

**FROM COUP TO CONSTITUTION:  
REPRESSION, LEGITIMACY, AND HUMAN RIGHTS  
IN PINOCHET'S CHILE (1973-80)**

**by  
NAYEON KIM**

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**From Coup to Constitution:  
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Approved: \_\_\_\_\_

Dr. Reuben Zahler, History

The year 1973 brought General Augusto Pinochet to power through a coup d'état that disrupted and transformed Chilean democracy. This investigation examines the first seven years of junta rule, during which Pinochet adapted various strategies to gain and manage his legitimacy. From 1973 to 1974, he violently repressed dissidents and embraced a discourse of democracy to convince Chileans of his mandate and capacity to protect them from communist takeover. A climate of fear prevailed throughout society, and within two years, organized opposition was either exterminated, exiled, or retreated, which created space for Pinochet to exert his authority. The junta's confronted new pressures in 1975 with the Church Committee investigations and a highly publicized assassination in 1976 that fractured its alliance with the US government. The military regime faced high political costs for its extreme use of force, and Pinochet struggled to defend his right to rule to the international community that condemned his human rights violations. He distanced himself from mass repression and instead prepared the way for a Constitution that would centralize his power, while pushing back on a strained US government to uphold its commitment to their alliance. This narrative explores how Pinochet struggled to maintain international standing when external forces kept his legitimacy in tension and prioritized human rights as a condition for democracy during this era.

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## Introduction

On August 6, 1971 a group of men and women sat down to dinner in the capital of Chile. In attendance was a “[a] mild, friendly, narrow-gauged military man” whose mysteriousness prompted Santiago Station to cable CIA headquarters after the meal.<sup>1</sup> Ironically, it was the “quiet and cautious” man who had attracted the CIA’s attention. He “avoided making comments that would reveal his inner thoughts...he is not a ceremonial figure...clearly enjoyed [the] feeling of being important...person who could possibly be neutralized by conspiratorial group but who would not lead any coup.”<sup>2</sup> Two years later, this mysterious man Augusto Pinochet launched a coup d’état that initiated 17 years of repressive rule and ultimately came to transform the foundations of Chilean democracy. He replaced democratically elected president Salvador Allende with the backing of a military junta composed of the Army, the Air Force, the Navy, and the National Police. United States involvement was critical because its leadership began plotting to intervene in Chile before Allende was ever elected, and before Pinochet himself ever entered their radar. Pinochet owed his ability to overthrow Allende to US executive powers and intelligence, whose covert operations generated the widespread panic throughout Chile that made the coup so opportune.<sup>3</sup>

This investigation argues that Pinochet strategically adjusted the intensity of his repression and changed diplomatic tactics toward the US government in order to manage his power and legitimacy. This study focuses on two periods: 1973-74 and

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<sup>1</sup> Santiago Station was the base with which the CIA communicated in the capital of Chile.

<sup>2</sup> CIA Report, “Dinner with Augusto Pinochet,” August 6, 1971.

<sup>3</sup> This study will refer to the US executive as an umbrella term to include the White House, Department of State, the National Security Council, and the Central Intelligence Agency. Though the last agency functioned separately from the US government, it remained in close contact and received direct authorization from President Richard Nixon during this period.

1975-80. During the first, Pinochet achieved most of his original goals. The peak of Pinochet's violence unfolded during the first two years of his rule (1973-74), during which his secret police forcefully detained, tortured, assassinated, and disappeared mass numbers of political rivals and civilian dissenters. The result was a climate of fear that subdued the majority of society into compliance, silenced organized opposition groups, and exiled tens of thousands. Pinochet largely owed the success of his initial goals to a ready US executive commitment, which quietly sent loads of arms, funding for the military, and intelligence resources for regime consolidation.<sup>4</sup> However, these relational dynamics made Pinochet dependent on a US government that after 1974, was no longer willing to show him open support.

By the second period (1975-80), Pinochet had by and large achieved within Chile the original objectives he had declared upon the coup. However, external dynamics were changing as the world became progressively more aware of the illicit operations and vehemently challenged his authority. Three critical factors that brought negative publicity and created tensions in Pinochet's power were: US Congressional investigations of CIA collaboration with the junta (1975-76), the Chilean intelligence's assassination of Ambassador Orlando Letelier in Washington (1976), and the election of Jimmy Carter as president (1977). Even though Pinochet reduced repression after having marginalized domestic resistance and attempting to appease international censure, these events and processes unrelentingly threatened to delegitimize his right to rule. These turning points unfolded in close succession to the effect of inverting the Cold War equilibrium that had reinforced Pinochet's authority in the earlier period.

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<sup>4</sup> Kornbluh, Peter. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, 2003.

Though the US had helped Pinochet to justify the “temporary” subordination of freedom and human rights to anti-communism immediately after the coup, this was no longer true by the end of the decade. Instead, the US and international critics pushed Pinochet to subject his anti-communism pursuits to freedom and human rights. These new conditions for democratization threatened to delegitimize his government. Pinochet adapted to these developments by shifting his strategies from repressive persecution and elimination of opposition to politicization and institutionalization of his regime. This narrative explores how Western influences and formal international entities reevaluated freedom and human rights, which was detrimental to Pinochet’s ability to persuade the world of his legitimacy.

### **Methodology**

In order to understand how General Pinochet strategized to strengthen his international legitimacy, this study examines his relationship with voices of influence such as diplomatic authorities and Western journalists. This investigation concentrates on Pinochet’s relationships with the US executive, allied governments, non-state actors such as the Organization of American States and the United Nations, and the foreign press. This study analyzes how Pinochet crafted his image in front of foreign entities through discourse, tactics of repression, and manipulation of his alliance with the US.

The claims made in this study derive from a variety of historical documents from both Chile and the US. One important collection of evidence is the National

Security Archives, which set in motion the Chile Documentation Project in 2000.<sup>5</sup>

These US government documents expose the once covert pursuits of the US executive in several countries including Chile, and reveal many of Pinochet's motivations even though most relevant Chilean records remain classified or inaccessible to the public.<sup>6</sup> Though Chilean domestic forces shaped the General's decisions without a doubt, these factors remain beyond the scope of this investigation, because records of internal communications within the junta and information are unavailable to date. This author hopes that future archival research will be able to illuminate these dynamics.

One of the goals of this thesis is to examine the process by which Pinochet attempted to establish his political standing in the world during his first seven years. Some sources that contribute to these understandings are presidential speeches, Chilean government sponsored propaganda, the diary of the army commander who preceded Pinochet, and correspondences between Pinochet and Carter. Another significant source that contains words coming directly from Pinochet are the rare televised interviews that he granted. Foreign journalists, not Chilean, conducted nearly all of the interviews that have been preserved to the present day. As to US public opinion, this study capitalizes on New York Times archives as descriptions of the dialogue that informed the US public opinion. This news source holds historical value, since it resonates values that challenged and conflicted with the US executive's operations abroad.

A final note which the reader should also take into consideration is that the author of this study has personally translated all sources which were originally only

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<sup>5</sup> Since 2000, over 16,000 US government documents on Chile have been declassified. Kornbluh, Peter. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, 2003.

<sup>6</sup> The military still holds records that even the current Chilean government cannot access...and most Chile documents that are publicly accessible are not yet digitized, but remain in the National Library in Santiago.



available in Spanish. This excludes citations from scholars and authors who have conducted translation work themselves.

### **Contribution to the Field**

Much of the scholarly work in the field of Chilean history has concentrated on explaining the effects of the junta's economic decisions and human rights violations on society, but have not yet contextualized it extensively in the realm of international relations. Not only did Pinochet prioritize political stability, social order, and economic growth, but he was also concerned about the legitimacy of his regime in the eyes of Chileans and the international community. Until the release of most US government documents in the 2000s, little evidence was available to measure the significance of US complicity and criticism to the survival of the junta. Chile historians have analyzed how Pinochet's government became destabilized and was eventually voted out near the end of the 1980s. However, scholars have written little on how external pressures undermined Pinochet's regime as early as the mid-1970s, and how he reconfigured the political structures of governance to stay in power. This study therefore analyzes Pinochet's legitimization processes as two distinct eras during this decade in the context of fluctuating international conditions. This investigation attempts to explain the ways human rights as a force pushed and pulled on Pinochet's regime, and induced the General to compromise certain goals and strategies in order to secure his legitimacy.

## Conceptualizing Political Legitimacy

This study makes no normative claims on the notion of legitimacy, but draws on the theory of philosopher Jean Hampton as a helpful framework for understanding the idea of legitimacy pertinent to Pinochet's case in the 1970s. Hampton asserts that political authority "is invented by a group of people who perceive that this kind of special authority is necessary for the collective solution of certain problems of interaction in their territory and whose process of state creation essentially involves designing the content and structure of that authority so that it meets what they take to be their needs."<sup>7</sup> This definition is relevant to Pinochet's regime during this timeframe, because he executed the coup claiming the right to temporarily rule in Chile by promising to "solve" the Marxist problem. He accused Allende of being a tyrant, and subsequently detained, assassinated, and disappeared those whom he accused of having subverted the democratic foundation of Chile. In the second period, Pinochet largely formed his State-building strategies around individual economic rights more than collective rights; however, he continually felt the need to validate his laws and policies as the framework of a legitimate democratic Constitution.

Another aspect of Hampton's notion of legitimacy that is relevant to Pinochet was his posture of entitlement to use coercion. According to the Stanford Encyclopedia of Philosophy:

Her [Hampton's] theory links the authority of the state to its ability to enforce a solution to coordination and cooperation problems. Coercion is the necessary feature that enables the state to provide an effective solution to these problems, and the entitlement to use coercion is what constitutes the authority of the state. The entitlement to use coercion

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<sup>7</sup> Hampton, Jean. *Political Philosophy*. Boulder, Colorado: Westview Press, 1997. 77.

distinguishes such minimally legitimate political authority from a mere use of power.<sup>8</sup>

Pinochet only admitted his use of coercion in the context of constant state of siege or emergency, which he repeatedly enacted through 1980. He never surrendered his discourse that communist forces endangered the societal order, and when questioned for committing excesses, he accused communists – always *armed* – for propelling the country to the verge of civil war. Pinochet's discourse always demonstrated an attitude of protective and loyal regard for democratic law.

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<sup>8</sup> "Political Legitimacy." Stanford Encyclopedia of Philosophy. Stanford University, 2010.

## Historical Background

In 1810, British colonist Bernardo O'Higgins led Chile to achieve independence from Spanish colonial rule. From that point until the 1970s, Chile was a beacon of stability and democracy in the Latin American continent.<sup>9</sup> The US hastened to stamp its influence in Chile as early as 1811 during the War of Independence and the War of the Pacific (1879-1883). As the twentieth century unfolded, Chilean politics developed into a tripolar multi-party system developed to encompass right, center, and left coalitions. These consisted of political parties that were fragmented, but flexible and competitive. Eventually these coalitions consolidated their politics into three identifiable parties, respectively: the National Party, the Christian Democratic Party, and the Popular Unity (UP). However, as the effects of the Cold War infiltrated the country's borders, the parties divided even more sharply along ideological lines.

Revolutionary sentiments had already taken root in the attitudes of politically active citizens before the Chilean situation came to alarm the US government in the sixties.<sup>10</sup> President Richard Nixon observed the events in Chile with the apprehension that Allende's advance toward communism would give hope to Latin American leftist agitators who had been mobilizing with zeal after the Cuban Revolution in 1959. They claimed Allende's victory to be a revolution of a new kind, and Nixon feared that Cuba-style sanctions and embargoes would fail to prevent Chile from converting into a

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<sup>9</sup> The one exception was Carlos Ibañez del Campo, a single dictator who briefly paused Chile's democratic tradition from 1927-1931 and 1952 to 1958.

<sup>10</sup> The Revolutionary Left Movement, a far-left guerilla party, was founded in 1965. The Socialist Party of Chile was notably active in the 1950s in municipal elections. See *The Pinochet File* for further evidence of revolutionary thought preceding Allende's election.

completely and permanently communist State.<sup>11</sup> However, Nixon believed that if he could prevent Chile from becoming “another Cuba,” the US could “throw the blanket” on the Cuba effect of revolutionary fervor in Latin America.<sup>12</sup>

As the 1970 Chilean presidential elections approached, President Nixon recognized that elected communism would endanger the US Cold War campaign against the “militant aggressiveness” of international communism. In his 1960 presidential election campaign, then Vice President Richard Nixon gave a speech entitled *The Meaning of Communism to Americans*:

The question is not one of being for or against communism. The time is long past when any significant number of Americans contend that communism is no particular concern of theirs. Few can still believe that communism is simply a curious and twisted philosophy which happens to appeal to a certain number of zealots but which constitutes no serious threat to the interests or ideals of free society... We recognize that we must retain our present military and economic advantage over the Communist bloc... It would be comforting to believe that the forces of history are working inevitably toward this realization and that we too are cooperating with the inevitable... But we can know that the forces of human life, struggling to realize itself on its highest plane, are working with us and that those forces need our help desperately.<sup>13</sup>

Nixon recognized that the philosophies put forth by leftist activists were sophisticated and appealing to large numbers in free societies. He argued, however, that communism was oppressing many, and contended that when victims of oppression called, the US had to respond.

