international community itself to seek justice."

E. Lawrence Barcella, the assistant U.S. Attorney who prosecuted the Letelier-Moffitt case until 1986, believes Fernandez was trying to make amends by returning to the United States twelve years ago to answer the charges against him. "He didn't have to come," says Barcella, who is now in private practice in Washington, "but he was not pleased about his role. Remorse and guilt were eating away at him."

Regarding prospects for Fernandez's extradition, Barcella notes that Argentina, after it returned to civilian rule in 1983, requested Michael Townley's extradition from the United States to stand trial for the murder of General Prats and his wife. Extradition was denied.

Fernandez himself has nothing new to say about all this. Repeated requests for an interview (in writing to Fernandez, on the phone with the man who answers his numbers, and to his lawyer) were declined. But in a statement filed with federal Judge Joan Lenard this past May, in response to the civil suit, he rejected the Cabello family's allegations. "In January 1987, I resigned from the Chilean military and left Chile to come to the United States to face criminal charges against me," he wrote. "The United States government did not charge me with torture or murder (and I have never committed acts of torture or murder on anyone -- including the plaintiffs' decedent)."

He also wanted to make another thing clear regarding reports in various newspapers over the years and in the lawsuit itself that he entered the U.S. witness-protection program after serving his sentence: "I was never placed into 'custody of the federal government witness-protection program' as alleged.... Custody was offered to me because my actions on behalf of the United States placed me at substantial personal risk. I explicitly refused that offer to enter into that program."

Attorney Steven Davis argues that Fernandez in fact deserves a measure of credit and appreciation. "Just think about what he gave up," he says. "A pensioned position in his homeland, where his family was, to come at substantial personal risk to face jail time and poverty in a country with no family and friends, where he hardly spoke the language." Davis calls the torture and wrongful-death charges "outrageous" and conveys his client's all-encompassing denial of everything -- everything except for the fact that Fernandez did indeed form part of Gen. Sergio Arellano Stark's mission to northern Chile in October 1973. "He was only a 22-year-old second lieutenant," Davis says. "He had no involvement in what happened. He witnessed no executions, didn't participate in executions, and didn't see anyone ordered to be executed."

That pretty much covers what Fernandez (who was actually 24 years old at the time) did not do. But what did he do on the Caravan of Death? "For lack of a better term," Davis responds, "he was basically a gofer." (Maybe he was sent out for pisco?)

Davis further contends that the United States was satisfied Fernandez was not involved in atrocities in Chile. "The Justice Department, of course, did not want to make a deal with a war criminal," he says.

Central to Fernandez's defense in both the Letelier-Moffitt murders and the Caravan of Death case is the proposition that he is a man of conscience, concerned about having a "clean name." But if he was bothered by the hundreds of postcoup killings that were taking place around him, why did he not simply resign his commission and look for other work? What he did instead was to move voluntarily from the regular army into the intelligence force, the very front line of a very "dirty war," as South American officers

called their campaign against leftists. Then he waited eleven years, during which he remained an officer in an egregiously repressive army, to come forward to confess his crime.

Zita Cabello-Barrueto would like to see Fernandez sent back to Chile to stand trial. "Judge Guzman must be allowed to go forward," she says, noting that Fernandez would then face the prospect of incarceration. "That would be much better." Even so, she would not bet on such an outcome: "I'm not very hopeful [about extradition]. I think Fernandez made a good deal for himself."

Orlando Letelier's eldest son, Cristian, another person whose life has been touched by Armando Fernandez, would also like to see him pay a higher price for his crimes. "I've tried to find some benevolence and peace and forgiveness about all this over the years," says the 42-year-old actor and model from his home in Venice, California. He had welcomed Fernandez's decision to come to the United States in 1987. "He had some sincerity," Cristian says. "So I could understand that in some way he should be protected. But the deal should only apply to involvement with my father's assassination, that he can't be sent back to Chile for trial on that. But [la Caravana de la Muerte] is a different case."

Calling Fernandez's brief time in jail for the deaths of his father and Ronni Moffitt "appalling" and "ridiculous," he adds, "After all, he is a murderer, so I'd like for his life to be as difficult as possible."

The Chilean consulate in Miami says Armando Fernandez Larios, unlike nearly all Chilean permanent residents of Miami-Dade County, is not listed in their files. A Chilean passport is good for five years, but Fernandez has not had his renewed. All other inquiries about Fernandez are referred to the Chilean Embassy in Washington, where a functionary says, "We have nothing to do with Sr. Fernandez Larios. All we know about him is what we read in press reports from Santiago."

Steven Davis confirms that Fernandez does not possess a valid document identifying himself as a citizen of Chile. It seems el aguila -- a formerly patriotic military man from a military family (his father was an army general) -- has become a man without a country.

Eleven days before he was killed, Orlando Letelier received word from Santiago that the generals had taken it upon themselves to set legal precedent by revoking his Chilean citizenship. They cited "his ignoble and disloyal attitude" and "his carrying out in foreign lands a publicity campaign aimed at bringing about the political, economic, and cultural isolation of Chile."

Letelier was described by friends and family as initially depressed by the news. But then the presumptuousness of such a thing filled him with righteous anger. And he sat down at the desk in his room at New York's Algonquin Hotel to rewrite a speech he was to deliver that night in the Felt Forum of Madison Square Garden to mark the third anniversary of the coup and resistance to it.

During the speech he noted "the revulsion of the civilized world against the barbaric and brutal violation of all human rights by the Chilean military junta." Then in the middle of the address he paused, changed tone, and said slowly: "Today Pinochet has signed a decree in which it is said that I am deprived of my nationality.... But this action makes me feel more Chilean than ever."

His voice rising, he went on: "I was born a Chilean, I am a Chilean, and I will die a Chilean. They, the fascists, were born traitors, live as traitors, and will be remembered forever as fascist traitors."