

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~CONFIDENTIAL~~

October 11, 1979

INFORMATION

MEMORANDUM FOR: ZBIFNIEW BRZEZINSKI  
FROM: ROBERT PASTOR *RP*  
SUBJECT: Reaction to Chile's Decision on  
Letelier - Item for VBB (C)

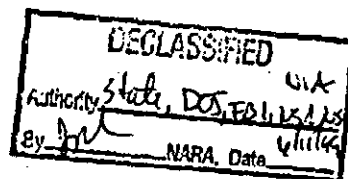
I have never been comfortable with the way State has handled the Letelier case. They have conducted virtually all their business on this case through Stadis channels, and that, in part, accounts for why I have been unable to comprehend the transformation of the U.S. from government to prosecutor to judge, which is where we currently are. Having been burned on this issue at the beginning, I have not inserted myself in the process since. But I believe the time to insert ourselves has arrived, and so I welcome your note on Harold Brown's memo. (C)

I have just received a draft decision memo which State is working on for Vance, and it includes nineteen specific sanctions, from which Vance can select to convey our displeasure to Chile. Harold Brown's memo, insisting that we keep our attaches and milgroup represents only DOD's ox, which they naturally want to protect. There are 18 other oxen; options include: remove our Ambassador; remove Peace Corps; raise the issue of Chilean terrorism at the UN; terminate all business by the Export-Import Bank; support legislation to cut off all private loans, etc. Frankly, Harold Brown's concerns pale alongside the other options. I would much sooner pull our milgroup and attaches than cut all private loans; but that's beside the point for the moment. (C)

I don't see how we can move into a discussion of sanctions before we answer three fundamental questions:

(1) By what justification can we be displeased with the Chilean Supreme Court's decision? The Chileans claim that their Judiciary is independent and that the evidence before it was insufficient to try the three Chileans. We will need to make a very credible case that either of those two propositions is false. That case may exist, but I haven't seen it yet, and I have asked repeatedly for it. (C)

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Review on 10/11/85



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(2) To make a really powerful case, I suspect one will need to find a vehicle to transport us over the chasm of cultural arrogance -- namely, by what right can the U.S. State Department judge another government's laws and court? My prima facie answer to that question is, "there is no such right," but I realize these are extraordinary times and the Letelier assassination was an extraordinary crime, but we still need a vehicle to cross that great divide. I believe that Vance and Civiletti ought to appoint a three-person judicial advisory team -- preferably an international team (1 American, 1 Latin, 1 European) to advise us on the merits of the Chilean decision. If Christopher is right that the Chilean decision is without any justification, then the team will give our case a little bit more standing. (C)

(3) What are our objectives in the Letelier case, in U.S.-Chilean relations, and overall? I would presume that we would address this question after the first two and before we decide which sanctions to approve. (Unfortunately, we seem to be doing the last, first.) (C)

Even the simplest question on objectives has not been answered: Are we trying to shock the Chileans into trying the three terrorists, or do we accept that the final decision on a trial has been made and is negative? If the latter is the case, then our objective would presumably be to convey displeasure or to establish a deterrent as an international landmark for any other dictators thinking of shooting people in foreign countries. ~~USA~~ Anyway, we need a systematic answer to this question, assuming that we receive "satisfactory" answers to the first two. (C)

I have just learned that Christopher is going to chair a meeting at 9:00 a.m. on Friday to go over the options, and I will use that as an opportunity to ask the three questions above. I hope you will also ask Vance them at lunch. I believe it would be better if you asked him rather than officially tasked State to answer these questions, because I am not yet certain that we want to get the White House into formally making the decisions on this case. (C)

With regards to Harold Brown's memo, I am extremely disappointed that he signed his name to it. The suggestion that if we pull out our milgroup or the attaches, we will lose valuable intelligence, or worse, we might even lose the Southern Cone to the Soviets is absolute nonsense. First of all, I am not aware of any valuable intelligence we could lose by pulling them. Secondly, I think the best way to communicate our policy to a government like Chile is at a low and diplomatic level. More often than not, the Chileans use our military to serve their interests, rather than the other way around. Finally, the

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suggestion that the Cone could go left is ludicrous; that would be the best way to provoke a coup. The foundation of these governments is anti-Communism. They have nowhere to go, but us. That's why they continuously seek contact with us and approval, if possible; and that's why we have a fair amount of influence over them. (C)

The invitation by Argentina to the Soviets, which Brown notes, was for three purposes: First, the Argentines have such an extraordinarily one-sided trade balance with the Soviets, that occasionally they have to show the Soviets that they might be interested in buying something, as well as just selling. Secondly, the Argentine military machine is voracious; they may have spent as much as \$2 billion in the last year on arms. It is possible that they might seek something from the Soviets that they couldn't get elsewhere, but I don't think we ought to cater to that appetite just to prevent them from doing that. Thirdly, the invitation was a crude and obvious ploy to give our military an argument to use to beat up on our human rights people. Our attache probably learned about it before the Soviets did. (Another good reason why we shouldn't hesitate about pulling these guys; it's not clear which government they're working for.) (C)

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Anyway, I'm not asking you to ignore Harold Brown's concerns, only that you put them in a broader context and see them for what they are: bureaucratically self-serving. I would hope that we could get State to answer the three questions above, and then, if necessary, we could suggest a ranking of sanctions. (C)

cc: Henry Owen  
Jim Cochrane

*23 - I think we should appoint an impartial group to examine whether Chileans acted in good faith & if not really blame the blacks in them.*

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