Contrary to President Nixon’s wishes, communist and socialist sentiments experienced renewal in Chile as the 1970 election approached. In spite of vigorous CIA

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<sup>11</sup> OVAL; March 5, 1971, June 11, 1971; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.

<sup>12</sup> Kornbluh, Peter. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, 2003.

<sup>13</sup> "Nixon: The Meaning Of Communism To Americans." *Watergateinfo*. 21 Aug. 1960. Web. 28 Feb. 2015. <<http://watergate.info/1960/08/21/nixon-the-meaning-of-communism-to-americans.html>>.

efforts to prevent the success of the Popular Unity, Salvador Allende was inaugurated as the new Chilean president on November 4, 1970.<sup>14</sup> He won the election by a slim margin, precisely, 36.6% percent of the popular vote. To the poor, Allende was a symbol of hope. To radicals and revolutionaries, Allende's victory was invigorating, for historically no socialist leader had yet taken up power peacefully and democratically. To the US government, Allende was a cause for panic. President Nixon feared that Spanish-speaking countries in the Southern hemisphere would follow suit in the wake of Castro's victory. He said in an interview, "I remember months before Allende came to power in 1970[,] an Italian businessman came to call on me in the Oval Office and he said, 'If Allende should win the election in Chile, and then you have Castro in Cuba, what you will in effect have in Latin America is a red sandwich, and eventually it will all be red.'"<sup>15</sup> What the Nixon administration most dreaded was the possibility that other regions would likewise choose socialism by their own political determination.

Upon assuming office in Chile, Allende began promoting the radical idea that socialism was compatible with democracy. He set into motion an ambitious project called the *Chilean Path to Socialism* to turn the prevailing regime into a socialist State. He enforced rigorous land redistribution, nationalized copper, and enhanced public service programs such as healthcare and education. Many of Allende's policies mirrored those of Castro, which compounded Nixon's apprehensions that Chile's socialist democracy would not be so democratic after all. Nixon said, "I believe in 'dirty tricks.' I think we've got to do it...if the Russians or the Chinese are in a particular little country trying to screw it up, we can screw it up too...we could have won the Chilean

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<sup>14</sup> See Peter Kornbluh's notes on CIA Track II activity. Kornbluh, Peter. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, 2003, 14.

<sup>15</sup> "Excerpts from Nixon Interview on Chile." *New York Times*, May 26, 1977. Accessed May 15, 2015.

[election].”<sup>16</sup> The key to the dirty tricks was to keep the face of the US government appearing innocent. Kissinger convinced Nixon that the merits of the non-overt course were, as Kornbluh describes, preventing Washington from being discredited among its European and Latin American allies, as well as to serve ““Allende’s purpose of rallying the Chilean people around him in the face of the ‘foreign devil.’”<sup>17</sup>

As Allende’s administration struggled to administer effective policies, Nixon saw that he could make Chile a prime example of the economic disaster that would strike countries that adopted communist orientations and shunned US influence. The hitch was that Allende was “elected legally and constitutionally. Therefore, he [had] legitimacy as far as Chileans and most of the world [was] concerned,” as Kissinger told the National Security Council. “[T]here is nothing we can do to deny him legitimacy or claim he does not have it as a tactic for weakening him. He is unlikely to move things along lines which would permit us easily to marshal international or hemisphere censure of him...We ourselves have traditionally espoused the principles of self-determination...It would therefore be costly for us to act in ways that appear to violate those principles.”<sup>18</sup> Among the subsequent actions authorized by the US government while “maintain[ing] an outwardly correct posture” were: the dumping of US copper holdings on the international market to cripple the copper price, drop Chile’s credit ratings with the Agency for International Development, and collaborate with the World Bank to disqualify Chile for loans in areas such as livestock-improvement.<sup>19</sup> The Nixon

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<sup>16</sup> OVAL; October 8, 1970; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.

<sup>17</sup> Kornbluh, Peter. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. New York: New Press, 2003, 83.

<sup>18</sup> Kornbluh, *The Pinochet File*, 81.

<sup>19</sup> Copper was Chile’s main natural resource. Kissinger said about the proposal to dump copper on the global market: “It could be the most important thing we can do.”

administration's policies aggravated the economic toil that Allende's experimental economic policies initiated. The country's economy spiraled into hyperinflation and foreign investors withdrew and angrily demanded compensation. This disintegration rapidly deepened the social divisions and resentment in Chile.

To enhance the effects of the economic warfare, the CIA served to compound the uncertainty and rancor against Allende. The CIA base in Santiago reported in a cable, "Carnage could be considerable and prolonged, i.e. civil war...You have asked us to provoke chaos in Chile...We provide you with a formula for chaos which is unlikely to be bloodless. To dissimulate the U.S. involvement will be clearly impossible."<sup>20</sup> However, Nixon increasingly convinced himself that his economic attacks on Chile only accelerated the process of economic destabilization, which he asserted would have been inevitable under the Popular Unity government. To justify the effects of his policies, Nixon said, "They brought this on themselves; they're ruining the Chilean economy with their expropriation and everything else. Now, for us to step in a rescue it, means that we are subsidizing, basically, the comunization of Chile."<sup>21</sup> However, the Nixon administration realized that there were limits to its ability to use function covertly for ultimately violent ends. The CIA signaled to Nixon that even if he supported the narrative that the Armed Forces had prevented civil war, it would be difficult to justify, much less hide the backing of preemptive bloodshed.

Throughout the course of these sweeping reforms, Chile's political coalitions opposite the Popular Unity grew increasingly resentful and their antagonisms

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OVAL; November 6, 1970; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.

<sup>20</sup> Kornbluh, *The Pinochet File*, 1.

<sup>21</sup> OVAL; January 20, 1973; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.



exacerbated. Allende identified as an anti-imperialist, so Nixon realized that an ouster would only be legitimate if he could help draw Chile out of such anti-US sentiment. The Nixon administration recognized domestic interest in a coup in Chile, which presented the US an opportunity to redefine qualifications for politics. Nixon knew that dictatorships carried negative connotations, but he justified his endorsement of an authoritarian alternative to Allende's socialist democracy, which he saw as a paradox.<sup>22</sup> On January 20, 1972 President Nixon expressed to Secretary of Defense Melvin R. Laird, "...the fiction is that if a government is based on any kind of military support, that it's, by definition, thereby a bad government. And, of course, the truth is that sometimes it's bad, sometimes it's good. But, if a government is solely civilian, without military – if you look at the numbers and the present statistics – can many times be worse, and also one in which we have no influence. Right?" This rationalization let Nixon justify looking to the Chilean army for a sympathetic military leader who could potentially replace Allende.<sup>23</sup> Ultimately, the Nixon administration's policies were crucial to generating the demoralizing results in Chile that helped the Armed Forces justify an intervention to their country.

The Popular Unity's end came when social strife and desperation made even Allende's supporters doubt whether the fulfillment of socialism in Chile was worth the cost of a failed economy. These tensions kept escalating until they culminated into a dramatic coup that Pinochet led on September 11, 1973. The dramatic violence of the

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<sup>22</sup> Kornbluh, *The Pinochet File*, 81.

<sup>23</sup> The Bureau of Inter-American Affairs argued that in the case that Washington dishonor the democratic process, such audacity would: "Reduce our credibility throughout the world...increase nationalism directed at us...be used by the Allende Government to consolidate its position with the Chilean people and to gain influence in the rest of the hemisphere...and move the Allende Government to seek even closer relations with the USSR than it might have initially contemplated." Ibid., 81.

bombardment of the presidential palace La Moneda and the break with loyalty were shocking developments to Chileans, since Allende had openly trusted General Pinochet.<sup>24</sup> Prats wrote in his diary afterwards about how he had encouraged Allende to appoint Pinochet as commander-in-chief: “President Allende, upon accepting my resignation... asked of my opinion regarding Augusto Pinochet, as a successor for the position of chief commander...if I sustained any doubts regarding Pinochet’s loyalty. My response was: ‘No, President. I don’t have motives to advise you against the designation of General Pinochet as chief commander. I trust that he will know how to support you with the same loyalty that I have.’...” On his fatal day, President Allende chose to commit suicide as an act of defiance that symbolized socialism’s resistance to Western imperial influence. Many Chileans were not surprised at the succession of the coup. Prats wrote regretfully that Pinochet “will remain the great traitor of our history...the coup of the 11th of September has been only the beginning of a great collective tragedy.”<sup>25</sup> Most of the political left regarded Allende’s suicide as martyrdom, while many of the political right interpreted his suicide as surrender or defeat. With Chile waiting in shock and uncertainty, Pinochet presented himself as the savior of Allende’s depraved Chile.

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<sup>24</sup> OVAL; September 21, 1973; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.

<sup>25</sup> Lez, Carlos. *Diario Del General De Ejército Carlos Prats, Ex Comandante En Jefe Del Ejército Chileno*. Buenos Aires: Editorial Fundamentos, 1984, 135.

### **Era of Confrontation (1973-1974)**

As soon as General Pinochet addressed the Chilean citizenry, he forewarned the people that a civil war was imminent, and would erupt should no authoritative force step forward to quell the disorder around Allende's fallen regime. One group that represented this threat was the Revolutionary Left Movement. The party was a child of the New Left phenomenon that swept through Latin America and became radicalized under the leadership of Miguel Enríquez. Its militarism and loyalty to the Marxist-Leninist model made the center and right coalitions feel that their power was threatened. Enríquez led the clandestine rebellion that spearheaded the popular resistance movement against General Pinochet, and thereby furthered his argument that there was a valid threat to peace and order in Chile.

The coup was a miracle to some Chileans, and a tragedy to others. In order for Pinochet to meet his objectives of returning order to the country, he employed repressive tactics that prevented rebels from precipitating a domestic hot war. Pinochet adopted a defensive posture of national security and projected it out towards the Chilean populace in order to justify the repression that he knew would inevitably generate controversy. He sought to make his regime Chile's symbol of hope, as he promised to found a new economy and a new democracy.

The populace that received Pinochet's junta was disillusioned with the previous administration, but suspicious of the new one. Pinochet had to prove that his purpose was worth having violated the Constitution. One of the ways he attempted to do this was by invalidating Allende and the effects of his policies. His regime would have more political leverage if he won over the left, but he took little time concluding that those

who demonstrated the most resistance would have to be weeded out through repression. Violence, after all, had to be justified. The utilitarian explanation would be that he made claims on the liberties of citizens who were interfering with his goals to accomplish peace, the restoration of democracy, and fight a menacing ideology. The evolution of his regime throughout the seventies demonstrates changes in the limits and conditions by which Pinochet was able to justify the use of force.

General Pinochet commenced by portraying his regime as the guardian of a democracy that was under attack, asserting that opposing forces had to be met with force. The US government had likewise established its identity as the worldwide protector of democracy, and it lent Pinochet this prerogative. The agendas of the two administrations coincided particularly neatly upon the objective of eradicating Marxist, communist, and socialist influences in Chile.<sup>26</sup> In October 1971, Nixon spoke to Secretary of the Treasury John Connally:

...domestically the American people very much want the United States to stand up for its interests around the world. Second, the American people are fed to the teeth with international institutions, too; with multilateral organizations; political organizations like the U.N...third, the American people not only want us to take, but follow policies that keep us from getting kicked around, policies that will look after our selfish interests as against other countries. All of them maintain – are looking after their selfish interests as against us.<sup>27</sup>

This statement demonstrated the US government's administration's top-down disposition that convinced Nixon to vindicate Pinochet. Such a mentality of political prerogative served to legitimize Pinochet's authority, and more controversially, his

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<sup>26</sup> This investigation will refer to this combination as "leftist" influences for the purposes of this thesis. The political activists that Pinochet persecuted came from a wide range of left-leaning views, some pro-Cuba and anti-Soviet, others vice versa, and many political stances between. Furthermore, Pinochet targeted people more selectively than arbitrarily, but his fear tactics were particularly effective because he included among his victims anybody who hinted the possibility of being a sympathizer.

<sup>27</sup> OVAL; October 26, 1971 ; White House Tapes; Richard Nixon Presidential Library and Museum, Yorba Linda, California.

methods.<sup>28</sup> This initial boost of legitimacy in the context of the Cold War was critical to protecting Pinochet's regime from external interferences during its early stages.

When US newspapers picked up the drama of the Chilean coup, they framed Pinochet as a *de facto* illegitimate ruler, who had much to prove if he was going to justify his intervention. New York Times headlines during his first two years read: *'Supersecret' Work of the CIA is scored, A Coup Aborted but a Democracy Dead, 1973 Politico Hardly Word for Chile Junta Chief, US Expected Chile Coup but Decided not to Act*, and *The Costs of Peace Run High*. The Los Angeles Times published articles with headlines that read: *10,000 Alien 'Extremists' in Chile Necessitated Coup - Junta Says, The Real Tragedy of the Downfall of Allende, 'No Deals with Traitors' - Chilean Leader Purportedly Replied to Coup Chief's Offer, Chile Fears Disorder More than Dictator Pinochet*, and *Chile: Moral and Political Blindness*. After the regime's first years, the US government could not prove to offer enough legitimacy to cover for Pinochet's practices. Eventually, public disapproval in the US citizenry joined with worldwide indignation and became a force that required the Chilean junta to seriously consider the implications of its methods.

