

An '82 Slaying Stirs Politics in Brazil

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RIO DE JANEIRO, Oct. 5 — Almost two years before his body was found on a beach near here in late 1982, a magazine publisher noted in his personal papers that "my physical extinction has been decided by the National Information Service," Brazil's main intelligence agency.

But even when newspapers, in February 1983, published excerpts of these documents suggesting a vast network of intrigue involving top army officers, Brazil's military Government succeeded in smothering any investigation.

Once the Government left power this March, however, the cover-up fell apart. An experienced detective was put on the case, a key witness appeared and now a retired general, Newton Cruz, has been charged with killing the publisher, Alexandre von Baumgarten, along with his wife and a boatman who accompanied them on a fishing trip.

Political Waves

Even before General Cruz becomes the first senior member of the former regime to face trial, the Baumgarten case is causing political waves, with senior military officers already pressing Brazil's new civilian Government not to reopen several other cases that are said to involve rightist terrorism.

The case, which coincides with the trial in neighboring Argentina of nine former junta members, has also raised fears in some military circles that the Government may be backing down on its pledge not to permit "retaliation" for the 21 years of military rule here.

So far, though, the Baumgarten case has served to emphasize the differences rather than similarities in the ways that Brazil and Argentina are dealing with their legacies of authoritarian rule. In Argentina the former regime itself is on trial. Here, the objective appears to be simply to clarify specific crimes.

Amnesty in 1979

In Brazil's case, in fact, the military Government itself largely dealt with the past in 1979, six years before it stepped down. In that year, it decreed a general amnesty that covered murders, disappearances and torture committed by security forces, as well as crimes blamed on leftist guerrillas who

were active here between 1969 and 1974.

As a result, even though human rights groups have in recent months publicly identified several police and army officers who reportedly carried out torture a decade or more ago, there has been no demand that they be brought to trial. Some of them remain on active duty in the army.

In contrast, the Baumgarten killings and three much-publicized bombings occurred after the 1979 amnesty. And since press censorship had been lifted by then, these acts of violence became important symbols of the impunity with which military officers were said to have felt free to act. In these cases, public support for an investigation is clear.

For those seeking to avenge past repression of leftists, however, the Baumgarten case is of only limited satisfaction. Rather than combating the regime, Mr. Baumgarten had used his magazine, *O Cruzeiro*, to defend the Government, and he admitted, in sealed documents to be opened in case of his death, that he had collaborated with the country's intelligence services.

In the documents, he also said he had fallen out with key intelligence officers over financing for the magazine and now feared for his life. He specifically said that General Cruz, at the time the No. 2 figure in the National Information Service, had determined that he should die, but he also named many other officers with whom he had dealt.

Early on the morning of Oct. 12, 1982, Mr. Baumgarten and his wife reportedly left a dock in Guanabara Bay in Rio de Janeiro for a fishing trip with the boatman. Mr. Baumgarten's body, with three bullet wounds, washed ashore 13 days later, and two bodies thought to be those of his wife and the boatman were found 50 miles inland from here.

Morocco Treason Charges

RABAT, Morocco, Oct. 5 (AP) — Twenty-two Moslem fundamentalists, nine of them fugitives, have been charged with treason, threatening the internal security of the state and insulting King Hassan II, the Government announced. In a statement Friday, the Government said the trial had been set for Oct. 14 in Marrakech.

The new investigation assumed political significance because the chief detective, Ivan Vasques, believed the Baumgarten dossier pointed to General Cruz as the main suspect, and many longtime opponents of the military regime harbored a special desire to see General Cruz humiliated.

After he left the intelligence agency, General Cruz was appointed military commander for Brasilia and, in this post, came to personify the harshest features of the military regime in the eyes of many Brazilians. Not only did he once strike a journalist on a live television program, but he also twice ordered troops to surround Congress, he threatened several legislators and he personally led an attack on street demonstrators.

Last year, opposition groups came to view him as the main threat to the country's return to democracy, and secret plans were made to forestall a coup. Just two months before the end of military rule, he was relieved of his post as a gesture of good will to the coming civilian Government.

Playing to the Crowd

Such has been the publicity brought to the case by General Cruz's purported involvement that the entire investigation has at times taken on an almost theatrical air, with all the main actors playing to the crowd.

Mr. Vasques, a 61-year-old detective with a penchant for wearing clip-on bow ties and reading Georges Simenon novels, has seemed to share all his secrets with the press. General Cruz has appeared in civilian clothes without bodyguards and has smiled amiably at journalists and photographers.

The most unlikely actor, however, is the chief witness, a 24-year-old dancer and would-be comedian, Claudio Werner Polila, who says he was fishing the night Mr. Baumgarten was kidnapped and saw General Cruz personally supervising the operation. Mr. Polila has told reporters he hopes his new fame will lead to a television career.

The National Information Service has said that General Cruz was on duty in Brasilia on the critical night, but Mr. Vasques has dismissed this evidence. He has also promised to press on with the investigation to determine whether the country's former intelligence director, General Octavio Medeiros, who is still on active duty, was also involved.