## **Goals**

General Pinochet's immediate call of duty was to return a sense of calm to the streets of Santiago and other cities. As future president Patricio Aylwin described in an interview in 1973, Allende provoked a widespread feeling of desperation in the Chilean populace. Patricio Guzmán's documentary *The Battle of Chile* displayed riots and

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<sup>28</sup> Some political scientists refer to this vindictory language as "whitewashing." This describes the tendency of some leaders to help others conceal their faults, downplay the unacceptability of their methods, or cover for each other's mistakes.

chaotic protests during the end of Allende's administration.<sup>29</sup> Police would clash with large groups of laborers on strike, and the discord heightened to alarming proportions. Pinochet recognized that there was much to gain and little to lose by making society feel at peace again. Reviving the economy would help to naturally straighten out the upheavals, at the least in that people would not have to quarrel for bread and wait in long lines for essential food items.

Finally, Pinochet's dramatic entrance naturally placed him in the international limelight, and the regime needed to secure new alliances. However self-motivated Nixon's support was, Pinochet still felt the pressure of establishing a position on the world political stage. Pinochet recognized that he could attract foreign investment by restoring relationships with the foreign multinational corporations that Allende had expelled. To foreign reporters, Pinochet described authoritarian democracy as the necessary solution to the problem of communism.<sup>30</sup> To Pinochet, an authoritarian democracy was neither a defective democracy nor a defective authoritarian regime. Pinochet portrayed Chile's case as unique, this new type of regime that he called an "authoritarian democracy." Pinochet described his conviction of the ideal design of a State, explaining:

Let me tell you the three fundamental elements of the State. The individual, the collectivity...and the government - these must interact in a harmonious balance. When the collectivity is transformed so that it is above the government and the individual, that is the design of a dictatorship of the proletariat. We are looking for a balance, [in which] man has freedom, the freedom to think, freedom to act, economic freedom. For that, it is necessary for a government to *give* this freedom, to represent it, and that government must be authoritarian, solid, which prevents Marxist penetration...which is *not* dictatorship, but a

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<sup>29</sup> *The Battle of Chile*. Directed by Patricio Guzmán. First Run/Icarus Films, 1976. DVD.

<sup>30</sup> Pinochet, Augusto. "Pinochet sobre la Democracia Cristiana y la UP." Youtube. November 3, 2010. <https://www.youtube.com/watch?v=P9tbI1NIBIY>.

democracy...with an organism to care for him, to maintain that freedom, that will not let that freedom degenerate.<sup>31</sup>

Pinochet was prepared to temporarily suspend the civic and political rights of Chileans for the sake of stronger liberties, and to suspend the right to self-determination for opportunities for self-development, or economic rights. Pinochet identified positive freedoms as those that functioned in reciprocal relations, elevating the government to elevate the collectivity and the individual too. The key was that individuals manage their lives *within* the State, and the government could access one of the few freedoms it needed to have, which was to manage the Marxist problem.

### **Strategies**

As early as the 1950s, the US formulated a Program for Economic Development called *el ladrillo* ("the brick"). Pinochet welcomed the project and its many advisors, who came to be known as the Chicago Boys, to guide his economic policies. Milton Friedman is credited with the authorship of the economic project, and told the NY Times, "The likelihood that the junta will be or can be temporary and that it will be possible to restore democracy hinges critically on the success of the regime in improving the economic situation."<sup>32</sup> Pinochet implemented free market reforms that stabilized the inflation that had gotten wildly out of control, expanded trade relations,

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<sup>31</sup> Pinochet, Augusto. "Pinochet sobre la Democracia Cristiana y la UP." Youtube. November 3, 2010. <https://www.youtube.com/watch?v=P9tbI1NIBIY>.

<sup>32</sup> Crittenden, Ann. "Loans From Abroad Flow to Chile's Rightist Junta." New York Times, February 20, 1976. Accessed May 15, 2015.

and privatized the state enterprises that had caused so much conflict between business owners and the UP.<sup>33</sup>

International lending bodies also became involved, and the International Monetary Fund, the World Bank, and the Inter-American Development Bank resumed the loans that they had discontinued when Allende had been in office. Pinochet's liberalization, privatization, and deregulation measures produced positive results as well as popularity with the middle class. While Nixon actively attacked Allende's economy, Pinochet's economy experienced a flush of renewed US investment, and the military in particular was not wanting in support. Historian Jeremi Suri writes, "Instead of deploying half a million soldiers to Southeast Asia, Washington now sent bags of cash and caches of weapons to Augusto Pinochet and his third-world counterparts. Pinochet used these American-provided resources to conduct a domestic reign of terror."<sup>34</sup> Pinochet rationalized that a free economy would create a free society in which Chileans found security in economic stability, satisfaction in access to goods, and hope in the potential to be entrepreneurs, not just a proletariat.<sup>35</sup>

The actual economic crisis made Pinochet's rescue mission narrative more compelling, but Pinochet did not want to depend on economic intervention alone to win hearts and minds. Another strategy that was key to Pinochet's effort to gain legitimacy was the co-optation of the judiciary. This was facilitated by the polarization from the

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<sup>33</sup> Allende confiscated and expropriated the properties of many companies in Chile. His failure to offer proportional confiscation caused rancor and frustration.

<sup>34</sup> Suri, Jeremi. *Henry Kissinger and the American Century*. Cambridge, Mass.: Belknap of Harvard UP, 2007, 272.

<sup>35</sup> Pinochet used such market-oriented rhetoric to reinforce his economic vision for Chilean society. Fernando Ardilla writes, "His central idea was to promote the development of a less protected market, according to his words 'to make of Chile not a nation of proletariats, but a nation of entrepreneurs.'" Ardila, Fernando. *Santos, Héroes Y Sátiros: "entre Más Cerca De La Fe, Más Lejos De Sus Mandamientos"* Bogotá, Colombia: Fundación Propuesta De Paz, Centro De Estudios Políticos E Investigaciones Históricas, 2007.



Allende period, which had greatly embittered the Supreme Court. Economics scholar Edward Snyder explains, “The great ideological divide which was splintering the nation also affected the Chilean judiciary...Chilean judges were offended by Allende who, they claimed, openly flouted legal procedures and abused executive authority in his drive to build socialism...The Supreme Court became the target of severe and disparaging criticism from UP officials.”<sup>36</sup> Allende’s party perceived the judiciary to be conservative, which obstructed the capabilities of Popular Unity politicians to implement their left-oriented policies. Correspondingly, Allende’s party resorted to extralegal measures that left the judiciary feeling invalidated.

The judiciary had deemed illegitimate the socialist ideology that Allende used to legitimize his radical reforms, which they considered to defy national political tradition. When Pinochet took power, he invited judges to individually decide whether they would stay or go. The day after the coup, the judges put the weight of their authority behind Decree No. 5, which Pinochet issued to relay that the state of siege was essentially a state of internal war. Pinochet proceeded to identify dissidents whom the courts punished as traitors and political criminals.<sup>37</sup>

American human rights lawyer Reed Brody affirms the claim that Pinochet found he did not have to coerce judges much at all. Brody writes, “[Pinochet’s] regime got an immediate endorsement from the Supreme Court...[which] in an official statement on September 13, 1973, expressed its ‘most intimate pleasure’...with the

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<sup>36</sup> Snyder, Edward. "The Dirty Legal War: Human Rights and the Rule of Law in Chile 1973-1995," *Tulsa Journal of Comparative and International Law* (1995).

<sup>37</sup> Hilbink. *Judges beyond Politics*, 108.

military regime's attitude toward the judiciary."<sup>38</sup> Many of the judges recognized in Pinochet a staunch commitment to "law and order," which would reinstate judicial authority. Furthermore, his recognition of the power of their alliance would vindicate them from the Popular Unity's identification of them as impediments to political projects. Political scientist Lisa Hilbink writes, "...after the 1973 military coup even judges personally at odds with the laws and practices of the military regime were professionally unwilling or unable to defend liberal democratic principles and practices. Publicly challenging the validity of the regime's laws and policies in the name of liberal-democratic values and principles was viewed as unprofessional 'political' behavior, which threatened the integrity of the judiciary and the rule of law."<sup>39</sup> With such an ally, Pinochet found he could use longstanding institutional frameworks and legal authorities to reinforce the urgency of the crisis and the country's need for an intervention.

For the majority of the populace, repression was not so directly violent, but rather extensively stifling of the rights and freedoms they had previously enjoyed. Pinochet banned labor unions, suspended political parties, highly restricted freedom of the press, and reinforced the seriousness of the "war" by detaining Chileans by the thousands. Meanwhile, torture and disappearances were vital to Pinochet's ability to create an atmosphere of terror. This widespread terror, in turn, allowed Pinochet to transfer the terror that his security forces imposed to convince the populace that it was the leftist insurgents who were to fear. The agenda of combatting leftist radicals was

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<sup>38</sup> Brody, Reed. *The Pinochet Papers: The Case of Augusto Pinochet in Spain and Britain*. (The Hague: Kluwer Law International, 2000), 212.

<sup>39</sup> Hilbink, Lisa. *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. (New York: Cambridge UP, 2007), 6-7.

fundamental to Pinochet's ability to establish legitimacy during the first two years of rule, when repression was highest.

In her book *Fear in Chile*, Chilean journalist Patricia Politzer writes about a man named Manuel Bustos Huerto, who asserted in his testimony that he had been wrongly taken hostage by the Armed Forces. He was a Christian Democrat who had in fact been opposed to the UP. He expressed, "The two times that they called me to interrogate me, I asked them why they had me there, and both times the answer was the same: 'For being an asshole.' ...We had no explanation for the violence that we saw."<sup>40</sup> An "asshole" could defame Pinochet, but the question was whether an "asshole" could destabilize Pinochet. Whether or not the National Intelligence Directorate's (DINA) victims were rightly or wrongly identified, the reality was that Pinochet needed to extinguish domestic opposition forces, because too many Chileans still regarded Allende's death as a loss and Pinochet's not as gain or opportunity. Bustos Huerto describes his experience on his way out of the National Stadium: "At the gate, they stopped us and made us sign a document stating that we had been well treated...the official shook hands with each of us, saying: 'If any of you have had any problems, you'll have to pardon us because this is all to save Chile. In the confusion, some things may have happened for which we, as soldiers, ask you, as Chileans, to pardon us.'"<sup>41</sup> Though such apologies were rare and probably scripted to not make more enemies, the important point was Pinochet's tendency to represent himself as a savior.

Regarding the capabilities of his regime to solve Chile's most urgent problems, Pinochet claimed he had "normalized" society when he had stamped out protest from

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<sup>40</sup> Politzer, Patricia. *Fear in Chile: Lives under Pinochet*. New York: Pantheon Books, 1989, 181.

<sup>41</sup> Politzer, *Fear in Chile*, 182.

the streets and revived the damaged economy. Nevertheless, he maintained the state of siege to warn Chileans that leftist subversives were necessarily antagonistic to his regime. Because of them, he argued, he could not normalize *political* life in Chile, yet. Unity building was a difficult task for many Chileans who anxiously learned of the tragic fates of their neighbors, colleagues, and friends. The General knew he forced danger upon Chileans who braved the secret police to defend each other, much less blame the government, for fear of association. It was far safer to pretend not to notice or depoliticize their behavior and remain silent. "If there exists blame," Pinochet spoke in reference to the late president, "it lies upon those whose attitudes conflict with the Constitution and our laws, disregard their duties as head of state, attempt to produce internal chaos."<sup>42</sup> Constitutionalism was a uniting conviction, but if Chileans chose out of this identity, the junta could point to them as people who wanted to delegitimize the Constitution.

Where moral persuasion failed to convince citizens that the military junta was formed for Chile's best interest, Pinochet turned to propagandistic strategies for extra impact. The year of the coup, the Secretary General of Chile authorized historian Gonzalo Vial Correa and Admiral Patricio Carjaval to fabricate a fictitious "Plan Z" within the book *The White Book of the Change of Government in Chile*. The book was chock full of disinformation that aimed to expose unlawful undertakings of Allende to execute an *autogolpe*.<sup>43</sup> The purpose of the book was to discredit the Allende government and justify the coup d'état as a rescue mission for an imploding society and a preemptive defense against an ostensible self-coup. *The White Book* framed Allende

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<sup>42</sup> Pinochet, Augusto. "A un mes de la constitución de la junta de gobierno." Lecture., Santiago, October 11, 1973.

<sup>43</sup> *Autogolpe* means self-coup in English.

as a two-timing politician who valued his ideological agenda above national ideals, and who would sacrifice many Chilean lives for the sake of a communist triumph.<sup>44</sup> The authors implied such treacherous ambitions to be inherently anti-Chilean. Pinochet knew that such defamation would make the left coalition extremely vulnerable to the growing indignation of its right-wing counterpart. In an interview conducted just a couple days after the coup, Pinochet said to a French journalist, “You know that in the Moneda [presidential palace] there were machine guns and Russian tanks...Either they had to surrender, or if not, we had to act, because they were going to attack us.”<sup>45</sup> However, according to Patricio Guzmán’s famed documentary *La batalla de Chile: El golpe de Estado*, no such stockpile of weapons existed that anyone could trace to Allende.<sup>46</sup>

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<sup>44</sup> A Senate Committee reported on the *White Book* in 1975, “A ‘scare campaign,’ using many of the same themes as the 1964 presidential election program, equated an Allende victory with violence and Stalinist repression...two CIA collaborators assisted the Junta in preparing a *White Book of the Change of Government in Chile*. The *White Book* published by the Junta shortly after the coup, was written to justify the overthrow of Allende. It was distributed widely both in Washington and in other foreign capitals.” US Senate Select Committee on Intelligence, *Select Committee to Study Governmental Operations with Respect to Intelligence Activities: “Church Committee,”* 1975-76, <http://www.intelligence.senate.gov/churchcommittee.html>.

<sup>45</sup> Pinochet, Augusto. “1974 – Augusto Pinochet concede entrevista – Chile.” Youtube. September 22, 2009. <https://www.youtube.com/watch?v=3PmP--OGPOM>.

<sup>46</sup> General Carlos Prats wrote in his diary, “The supposed ‘Plan Z’ is just ridiculous, because it is militarily impossible, besides the absolute absurdity that the political leaders of the Popular Unity would have designed this type of a plan. Therefore, ‘Plan Z’ can be nothing but a resource, an invention, intended to legitimize from a moralistic point of view the pronouncement of Armed Forces against constitutionality, and oriented in practice principally to assure the unity of the Armed Forces in the execution of orders from the Higher Mandate leading the coup. This ‘Plan Z’ invention is even more absurd for those of us who know from up-close the efforts of President Allende...to obtain successful dialogues with the Christian Democrats and to seek a solution to the crisis through a plebiscite.” Lez, Carlos. *Diario Del General De Ejército Carlos Prats, Ex Comandante En Jefe Del Ejército Chileno*. Buenos Aires: Editorial Fundamentos, (1984), 44.

## Results

### Domestic

“Complete success,” General Pinochet said in an interview when an American journalist asked him to evaluate the success of the junta in 1974. Hardly one year after the coup, General Pinochet felt satisfied that his government had capably normalized society and resolved the inflation that Allende had caused. Chileans yearned for certainty, stability, and security in their futures. Foreign investors had responded favorably to Pinochet’s invitation to participate in Chile’s market, and the general managed the economy with efficiency that had been sorely absent under Allende.

As the economy began to prosper, Pinochet appeared to gain more favor with the sectors of society that had experienced the greatest losses under Allende’s administration. The Canadian Embassy in Chile recognized the apparently high rates of approval that a 1975 Gallup poll revealed. The report stated, “The President comes out well on the survey in receiving the following marks: tries to help everyone: 76%; is practical: 68%; is sincere: 74%; is serious and prudent: 64%. Significantly and not surprisingly, by an overwhelming majority of 87%, the people interviewed pointed to the economic situation as the most serious concerns faced by Chileans. Problems of jobs and housing far dominated people’s desires for solution of a top priority by Government.”<sup>47</sup> Only two years after the coup, General Pinochet already appeared to have won more or less three-quarters of the population’s hearts and minds.<sup>48</sup> The general gave Chileans the certainty of less political and civil rights, in exchange for the

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<sup>47</sup> Canadian Embassy, “*Gallup Poll - Chile*,” April 15, 1975.

<sup>48</sup> It is important to take into account that at this time, most of the population must have feared speaking negatively about the president, since few open criticisms went unpunished.

stability of wider economic rights and opportunities, built into a sense of guaranteed security.

Not far from the Marxist subversives, in Pinochet's line of vision, were the Christian Democrats, who Pinochet distrusted for having willingly conspired with "dictatorial" Allende.<sup>49</sup> In an interview with a Spanish journalist, Pinochet said:

The Christian Democrats believed that the revolution of September 11th had unfolded for them. They wanted us to stop the processes we started, clean the house, and then hand it all over to the Christian Democrats, forgetting that they hold blame for allowing Marxism-Leninism to come to power. They could have detained them in the senate...they wanted to tell the Armed Forces, 'conform,' because they had an agreement with Mr. Allende, and they brought him to power. They signed a series of documents that referred to the Constitution, which Mr. Allende did not respect at any moment of his presidency. They knew that.<sup>50</sup>

Pinochet attempted to extend the longevity of his government by transforming the original panic framework into a prevention framework, communicating to the people that they needed the Armed Forces to be on its guard on their behalf.

The peak of repression was the immediate aftermath of the coup, but the Armed Forces were quick to reestablish order on the city streets and wipe out Pinochet's opposition. The National Commission for Truth and Reconciliation Report categorized into different types of gross human rights violations (GHRV): extrajudicial executions, undue use of force, abuse of power, torture, disappearance, political violence, and non-classified violations.<sup>51</sup> The report records the annual GHRV numbers to be 1,264 cases

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<sup>49</sup> Pinochet, Augusto. "Entrevista al Gral. Augusto Pinochet en 1973." Youtube. December 29, 2006. [https://www.youtube.com/watch?v=TzVKE\\_uo5fQ](https://www.youtube.com/watch?v=TzVKE_uo5fQ).

<sup>50</sup> This interview does not have a broadcast date attached to the video; however, it is worth noting that this rhetoric continued even through 1977. That year, the NY Times wrote, "President Pinochet's [Bífo-Bífo] speech contained one of his typical attacks against politicians of all Chile's parties, whom he blames for the rise to power of the late President Allende...He plays the role of the 'antipolitician' with a gusto worthy of a campaigning politician." (Aug. 25, 1977) "Head of Chilean Junta..."

<sup>51</sup> Report of the Chilean National Commission on Truth and Reconciliation. Santiago, 1991.

in 1973 and 338 in 1974. These repressive measures dropped even lower to 132 cases in 1975 as less dissidents remained, and those remaining were less able to muster the capabilities to fight the Armed Forces. German Scholar Wolfgang S. Heinz and Chilean researcher Hugo Fruhling write, “Changes in the political affiliation of those who disappeared show that this method responded to a pre-conceived [sic] policy: during 1974 and the first months of 1975, a great percentage of the victims were members of the MIR. Until the first half of 1975, this method was applied to members of the Socialist Party. Afterwards, the main target group becomes the Communist Party.”<sup>52</sup> Indeed, 17.8% of GHRV victims belonged to the MIR, 17.6% belonged to the Socialist Party, and 16.1% belonged to the Communist Party.

As Pinochet killed off and demoralized Chile’s most important organized opposition groups, the chaos of the country quieted down and the people learned what *not* to do if they wanted to stay safe. With a semblance of peace present, Pinochet’s claim to apolitical rule was losing momentum as a compelling narrative. Now his problem was not *how* to maneuver repression within Chile, but what to do when his next immediate task was to convince the rest of the citizenry that his power was beneficial, even imperative, to the country. Several foreign journalists who interviewed Pinochet inquired as to when, or if, he would hand over power to civilian politicians. He responded impatiently to one such Spanish journalist’s query saying, “The military government never had the intention to turn power over to the Christian Democrats, because that would be...going backwards. [You would be asking us to] trust a dictatorship of the proletariat, the one towards which Allende was on the way. Hence, a

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<sup>52</sup> Heinz, Wolfgang, and Hugo Fruhling. *Determinants of Gross Human Rights Violations by State and State Sponsored Actors in Brazil, Uruguay, Chile and Argentina*. Cambridge: Martinus Nijhoff Publishers, 1999.



no, a clear no, to the Christian Democrats...they have not even had the patriotic bravery to manage the situation...political parties...have often tried to distort [my intentions].”<sup>53</sup>

At the time of the coup, many Chileans justified Pinochet for pacifying their undisciplined political counterparts. However, when Pinochet’s government had effectively restored law and order, more and more Chileans deemed his repression to be “excessive.” Chileans increasingly wanted to move on from having an apolitical military leader to a civilian politician, but Pinochet did not envision himself to be just “the interim president.” Pinochet’s problem grew to be that as he achieved his government’s purpose of normalization, it became harder to convince Chileans that they still needed him.

#### United States

President Nixon and National Security Advisor Kissinger demonstrated little alarm when news of the brutality of Chilean repression reached the White House during Pinochet’s first years. Kissinger had been negotiating with Pinochet with the certainty that Pinochet would not act to the degradation of the US image. Though repression was not politically conducive to the cause of democracy, repression was a common reality in the Cold War, and both administrations proceeded knowing that the anti-communist world still, thus far, supported ideological competition more intensely than it did democracy and human rights. The British Embassy at Santiago document demonstrated this political confidence:

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<sup>53</sup> Pinochet, Augusto. "Pinochet sobre la Democracia Cristiana y la UP." Youtube. November 3, 2010.

The fact is that, however critical Congress and American public opinion may be about the Chilean military regime, the United States Embassy here seem to be keeping their heads down and quietly strengthening their position. On general political and strategic grounds, I imagine that the State Department take [sic] the view that there is a heavy balance of advantage to them in the survival of the Chilean regime; while United States economic and business interests, which suffered so heavily under the Allende Administration, clearly have much to gain from the new order. For the Americans, the snag in all this is Chile's bad international image...while the Americans are keeping out of the limelight, they are working quite effectively in the background to further their interests and influence in Chile.<sup>54</sup>

As the disconnect that had kept the US public uninformed grew to become an awareness filled with outcry, Chile's bad image resulted to be more than a snag for the Nixon administration.

In 1975, Senator Frank Church of Idaho established a committee to "study governmental operations with respect to intelligence activities."<sup>55</sup> NY Times journalist Seymour Hersh had been delving deep into the intelligence agency's covert activities and publishing information since the previous year, and Congress was outraged that its authority had been omitted from the Chile decision-making processes. As a result, President Gerald Ford issued an executive order that banned executives from supporting assassinations of foreign leaders.<sup>56</sup> Tensions erupted within the US government between those who claimed the CIA's activities had been legitimate, while others denounced them as outside of the rules of sovereignty and acceptable political conduct. Different sectors of the government felt their power threatened, and it became more risky and discreditable for world leaders to openly back Pinochet. As the US drew back aid,

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<sup>54</sup> British Embassy at Santiago, "US-Chile Relations," June 12, 1974.

<sup>55</sup> US Senate Select Committee on Intelligence, *Select Committee to Study Governmental Operations with Respect to Intelligence Activities: "Church Committee,"* 1975-76, <http://www.intelligence.senate.gov/churchcommittee.html>.

<sup>56</sup> White House. Ford, President Gerald. Executive Order 12333.

Pinochet came to see the flip side of the double-edged sword that was US support. The power of the US executive that first helped Pinochet repress Chileans was now causing him to pull back from acting as if he held proportionate executive power.

## International

As early as September 28 the year of the coup, the CIA Directorate of Operations reported that “the military Junta was deeply concerned over the unfavorable image it feels it has developed, that especially internationally, but also domestically, the military government has the image of being ‘bloody and repressive.’ [Omitted] The Junta recognized it had made mistakes in its initial conduct and was willing to take measures to correct them and to improve its image.”<sup>57</sup> However, Pinochet’s concern in this case arose because because low-ranking and working class Chileans expressed alarm at the mutilated cadavers of former UP members that had appeared in Santiago’s Mapocho River. The fear that this discovery effected grew into fruit ripe for picking by discontent revolutionaries in the rest of Latin America who sought to rekindle Chile’s dissident minority that the NY Times described as “cowed, silent and pessimistic.”<sup>58</sup>

Dramatic stories such as these reached American ears up north, which was in these first two years reading NY Times stories named “I.T.T. & C.I.A. A Little Plot for Chile?”, “A Low-Level Memoir of the Nixon White House,” “C.I.A. Said to Have Asked Funds for Chile Rightists in ‘73” and “CIA Role in Chile Cited by Kissinger.”<sup>59</sup> Shortly after Ford replaced Nixon as president, the Church Committee investigations

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<sup>57</sup> Central Intelligence Agency Report, “Chilean Junta’s International Image,” September 28, 1973.

<sup>58</sup> De Onis, Juan. " Chile Four Months Later: Leftists Falling Into Line " New York Times, January 28, 1974. Accessed May 15, 2015.

<sup>59</sup> *New York Times* Archives.

publicized these activities and irreparably associated American intelligence with Chilean intelligence's extreme violence. Right-wing Chilean newspaper *El Mercurio* published a Gallup poll on August 8, 1975, to which both the US and Chile took care to pay attention. NSA document 01278 recorded the following regarding foreign perceptions of Chile:

The Gallup Poll prefaces its statistics by stating that an average of 41% of the foreigners canvassed in 16 countries was unaware whether Chile was governed by an elected President or a Military Junta. Once this degree of widespread ignorance was established to the detriment and injury of Chilean national pride, the survey goes on to note...

- 54% of foreigners interviewed thought of Chile as 'dictatorial'
- 11% as 'democratic';
- 42% as 'unstable'; 17% as 'peaceful';
- 45% as 'cruel'; 13% as 'benevolent';
- 43% as 'unjust'; 14% as 'just';
- 38% as 'backwards'; 22% as 'progressive'
- In a list of South American countries ranked progressively in terms of 'least freedom', the survey reports Chile was found evaluated [sic] consistently at the top of the list.<sup>60</sup>

What is noteworthy about the Ford Administration's perception of this poll is that it distorted the facts to ends that were once more self-victimizing. The creators of this US document accuse foreigners of fooling themselves out of ignorance and into misinterpretation of the facts. The document called Pinochet "elected," a false portrayal, and secondly accused the world of injuring Chile's national dignity through demeaning judgments. Pinochet responded defensively, as represented in an editorial that the dominant pro-junta newspaper El Mercurio wrote. The Canadian Embassy described it as having "philosophically accepted Chile's unpopularity abroad as a rude indication of the degree of success which communist publicity has had in perverting international opinion against Chile. The editorial noted that little else could be expected with the

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<sup>60</sup> Canadian Embassy, "Second Gallup Poll," August 8, 1975.

weighting of the propaganda scales against the scanty international resources of a country whose dual inheritance from the Marxists was economic bankruptcy and social chaos.”<sup>61</sup>

Pinochet acknowledged that the junta had accomplished its immediate goals, but he responded to people inside and outside of Chile who questioned his timeframe with the warning that Marxists remained who were simply waiting in hiding, armed and committed to violence. They planned to subvert the social order, but Pinochet promised he would preside as long as it took to fight them off. An American journalist asked Pinochet in 1974, “Can you predict when the power will be returned to the people of Chile?” Pinochet responded, “That is a question that everybody asks, *señorita*...but we cannot restrict ourselves to terms or time limits. Only objectives.” However ambiguous Pinochet’s justification, he was aware that in 1974, 72.6% of the General Assembly of the United Nations condemned the human rights situation in Chile, and in 1975, 73.6% of voting nations denounced his government’s repression. Heinz and Fruhling write, “The military government constantly discounted the UN resolutions, claiming that these were destabilizing tactics. Nonetheless, the impact of these resolutions was not irrelevant, since, in 1977, the military regime called a *Consulta General* (a sort of National Referendum), with the clear objective of trying to gain electoral legitimacy in the face of the UN’s reiterated condemnation.”<sup>62</sup>

Bilaterally, the rising international disapproval of the military regime produced tangible punishment for Pinochet. Heinz and Fruhling explain that in 1974, Britain’s

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<sup>61</sup> Ibid.

<sup>62</sup> Heinz, Wolfgang, and Hugo Fruhling. *Determinants of Gross Human Rights Violations by State and State Sponsored Actors in Brazil, Uruguay, Chile and Argentina*. Cambridge: Martinus Nijhoff Publishers, 1999.

labor government imposed a weapons embargo on Chile, Germany suspended development aid, and more South American countries granted political asylum to refugees. Favor with the White House had brought Pinochet renegotiation of Chile's foreign debt and substantial economic aid, but this advantage would already start to dwindle as the US legislature started to check the authority of its executive counterpart. Walker asserts that Pinochet was only susceptible to outside pressure to the point that a positive response to human rights on his part would help rather than hurt the stability of his government.<sup>63</sup> It was not until 1975 that he felt his military regime to be vulnerable, when US military assistance dropped significantly. The US had given the military a boost when it took hold of power in 1973 with \$15.01 million (USD), which rose to \$16.14 million the next year. However, in 1975, as international scrutiny escalated, the US government cut military assistance to \$0.62 million. Nevertheless, to motivate the world to believe that Pinochet was actually working for economic and social growth, rather than military growth, the US government increased aid from \$0.8 million in 1973 to \$5.3 million in 1974, and even \$31.3 million in 1975.<sup>64</sup>

In order to diplomatically defend Pinochet's cause, Kissinger took advantage of the up and coming conference of the Organization of American States and promoted Santiago to be the meeting spot.<sup>65</sup> All leaders were aware that human rights violations in Chile would be a hot topic on the discussion agenda. Kissinger was also well aware

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<sup>63</sup> Walker, Vanessa. "At the End of Influence: The Letelier Assassination, Human Rights, and Rethinking Intervention in US-Latin American Relations." *Journal of Contemporary History* 46, no. 1 (2011): 109-35. <http://www.jstor.org/stable/25764611>.

<sup>64</sup> Heinz, Wolfgang, and Hugo Fruhling. *Determinants of Gross Human Rights Violations by State and State Sponsored Actors in Brazil, Uruguay, Chile and Argentina*. Cambridge: Martinus Nijhoff Publishers, 1999.

<sup>65</sup> Before the conference began, Pinochet invited Kissinger to his presidential palace, where Kissinger said more than cordially, "I want to see our relations and friendship improve. I encouraged the OAS to have its General Assembly here. I knew it would add prestige to Chile."

that Pinochet was first and foremost a military general, not a politician, so he reminded the general that repression produced collateral damage, as the world became increasingly aware of who was tending to the authoritarian leader. On June 8, 1976 Kissinger told Pinochet, shortly before the meeting was to commence, “In the United States, as you know, we are sympathetic with what you are trying to do here. I think that the previous government was headed toward communism. We wish your government well...We are behind you. You are the leader. But...you have a punitive system for your friends.”<sup>66</sup> The security of the alliance that Pinochet and Nixon had built upon emphatic anti-communism was ideologically intact, but progressively bending to the mercy of a world sensitive to human rights.

Despite the risk of appearing to the world to compromise on human rights for political purposes, Kissinger pushed General Pinochet to reconcile with human rights so that the world could validate their friendship. Since the declassification of NSA documents, Kissinger became famous for telling Pinochet:

We want an outcome which is not deeply embarrassing to you. But as friends, I must tell you that we face a situation in the United States where we must be able to point to events here in Chile, or we will be defeated...We welcomed the overthrow of the communist-inclined government here. We are not out to weaken your position...We want to remove the weapons in the arms of our enemies...We want to help, not undermine you. You did a great service to the West in overthrowing Allende.<sup>67</sup>

Kissinger addressed Pinochet with an attitude of reluctant obligation, but both tacitly acknowledged that they had reached their limit in acting too deceptively for the US and international publics. Privately, their discussion of human rights was little nuanced; instead, their exchange was political and bureaucratic, though they addressed each other

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<sup>66</sup> Department of State, *Memorandum of Conversation*, June 8, 1976.

<sup>67</sup> *Ibid.*

with the confidence of friends. Kissinger provided Pinochet advance warning of the implications of the OAS conference, saying:

I am going to speak about human rights this afternoon in the General Assembly. I delayed my statement until I could talk to you. I wanted you to understand my position. We want to deal in moral persuasion, not by legal sanctions...I will also call attention to the Cuba report and to the hypocrisy of some who call attention to human rights as a means of intervening in governments. I can do no less, without producing a reaction in the US which would lead to legislative restrictions...My evaluation is that you are a victim of all left-wing groups around the world, and that your greatest sin was that you overthrew a government which was going communist. But we have a practical problem we have to take into account, without bringing about pressures incompatible with your dignity, and at the same time which does not lead to US laws which will undermine our relationship.<sup>68</sup>

As noted in the conversation, Kissinger affirmed Pinochet's narrative of victimization, and he deemed the value of the human rights obligation as a subject that could be resolved through "moral persuasion." Kissinger implied that Pinochet was lucky to share diplomatic relations of moral persuasion, since the logic was that legal sanctions should be reserved for political resistant countries such as Cuba. However, Pinochet was less and less willing to accept the US government's patronizing attitude, which demeaned his power and subjected his regime's legitimacy to US needs, conveniences, and now obligations. As a result, Pinochet transposed his victim narrative to accuse the Ford administration for failing to adequately support its ideological partner. By reciprocating pressure back onto the US, Pinochet affirmed the international conviction that human rights was a force to be reckoned with, enough to be oppressive to an authoritarian government.

Regardless of the intergovernmental tensions, Kissinger's motives convinced OAS participants and human rights proponents. Though he had confided in Pinochet

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<sup>68</sup> Ibid.



that his speech was harsh on Chile for political purposes, the international community bought Kissinger's message that the US government was staunchly pro-human rights. After the conference, NY Times headlines read: "Kissinger Assails Chile Over Curbs" and "UN United Says Chile Abuses Widen." The US government benefitted publicly by openly criticizing the Chilean government, and privately by assuring General Pinochet that its discourses were not what the two administrations were really agreeing upon. This was not the only advantage to the Chilean junta. Shortly after the OAS meeting, sixteen American and Canadian banks loaned the Chilean government \$125 million.<sup>69</sup> At this time, the US still represented the epitome of power in the West, but Pinochet began testing out his own clout by complaining that investment in Chile had been inconsistent. The Ford administration realized by now that it could incur losses if it disappointed General Pinochet; however, the Chilean image would still have to conform to the evolving standards emphasizing democracy and human rights. According to Tanya Harmer, Kissinger acted sycophantically. She writes, "After expressing his heartfelt support to Pinochet, Kissinger had to listen to his host chastise the United States for not offering his regime more help and for abandoning its Cold War responsibilities...Two years earlier, for example, Chilean military leaders had already complained about having to 'fight alone against half the world.'"<sup>70</sup> The US executive

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<sup>69</sup> The NY Times article suspected that these loans were tacitly approved by the US Treasury Department, or at least did nothing to prevent them. This occurred not long after the Treasury Secretary William Simon made a visit to Santiago and praised the "economic freedom" he claimed to observe in Chile. He returned optimistic that Pinochet would follow through with promises to improve the human rights situation. Tom Wicker wrote, "Mr. Simon can hardly be so naive as to believe that the release of a handful of political prisoners after his visit to Santiago was anything but a charade...What is clear, however, is that the \$125 million bank loan tends to shore up the Chilean junta at a time when both the State Department and Congress are bringing greater pressures against it."

De Onis, Juan. "Two Faced Policy on Chile " New York Times, April 6, 1978. Accessed May 15, 2015.

<sup>70</sup> Harmer, T. "Fractious Allies: Chile, the United States, and the Cold War, 1973-76." *Diplomatic History* 37.1 (2013): 110-113. <http://dh.oxfordjournals.org/content/37/1/109.short>.

were quickly discovering that they were the ones pressured by two sides. They were concerned that the world would associate its government with one that was cruel, unjust, and backwards. Consequently, Kissinger endeavored to change the projected representation of Chile, instead of opting for dissociation. The US government had desired for its Cold War rivals to view it as “hard on communism,” but the inversion to “hard on human rights” was beyond Kissinger’s control.

### **Era of Institutionalization (1975-1980)**

Following the Church Committee investigations, the White House's ability to back the junta became dramatically restricted. Pinochet realized that US executive authority would not be capable of supporting his regime in opposition to the US legislature, the UN, and the OAS. With each passing year of the second era, he watched the numbers collide contrarily to his expectations and to the detriment of his legitimacy. By 1976, human rights backlash was seriously threatening to delegitimize Pinochet's standing on the global stage. The Ford administration was also feeling increasingly uneasy about publicity covering the undemocratic actions of the executive and CIA. Now NY Times headlines said: "Factionalism, Fraud, Opportunism are the Pallbearers," "Chile was the Watergate of the United States Foreign Policy," and "Repression, Guile Keep Pinochet On Top in Chile."<sup>71</sup> The US legislature demanded that military assistance to Chile be completely cut off, and the unresolved human rights dilemma pressured the government to also cut development aid from \$20.6 million in 1976 to \$0.57 million in 1977, and \$0.16 million in 1978.<sup>72</sup> The Nixon had gotten the aid to Pinochet during the most critical years of mass detentions, extrajudicial executions, and other political violence. However, Pinochet's reputation of brutality was now so pronounced and international support so drained that the Ford administration had to suspend aid to avoid conflicting with its own public agenda of promoting democracy, freedom, and human rights.

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<sup>71</sup> *New York Times* Archives.

<sup>72</sup> Heinz, Wolfgang, and Hugo Fruhling. *Determinants of Gross Human Rights Violations*.

## Goals

This study explores the period 1975-80 to show how Pinochet changed his strategies for legitimization in this period from outright coercion to centralization of power. In response to external pressures, Pinochet relinquished most of his force in exchange for the law as an alternative instrument for formulating new rules, creating sanctions within a framework of legality, and concentrate his authority in the national institutions he reopened. Through new laws he justified consistently that democracy was coming; it was just never quite ready *yet*. The General tried to reframe his legitimacy to the US and his critics repeatedly over the years following the Church investigations. However, his attempts were ineffective to the human rights world, since he had already made the impact of founding his whole regime on so much violence, including disappeared bodies that would stay disappeared as evidence of his illicit measures.

Though Pinochet tried to work backwards and recreate his argument for legitimacy, the farther through the decade he passed, the harder it was for him to legitimize his governance on the same conditions of the coup. The Cold War equilibrium was shifting favor so much away from “justified violence” that the world more forthrightly challenged Pinochet to measure up to democracy, instead of lie to get there. He had to assuage the discrepancy between his rhetoric of democracy and his systematic suppression of political and civil rights. General Pinochet knew he had to respond to a country and a world still awaiting a democracy that he, a non-elected authoritarian leader, was delaying. One French journalist asked him whether the concept of “dictatorship” was relevant to his regime, and he appeared to cringe. He said

in a disturbed tone, "I don't like that word."<sup>73</sup> To realize a stronger and more convincing facade of democracy while ensuring his political survival, Pinochet adapted to institute new mechanisms, tools, and diplomatic tactics for the rest of the 1970s.

As human rights increasingly became a political norm for leaders to respect, Pinochet showed the world he could meet its standards. He calculated that the benefit of legitimacy through violent repression of resistance was no longer greater than the costs of repression, the negative reputation by which the international community defined him. After sequential defining moments disadvantaged his junta's stability, Pinochet's goal for the second half of the 1970s became to show his skeptics and critics that his regime was legitimate, even without having to repress dissidents.

## **Strategies**

On September 21, 1976, US-Chile relations took a definitive turn. On this day, three DINA agents assassinated former Chilean ambassador Orlando Letelier and his assistant Ronnie Moffit through a car bombing on embassy row in Washington.<sup>74</sup> This event impassioned critics of the military regime and gave momentum to their condemnations of the General's human rights violations. Their impact on the military junta was even stronger now that their censure was accompanied by a White House that was furious that Pinochet had dared to breach US sovereignty.

It did not help Pinochet defend his reputation that on September 27, 1976 the NY Times posthumously published an article that the former ambassador had written

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<sup>73</sup> Pinochet, Augusto. "Presidente Pinochet Entrevistado Por TV De Francia." Youtube. December 26, 2006.

<sup>74</sup> The act was planned as part of Operation Condor, which was a clandestine and transnational terror network that sought to eliminate threats to right-wing power and influence, particularly in the Southern Cone.

before his death. The article was titled *A Testament* and opened, “On Sep. 10 the Chilean dictator Augusto Pinochet issued Decree No. 588, which strips me of my nationality, for *gravely threatening the essential interests of the state*. This measure is just one more addition to the shameful history of the violation of human rights committed by the military junta.”<sup>75</sup> Interestingly, Letelier blames Pinochet for being “totalitarian,” which contrasts sharply with the US’s illustration of the general as more of a benign dictator. Letelier wrote, “behind [the act of stripping my citizenship] one sees the logic of a totalitarian mentality, that it projects itself from within a system based on terror and vengeance.” This was the first close-up experience with terror to many Americans who read the testament in the NY Times. Letelier was a well-respected figure, and the US government had cared to pay attention to the ambassador’s outspoken disapproval of the military regime.

Following the assassination, Pinochet braced himself, and everybody knew it. The CIA reported on Pinochet’s strategy: “Protect General (R) [sic] Manuel Contreras from successful prosecution in the murder of Letelier, since Pinochet’s political survival is dependent upon Contreras’ fate. Stonewall any further requests from the US government that would serve to build a case against Contreras and other Chileans...Continue to exploit Chilean nationalism with a covert action campaign to portray the Letelier investigation as being politically motivated -- another pretext for destabilizing the Pinochet regime.”<sup>76</sup> The US wanted to protect Colonel Manuel Contreras and by extension, his *jefe*, but assassinations could not go unpunished. It was

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<sup>75</sup> Orlando Letelier, “*A Testament*,” New York Times, 27 September 1976, 31.

<sup>76</sup> “It is easy for Pinochet’s supporters (a majority of the populace) to believe that all this is a carefully orchestrated plot by the Carter administration to topple Pinochet...Pinochet’s resort to hardline, stonewalling tactics has also calmed down the army which is, after all, his key support base.” CIA Report, “*Strategy of Chilean Government with Letelier Case*,” June 23, 1978.

too late for Pinochet to completely rescue his legitimacy by disassociation, for his close ties to the Colonel were common knowledge. The DINA was both highly capable and loyal, if not fearful of the commander-in-chief. It was highly unlikely that the DINA undertook the Letelier assassination mission without due authorization.

Suddenly the center of unwanted attention, Pinochet looked outward. On April 6 de Onis wrote, "In a nationally televised speech, President Pinochet said his 'conscience is clean...We will do everything possible to get to the truth and see that those who are responsible are punished, whatever their position or nationality.' ...He called for an 'iron clad unity' in facing international problems...[and] that the charge that Chile's military leaders had ordered the killing of Mr. Letelier was part of an 'international conspiracy' seeking to place Chile in conflict with the United States and its neighbors."<sup>77</sup> To remove his government from the possibility of delegitimization, Pinochet excluded himself from the alleged "international conspiracy" and tried, albeit belatedly, to realign his interests with those of the US.

However, the "international conspiracy" of which Pinochet warned pressured him to own up to the blood that his government had spilled. One way Pinochet responded was to institutionalize his power, meaning to centralize it through laws, so that attempts at contestation would require his critics to address the mechanisms of political structures. A Department of State memorandum described a letter Pinochet wrote to Carter that justified that his positive response to human rights was "not because of external pressure which, contrary to what is assumed, and above all in the case of my country, is paradoxically counterproductive, but because of the imperative of deeply

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<sup>77</sup> De Onis, Juan. "Chile Pledges Cooperation with U.S. Inquiry into Letelier's Slaying." New York Times, April 6, 1978. Accessed May 15, 2015.

rooted humanitarian and moral convictions.”<sup>78</sup> The State Department recognized that Pinochet was bitter “over what he sees as our failure to understand Chile’s position and our interference in Chilean internal affairs.” Furthermore, according to the memo, the General still believed a majority of the Chilean people supported him. In reality, as an unnamed veteran politician active among underground party committees estimated to the NY Times in 1977, approximately 25 percent of Chileans were “wholeheartedly committed” to the General while another 25 percent preferred his junta “if an election would return things to the violence, scarcities, and insecurity of the Popular Unity Government.”<sup>79</sup>

Shortly after the Letelier assassination, the inauguration of Jimmy Carter on January 27, 1977 brought Pinochet another surprise. Though President Carter disagreed strongly with Pinochet’s use of power, he failed to take advantage of the Letelier assassination to harshly reprimand the junta’s abuse of power or coerce it to change its ways. Following the Letelier assassination, Carter refused to extradite the Chileans who were indicted for involvement in the car bombing. Congressman Tom Harkin called Carter “despicably weak.”<sup>80</sup> Carter was criticized for his soft stance, which arguably encouraged Pinochet to pursue his goals through more aggressive diplomacy with the US.

Outside of diplomacy, Pinochet still realized he had to change his strategies, since his security forces had made Pinochet lose a great amount of authority. There

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<sup>78</sup> White House, State Department Memorandum, “Chilean President Pinochet’s January 30, 1978 Letter to President Carter,” March 3, 1978.

<sup>79</sup> De Onis, Juan. "Head of Chilean Junta Hints He Intends to Be in Power a Long time." New York Times, August 25, 1977. Accessed May 15, 2015.

<sup>80</sup> News from Congressman Tom Harkin. “Harkin Blasts ‘Despicably Weak’ Carter Response to Chile.” November 30, 1979.



could be no time more inopportune for using repression than now. One of the ways Pinochet tried to persuade the world he was advancing toward democracy was to release some of his political prisoners. He strategically discharged detainees, which generated among Chileans an illusion that they were gaining back freedom and democratic rights. Meanwhile, letting detainees go allowed the General to preserve most of his power, since the atmosphere of fear in Chilean society generally functioned more effectively when tortured prisoners were let out – often paranoid, desperate for refuge, and usually broken.<sup>81</sup> The more prisoners Pinochet released, the more he could claim to Chileans that he was facilitating the prosperous and stable democracy they wanted. A NY Times article called “Chile, Image-Building Still Harsh” was published on December 12, 1976 and read, “The right-wing military junta in Chile is moving decisively to erase the most visible elements of its repressive image, but without dismantling the pervasive state-security apparatus or reviving the country’s traditional democratic institutions.”<sup>82</sup> Journalist Jonathan Kendall explained that as soon as the Chilean government released 300 political prisoners out of 1,200 detainees, Washington was already prepared to vote favorably on renewed World Bank loans to Chile.

Another way that Pinochet attempted to enhance the junta’s pretense of democracy and hint that Chile was ready for more freedom was by issuing a restricted amnesty on April 19, 1978, to allow Chilean exiles to return home. Through Decree 2.191 he announced that the military tribunals would wipe clean the records that had

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<sup>81</sup> Cavanaugh, W. T. "Making Enemies: The Imagination of Torture in Chile and the United States." *Theology Today* (2006): 307-23. Print.

<sup>82</sup> Kendall, Jonathan. "Chile, Image-Building Still Harsh" *New York Times*, December 12, 1976. Accessed May 15, 2015.

charged or convicted these Chileans.<sup>83</sup> According to the NY Times, spokesmen from the Department of State welcomed this show of generosity as a positive contribution to Chile's improvement of the human rights situation.<sup>84</sup> The State expressed satisfaction that such alleviation of political punishments would "accelerate the return to Constitutional government." With this sentiment of approval, the Department of Agriculture subsequently approved \$38 million worth of credits for farmers in Chile. The catch with this amnesty was that Pinochet disabled the legal mechanisms that forced him to disclose the records on disappeared Chileans. The criminal charges against his security forces were likewise dropped, and the courts closed the disappearance cases without further conclusions.

By this time, warnings and pressure to respect human rights surrounded Pinochet mostly from the outside, as by now opposition inside Chile was effectively intimidated into silence. A human rights lawyer commented to the NY Times, "The DINA is no longer interested in mass arrests and disappearances that would be too controversial. They can get their message across to labor unions, concerned church officials and others by picking up a relatively few selected people whom they whole and mistreat for a few hours."<sup>85</sup> Secret police agents began visiting families of the disappeared and intimidating them to retract their charges. The NY Times commented that the agency's reputation for cruelty was enough to cause the families terror even without explicit resort to violence.

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<sup>83</sup> However, the NY Times reported that many communists were refused entry and returned aboard the airliners that had flown them to Chile. Latin Exiles, Heartened by the Easing of Political Repression, Begin to Return Home by David Vidal Nov. 24, 1978

<sup>84</sup> De Onis, Juan. "Stonewall in Chile" New York Times, June 6, 1978. Accessed May 15, 2015.

<sup>85</sup> Kandell, Jonathan. "Chile's Army Rulers Buoyed by Economic Gains and Flagging Criticism " New York Times, May 3, 1977. Accessed May 15, 2015.

## Results

### Domestic

After the Letelier assassination, even people who loyally carried out Pinochet's orders were beginning to doubt the situation he had created. Pinochet's reputation was closely connected to that of Colonel Contreras, who had functioned as his right-hand-man throughout the duration of the regime. De Onis wrote in the NY Times:

Opponents of the junta harbor the hope that new disclosures by American investigators will undermine confidence in General Pinochet. The unforeseen and unexplained resignation from the army this week of Gen. Juan Manuel Contreras Sepúlveda was seen as a crack in the ruling group formed by General Pinochet... 'Contreras used to have breakfast with President Pinochet every day when he was head of Dina, and now he was thrown out of the army by his sponsor,' a recently retired general commented. 'Every officer is asking why.' ...a foreign banker emphasized that unity in military leadership was needed to maintain sound economic policy.<sup>86</sup>

Pinochet was not about to let internal strife in the hierarchy menace his hard won legitimacy, so he promptly dismissed Contreras.<sup>87</sup> His discharge brought the competence, the control, and the mandate of Chilean intelligence services into question. The DINA was a highly capable organism, and it had effectively inhibited dissent in the citizenry. Nevertheless, when the organization was found guilty for assassinating Ambassador Letelier, the DINA undermined the president's legitimacy so that human rights proponents demanded the DINA be terminated entirely. Pinochet dissolved the DINA, but in turn created the CNI, essentially a replica of its precursor. The main

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<sup>86</sup> De Onis, Juan. " U.S. Letelier Inquiry Troublesome to Chilean Leader." New York Times, March 26, 1978. Accessed May 15, 2015.

<sup>87</sup> Araya, Marcelo. "Marcelo Araya cuenta la peligrosa relación entre Pinochet y Manuel Contreras." Youtube. August 1, 2013. <https://www.youtube.com/watch?v=xFWsCZ47rxI>.

exception in its design was the emphasis on intelligence over security, and the apparent absence of power to arrests citizens, but it was meant to be reassuring to human rights advocates worldwide who refused to let the DINA continue functioning.<sup>88</sup>

The repercussions of the Letelier assassination reverberated from afar to within, to the detriment of Pinochet's international legitimacy for the next couple years. In 1978, the US Embassy in Santiago reported to the State Department, "Who leads the Chilean political transition process no longer seems as crucial as it did just a few weeks ago. Then Pinochet appeared to be the main stumbling block to timely change, now, in an ironic twist, Pinochet's vulnerabilities may have converted him into a person with a sizeable stake in a speeded up transition...No abrupt changes in our policy of cool disdain are as yet indicated."<sup>89</sup> Pinochet, for now, continued to merit the cool disdain of the US executive while laying new foundations. Pinochet foresaw that a new constitution was necessary to institutionalize his political efforts into a regime with an enduring structure. Pressured to open the regime to civilian rule, Pinochet urgently sought to create a new system for military rule.

To meet the evolving conditions for political legitimacy in front of a human rights world that was increasingly unforgiving, Pinochet sought to change the political rules through a new legal framework. Snyder explains:

In an attempt to assuage mounting international and domestic criticism, the junta, in 1976, issued a set of four 'constitutional acts' which sought to reaffirm basic concepts of law, democracy, rights, and duties. These acts were viewed by the government as the first step in the implementation of a new constitution which would provide legitimacy for the existing state of affairs and convince critics that the military regime, in fact, respected human rights. But what the government gave

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<sup>88</sup> Wicker, Tom. "A Green Light for the Junta?" New York Times, October 28, 1977. Accessed May 17, 2015.

<sup>89</sup> Department of State, *Survivability of Pinochet: From 'What if' to 'So What'?*, April 20, 1978.

with one hand it took away with the other...Act No. 4 laid out the framework through which these same rights could be restricted, suspended, or lost during states of exception.<sup>90</sup>

Pinochet forged new mechanisms of democracy through these kinds of constitutional acts, but in reality, they produced little relief for most Chileans. The wide array of rights that Pinochet promised contrasted starkly with daily life that was still widely bereft of political and civil rights. What the constitutional acts effectively achieved was to help Pinochet shield his legitimacy and prevent it from fragmenting at a juncture of great vulnerability.

Another body of power that was slipping away from Pinochet's grip was the judiciary. The purchase strength of co-optation with which Pinochet had secured its loyalty was declining, especially as Pinochet's protective power appeared to wane. Snyder writes, "A few judges braved the wrath of military regime and the legal hierarchy and began to question the established order. In 1977, when the first Amparo appeal was finally accepted by the Santiago Appeals Court, a timid minority movement within the judiciary began to take shape."<sup>91</sup> Pinochet could no longer depend on individual judges to defend his legitimacy against a powerful international public, so to secure his chance of a safe exit, the General created the Amnesty Law. In 1978, Pinochet created a self-amnesty to legally protect his government and security forces from prosecution. Many international observers read this act as a sign of desperation, or that Pinochet feared his power was no longer sufficient to support his authority. In other words, leaders latch onto impunity when there is plausible suspicion of guilt. The Chilean Supreme Court upheld the constitutionality of the Amnesty Law, and the

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<sup>90</sup> Snyder, Edward. "The Dirty Legal War."

<sup>91</sup> Snyder, Edward. "The Dirty Legal War."

General designed the Senate, mostly appointed, to block any attempts to nullify his impunity.

## United States

When Carter became president, Pinochet learned that the president was far less inclined to help him skirt around human rights, and was also much less fond of Kissinger than had been President Ford. Upon Carter's arrival at the White House, Kissinger – one of Pinochet's most loyal supporters – promptly left his position as Secretary of State. President Carter's human rights campaign was an unpredictable factor that further complicated the junta's original trust that the US would buffer legitimacy of international standing. Now, Pinochet's most outspoken ally was contesting his authority because he either did not seem to have control over his intelligence forces, or had consciously authorized the execution of a high-profile assassination on foreign soil.

Not long after the assassination, Senator James Abourezk was quoted in the Chicago Tribune to have commented, "The tyranny of the Pinochet government has now been extended to Washington."<sup>92</sup> The shock of the event allowed the US to be the victim for a brief moment. The Church Committee Report stated:

When covert actions in Chile became public knowledge, the costs were obvious. The United States was seen, by its covert actions, to have contradicted not only its official declarations but its treaty commitments and principles of long standing. At the same time it was proclaiming a 'low profile' in Latin American relations, the US Government was seeking to foment a coup in Chile...there may be costs to pay even if the operations could remain secret for long periods of time. Some of these

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<sup>92</sup> Mary McGrory, "A murder's buried under a junta's lies," Chicago Tribune, 27 September 1976, C4.

costs may accrue even within the calculus of covert operations: successes may turn to failures.<sup>93</sup>

Found out by investigations and journalistic reportage, the White House had to restore its reputation in an ongoing Cold War, and President Carter realized that the way in also had to be the way out of deep political scandal.

Though the idea of continued alliance with Chile was bound to be negative after the Letelier assassination, President Carter did not have the intent to break ties with Chile. He discovered, however, that speaking to President Pinochet as an offender while pledging friendship was exhausting, nebulous, and unpredictable work. The NY Times reported, "It would be counterproductive for Washington to rule out an eventual rapprochement with Chile or to demand the eventual re-establishment of pre-coup conditions. But it would also be a mistake to ease the pressure just as it begins to have positive effects. Better to use the present opportunity to extend a modest gain into a major one."<sup>94</sup> Noting that opportunity to make gains, Carter wrote assuringly to Pinochet when he entered office promising, "You have my assurance that the United States will continue in its commitment to world peace and the strengthening of international cooperation. I want to strengthen the ties of friendship between the people of your country and ours. Sincerely, Jimmy Carter."<sup>95</sup>

Later in 1977, Pinochet traveled to Washington to witness the signing of the Panama Canal Treaties, and there engaged in conversation with President Carter. Perhaps uncomfortably for President Carter, the General defended his actions and

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<sup>93</sup> US Senate Select Committee on Intelligence, *Select Committee to Study Governmental Operations with Respect to Intelligence Activities: "Church Committee,"* 1975-76, <http://www.intelligence.senate.gov/churchcommittee.html>.

<sup>94</sup> "To Keep the Pressure on Chile." New York Times, May 13, 1978. Accessed May 15, 2015

<sup>95</sup> White House Telegram, Department of State. "Congratulatory Message to the President," February 22, 1977.

complained that his international critics were not appreciating the progress in human rights that his regime had made. The bilateral record of their conversation shows:

Pinochet made the following points...Chile had passed through a difficult period during which the Marxist-Leninist government had no respect for human rights. Under the Unidad Popular regime citizens were being murdered in broad daylight and the military coup was designed precisely to preserve human rights...In the beginning there clearly were abuses - abuses on both sides. Whenever a soldier was killed, the world reacted with silence; when a revolutionary was killed, there was a great hue and cry...Finally, Pinochet said he was a great admirer of democracy and it was his fondest wish to leave office having built one, but not one liable to attack from underneath as had happened before.<sup>96</sup>

The positive effects of President Carter's pressure were ambiguous, but it certainly did not inhibit Pinochet from practicing the same repression, just on a smaller scale.<sup>97</sup> In response to General Pinochet's defense of linear human rights progress, President Carter was polite, assuring that strengthening the traditional US-Chilean friendship was of utmost concern to his government. If Pinochet experienced any duress, he did not demonstrate any in front of his American counterpart. "[Pinochet] did not want to end the state of siege immediately upon his return from Washington because it would leave him open to charges that he was giving into the pressures from the U.S."<sup>98</sup>

In fact, Carter's legitimacy quite possibly took more of a toll than that of Pinochet, even though the latter had dared to show up in a jurisdiction that his security

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<sup>96</sup> White House, Memorandum of Conversation. "President Pinochet-Carter Bilateral." September 6, 1977.

<sup>97</sup> The NY Times wrote, "The thrust of the Carter policy has made some Latin American military regimes uneasy about their future relations with the United States but not uneasy enough to deviate from their present internal rigorous security measures. To improve their reputations abroad, some regimes have made well publicized releases of political prisoners. For example, President Augusto Pinochet of Chile freed 300 political prisoners after the United States presidential elections last year..." Carter had cited Chile as an example of gross human rights violations during his debates with President Ford. However, a UN panel reported that torture was still a "regular practice."

De Onis, Juan. "Human Rights at Different Weights." New York Times, February 27, 1977. Accessed May 15, 2015.

<sup>98</sup> Directorate of Operations CIA Report. "Assessment of President Pinochet's Visit to the US" September 15, 1977.



forces had recently violated. US news sources criticized Carter for negotiating instead of reproofing Pinochet. The NY Times made note of the way Carter repeatedly omitted the Chilean case - one of the most “egregious” cases in the world - from his Presidential statements on human rights. “Some Chilean expatriates think that both the Kissinger and Carter statements helped moved General Pinochet into a ‘new phase’ of repression...”<sup>99</sup> Carter pushed Pinochet to let go of his claim that, even though Chile was a UN member nation that signed the charter, “‘mistreatment of its citizens [was] solely its own business.’”<sup>100</sup> However, Pinochet did not bend easily to pressure, as he recognized that the legitimacy of his right to rule was in a much more fragile situation than his US counterpart.

On December 21, 1977, Pinochet called a full national referendum “so that every inhabitant of Chile...could decide in his own secret conscience...whether he supported the President of the Republic in defending the dignity of Chile and reaffirmed the legitimacy of the Government in acting with sovereignty over our institutional process or whether, on the contrary, he supported the United Nations resolution and its attempt to impose our future destiny on us from abroad.”<sup>101</sup> According to Pinochet, more than 5.5 million people participated in the polls, and an astounding 4.2 million voted in favor of the General’s government. He assured President Carter that over 1 million had the opportunity to express dissent.<sup>102</sup> Pinochet expressed, emphasizing his mandate and imperative:

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<sup>99</sup> Such criticism was politically embarrassing to Carter, since the NY Times regularly suggested that Kissinger saw human rights as an obstacle.

Wicker, Tom. “‘Disappeared’ in Chile.” March 20, 1977

<sup>100</sup> Ibid “*Disappeared in Chile.*”

<sup>101</sup> Directorate of Operations CIA Report, “Assessment.”

<sup>102</sup> In a referendum, Pinochet stated, “The Government stands ready to continue its uncompromising defense of national sovereignty and its progress toward full normalization and democratic institutionality

My Government is not gloating over this triumph, but neither can it ignore it. It is a clear and unmistakable mandate which redoubles the moral imperative to carry on until we have fully overcome the totally abnormal situation which provoked the foreign interference by an imperialist ideology which lasted until September 11, 1973. This result furthermore constitutes a categorical denial of the many false and unjust images of our reality...[This does] in no way diminish or defer my Government's concern for the safeguarding and promotion of human rights.<sup>103</sup>

Pinochet knew the human rights advocates of the world were his morals into question along with his right to solve Chile's problems, but the General was determined to defend his intentions and methods, even if it came with the risk and the cost of lifting some repression.

The US president likewise felt the tension of helping another leader solve his country's problems. Carter's dilemma was the need to argue for the common goals that the US and Chile shared beyond their historic ties alone. According to Walker, "In Chile the Carter administration sought a path that balanced between distancing the US government from the dictatorship, maintaining pressure on the military leadership to improve human rights, and avoiding overt interference in internal affairs that would prompt a nationalist backlash."<sup>104</sup> Pinochet, on the other hand, had to respond to many Chileans whose anti-imperialist attitudes had not died with Allende. He sought a path that would extend between political autonomy and the tension of allying with a country that was simultaneously his most powerful ally and the most influential critic of his repression.

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according to its plans for harmonizing freedom with security...Our conviction [is] that human rights cannot survive in a society that freely allows totalitarian actions or terrorist violence, since these entail the trampling or disregard of all human rights, freedoms, or dignity, [which] is very deep because it flows from recent experience in Chile and from a reality which we view with concern in other countries."

<sup>103</sup> Department of State Memorandum. "Chilean President Pinochet's Letter to Carter." March 3, 1978.

<sup>104</sup> Walker, Vanessa. "At the End of Influence."

Within Chile, it was critical for Pinochet to legitimize his continued rule as that which could still serve his people's needs better than any politicians could.<sup>105</sup>

Pinochet's posture toward Carter was assertive and recriminating. On January 30, 1978 the General wrote to President Carter:

I can only point out that both my Government and the people of Chile were profoundly affected by the United States attitude toward the case of Chile in the United Nations. In the first place it should be stressed that your Government sponsored the resolution and did so, moreover, in close union with countries such as Cuba whose political philosophy and practice fragrantly ignore and violate the legal and moral order which promotes and safeguards human rights...special consideration was given to the serious attempt...to disassociate the people of Chile from their Government by making it appear that a majority of them were allied with international pressure to direct the course of our history.<sup>106</sup>

Pinochet rhetorically grouped the US with the UN, which had condemned his regime from the outset. The manner of his language reflected an "us" versus "them" tone that once again, made his government appear to be a misunderstood enemy. He asserted that the Cold War world was failing to recall his pro-democracy ends. It was countries such as Cuba that deserved disdain, not his own.

## International

In 1976, the United Nations Economic and Social Council wrote a resolution that expressed that it was "*gravely worried* about the human rights violations that, according to the report, occurred in Chile, especially those that entail threats to life and human liberty...We *urge* the Chilean government to take all necessary measures in order to reestablish and safeguard basic human rights and the fundamental liberties of

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<sup>105</sup> Scholars Valerie Bunce and Sharon Wolchik write, "Just as strong international support for weak regimes can prolong them, but the absence of a political alternative to the regime can have a similar effect."

Bunce, Valerie, and Wolchik, Sharon. "Defeating Dictators." (2010), 49.

<sup>106</sup> Department of State. "Letter from Pinochet." January 30, 1978.

Chile...”<sup>107</sup> From authoritative statements such as these, the US could not ignore that the world was paying more attention to the situation in Chile, and willing to pay far less to aid the country. Such scrutiny was exactly the reason why the US side of activities had been intentionally covert.

A member of Santiago Embassy Political section is here...His report on Embassy relations with the Junta is most disturbing. He says...The Junta does not get clear signals on USG's Chile policy. They note our votes in OAS and U.N., read your speeches, etc., but also see us pushing the Hill hard on behalf of help for Chile. The USG Executive branch comes through a pro-Junta, trying to deal with the Hill and public opinion in the Junta's interests...CIA and DOD are strongly pro-Junta...The majority of the Country Team accept the utility of sanctions to move the Junta more quickly toward a position acceptable to Chilean domestic opinion and reasonable international critics...There is no viable alternative to the Junta. It would be a political disaster if it fell. Pinochet can be influenced, if reached. But clear signals are essential.<sup>108</sup>

The report signals at a more vigorous Pinochet who began claiming legitimacy more assertively, realizing that he was the US government's best, or only, option. Indeed, it was disturbing for the US government to realize that Chile was heading one way, looking for its guidance less and less frequently, that this would be *the* regime.

As the decade drew to a close, the UN, the OAS, and political leaders on Pinochet's back were still collectively challenging the integrity of the Chilean Armed Forces. Although he had reduced the number of Gross Human Rights Violations cases from 142 in 1976 to 43 in 1977 and 15 in 1978, 72% of the UN General Assembly condemned his government in 1976, compared to just a slight drop to 71% in 1977, and

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<sup>107</sup> Committee of Social Issues. "Letter from Pinochet." 24.

<sup>108</sup> "The President may believe that the cutoff in US aid has made human rights a dead issue in Chile and that Washington has no further leverage against his regime." Regional and Political Analysis. "Chile: Reaction to Junta's Tough Line." March 24, 1977.

68% in 1978.<sup>109</sup> Though the shifts in condemnation were modest but on the downturn, so did approval simultaneously decline. In 1976, 9% of the United Nations General Assembly showed approval toward his government; in 1977 that rose to 10.5%, but proceeded to drop dramatically in 1978 to 5% and 4.5% in 1979.

Pinochet recognized that though he reduced repression, the longevity and stability of his power were uncertain, as long as the majority of countries in the world voted so invariably against his regime. The General realized that he had to make even deeper changes to preserve and extend legitimacy, so he initiated preparations for a new constitution. A couple years before Pinochet created Chile's constitution, de Onis wrote in the NY Times, "After the President held a plebiscite in January asking the voters to support him against a United Nations resolution condemning violations of human rights alleged here, he said he had received a mandate to 'lead the process of institutionalization.'" <sup>110</sup> The plebiscite, regardless of the truthfulness of its statistics, demonstrated that the president was maintaining power through civic confirmation, and not force alone. He claimed to act upon a mandate, and whether or not the assent expressed was a rubber stamp or valid presidential prerogative, Pinochet made certain he would integrate the legacy of his military intervention into the national legal framework.

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<sup>109</sup> Heinz, Wolfgang, and Hugo Fruhling. *Determinants of Gross Human Rights Violations by State and State Sponsored Actors in Brazil, Uruguay, Chile and Argentina*. Cambridge: Martinus Nijhoff Publishers, 1999.

<sup>110</sup> De Onis, Juan. "U.S. Letelier Inquiry Troublesome to Chilean Leader." *New York Times*, March 26, 1978. Accessed May 15, 2015.

## Constitution of 1980

One of the most significant developments of the end of the 1970s was the junta's preparation for a new Constitution. They started years before, which sustained Pinochet's "not yet" signals to Chileans and international skeptics looking for evidence of democratization. The National Foreign Assessment Center wrote on September 28, 1978 about Pinochet's speech celebrating the coming Constitution that would transition the military government to civilian rule over at least six years. The Center's *Latin American Review* noted, "As he has in the past, he defended the legitimacy of the coup and the moral mandate of the military regime, reviewed its progress, highly praised its economic performance, and covered a wide range of domestic and international issues...All in all, it was a strongly worded defense of his embattled regime in its continuing struggle against the forces and ideologies allegedly manifested in the overthrown Allende administration."<sup>111</sup> The article went on to note that Pinochet's speech addressed the *still* present domestic forces that he warned desired to "annihilate forever the basic principles of Chilean nationality." Though his statements evidently addressed Chileans, he directed them toward international community as well, which in 1978, was still wary of the General's audacity. Another *Latin American Review* article reported, "For the majority who still support Pinochet, however, the only way to preserve the accomplishments of the military regime is to keep him in power. Although they have little else in common...Contreras and Pinochet will be condemned anew by the world media."<sup>112</sup> As a result, Pinochet would face a tarnished international

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<sup>111</sup> National Foreign Assessment Center. "Chile: Pinochet's Anniversary Speech and the Constitutional Controversy." *Latin American Review*. September 28, 1978.

<sup>112</sup> National Foreign Assessment Center. "Chile: Pinochet's Efforts to Strengthen Position." *Latin American Review*. July 27, 1978.

reputation, which would make little sense were he to preserve his accomplishments and remain in power.

On the anniversary of the coup d'état in the year 1980, President Pinochet held a referendum to approve the replacement of the Chilean constitution. Not shockingly, the junta nominated Pinochet to be president of the republic, who was approved to serve an eight-year term.<sup>113</sup> According to the National Observer Election Association, just over two-thirds of the Chilean citizenry voted “yes” for the new constitution, though Pinochet faced wide accusations of electoral fraud. According to the NY Times, Chilean voters were expectant of electoral fraud, and feared that inspections of “no” ballots would lead to loss of employment. De Onis described how Chilean newspapers promoted the new Constitution through advertisements that “prey[ed] on the average citizen’s fear of social turmoil.”<sup>114</sup> Curiously enough, the word “democracy” appeared only once in the new Constitution, whereas “national security” appeared twelve times and “public order” ten times.<sup>115</sup> The new Chilean democracy was to be founded in part upon a value for national security, which reinforced the importance of the Armed Forces and validated their role as protectors of a constitutional principle.

Doubts about electoral fraud aside, the government of Chile successfully inaugurated the new constitution and greatly expanded executive powers. Though the Constitution seemed to mark the culmination of the restructuring process, the promised democracy was not yet ready. De Onis wrote in the NY Times, “[Pinochet] added, however, that there would not be any election for 10 years and indicated that he felt that

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<sup>113</sup> Constitution of the Republic of Chile. October 21, 1980.

<sup>114</sup> De Onis, Juan. "But Does the Junta Really Want to Listen?" New York Times, April 6, 1978. Accessed May 15, 2015.

<sup>115</sup> Constitution of the Republic of Chile. October 21, 1980.

the 75 percent vote against the United Nations action was personal backing for him to remain in the presidency at will.”<sup>116</sup> First of all, the government announced it would be transitioning from a military government to a regular democracy. The Constitution became Pinochet’s new long-term tool of legitimization, which institutionalized a political culture and structure incompatible with communism.

The wording of the document reflected the changes in the Cold War paradigm, in that ideological biases were more nuanced and democratic favor was much more vital to the constitution. Pinochet framed the Constitution to provoke a nationalistic reaction, deliberately using language that resonated traditional Chilean values of democracy. The opening lines of the Constitution read, “That the national sovereign will, expressed by the majority in a free, secret and informed action, was pronounced approving the proposed Constitution.”<sup>117</sup> The constitution reopened congress, which was to be filled first by appointed congressmen and later by elections. This was a significant change from the four-man junta that had exercised legislative powers until that point, who now appeared to have fulfilled their original intentions of reestablishing democracy. Instead, Pinochet transferred authority to national institutions, but centralized and wielded it in his own executive seat with great control.

The Constitution became Pinochet’s new long-term tool of legitimacy, which institutionalized a political culture and structure incompatible with communism. The Constitution also marked the turning point in which he regimented his prior struggle for political survival into a new system rules for access to power and control over the State. Snyder writes of the Constitution, “The powers conveyed on the Executive by the new

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<sup>116</sup> De Onis, Juan. "But Does the Junta Really Want to Listen?" *New York Times*, April 6, 1978. Accessed May 15, 2015.

<sup>117</sup> Constitution of the Republic of Chile. October 21, 1980.



constitution were so sweeping [and] the citizen's recourse against them so minimal" that Pinochet, the author of this system and its ideals, could still claim exceptions to a constitution that had been born out of "war."<sup>118</sup>

Curiously enough in the new constitution, the word "democracy" appeared only once, whereas "national security" appeared twelve times and "public order" ten times. The new Chilean democracy was to be founded in part upon a value for security, which reinforced the importance of the Armed Forces and validated its role as protector of a constitutional principle. Article 22 of the Constitution preserved national security as an official national principle: "Chileans have the fundamental duty to honor their fatherland, defend its sovereignty and contribute to the preservation of national security and the essential values of the Chilean tradition."<sup>119</sup> According to this sentiment, the government upheld that individuals bore responsibility for helping it do its job, while those who rejected this function could be considered liabilities or threats to the collective spirit that defended sovereignty.

By 1980, Pinochet still framed Marxists as one of the most dangerous threats to the society, but the institutions of the nation would safeguard the people from such infiltration. The eighth article of the Constitution demonstrated that Chile integrated this understanding, even though it refrained from explicitly calling out any ideologies by name. For example, Article 8 stated, "Any action by an individual or group intended to propagate doctrines attempting against the family, or which advocate violence or a concept of society, the State or the juridical order, of a totalitarian character or based on class warfare, is illegal and contrary to the institutional code, of the Republic." As the

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<sup>118</sup> Snyder, Edward. "The Dirty Legal War."

<sup>119</sup> Chile Constitution, art. 22.

NY Times forewarned in 1978, the enforcement of the constitution seemed to be transpiring in a “political vacuum,” in which Pinochet’s main competition was still essentially banned and dissenters could expect punishment.<sup>120</sup> This investigation concludes at 1980, but the author believes it befitting to end this section reflecting that Pinochet’s Constitution would prefigure actual democratic transformation in Chile. It would still be years before Chilean citizens would see their political and civil rights more fully returned; however, as former diplomat Robert Gelbard commented, “If leaders come to use the form of democracy, publics come to expect the substance.”<sup>121</sup>

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<sup>120</sup> "To Keep the Pressure on Chile." New York Times, May 13, 1978. Accessed May 15, 2015.

<sup>121</sup> Robert Gelbard helped facilitate conversations in the National Security Council for negotiations regarding the Chilean referendum of 1988.  
Gelbard, Robert. Online interview. March 1, 2007.

## Conclusion

This investigation has analyzed the National Security Archives, diplomatic communications of Pinochet and his US presidential counterparts, and public discourses, and a variety of other primary sources from the 1970s. The early years of the regime required Pinochet to depend on external legitimacy while he was proving his government's worth to a nation that he just shocked with a violent intervention. The authoritarian leader successfully depoliticized the organized sectors of the citizenry, but the narrative of communist danger to Chilean society was all the while less and less credible. When Pinochet's confidence in the prerogative to repress became overextended and alarmed the United States, he adjusted his methods of rule. International scrutiny brought Pinochet to a struggle for political survival, upon which he institutionalized safeguards and began to carve his way out of a trap of illegitimacy. The general bargained with a world that demanded recognition and respect of human rights, reducing his repression while instituting measures to make the people believe in his system.

Pinochet attempted to strengthen his legitimacy as he rationalized that more force elicited more compliance, whereas less force elicited more legitimacy. However, the decade neared to an end, and the international reaction to his adjustments surprised his expectations. The growing disaffection of the US toward Chile was becoming increasingly noticeable, and though he pressured President Carter in public and in private, he could not win the hearts and minds of the international public. The Letelier assassination and expansion of international consciousness about his violence pushed Pinochet to prove his mandate through a citizenry that chose to legitimize him. After his

first couple years of rule, he had crossed a threshold with human rights that he could no longer appease through withdrawal of repression. He released political prisoners, he drew back on torture, and he invited exiles to return, all to the effect that backlash did not recede.

Pinochet's institutionalization and centralization of power reflected his need to safeguard his image and his policies. The Amnesty Law symbolized his victim narrative, in which he blamed the world for misunderstanding his initiatives. In the end, his legal safeguards could not prevent that the world had branded him a dictator. He portrayed himself as the misunderstood hero and institutionalized his vision for the framework for the country.

As for the US, President Carter did not send very explicit messages in their private correspondences to coerce or persuade Pinochet. Nevertheless, disapproving international opinion was enough to make Pinochet recognize that force was no longer a viable method to legitimize his regime. As a result, the world demanded he seek more democratic alternatives to stabilize his regime, and he consented, even if it was a "glacial" transition out of the system of military rule.<sup>122</sup> This study has pieced together a narrative of how the changing international perceptions indeed influenced the retention, deterioration, and adaptation of Pinochet's legitimacy. The General pushed through the higher standards for claim to democratic rule, though the world never accepted him as anything but authoritarian. Perhaps Pinochet died believing he won out over human rights, but try as he might to justify his violence, he was never able to redeem his image as an enemy of human rights.

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<sup>122</sup> "Welcome Demise in Chile." New York Times, August 16, 1977. Accessed May 15, 2015.

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