(1300)

[redacted]

DATE - 1 DECEMBER 1971

INDEX - NO

FILM - NO

TO - CHIEF OF STATION, SANTIAGO

INFO - NONE

FROM - CHIEF, WESTERN HEMISPHERE DIVISION

[redacted] GUIDELINES FOR [redacted] PROGRAM

ACTION - SEE PARAGRAPH 5

REFS - [redacted]

1. THE STATION'S CANDID REPLY IN REFERENCE A CONCERNING THE LIMITATIONS GOVERNING THE [redacted] PROGRAM IS MUCH APPRECIATED BECAUSE IT PROVIDES AN EXCELLENT BASIS FOR FURTHER REFINING THE GROUNDRULES WHICH MUST GOVERN THE CONDUCT OF THE [redacted] PROGRAM FOR THE FORESEEABLE FUTURE. WE HOPE THAT THE FOLLOWING COMMENTS WILL EXPLAIN AND DEFINE THE LIMITATIONS ON [redacted] OPERATIONS AS WELL AS PROVIDE PRACTICAL AND ACCEPTABLE GUIDELINES FOR THE FUTURE.

2. ANY DISCUSSION REGARDING POSSIBLE [redacted] SUPPORT OF AN ATTEMPTED COUP IS OBVIOUSLY HIGHLY SENSITIVE. SINCE WE DO NOT HAVE [redacted] APPROVAL TO BECOME INVOLVED IN ANY COUP PLANNING, WE CANNOT ACCEPT YOUR CONCLUSION IN REFERENCE A THAT THE [redacted] MISSION IS TO 'WORK CONSCIOUSLY AND DELIBERATELY IN THE DIRECTION OF A COUP', NOR CAN WE AUTHORIZE YOU TO 'TALK FRANKLY ABOUT THE

[redacted]



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July 2000

[redacted]

15-6-77/(238)

MECHANICS OF A COUP' WITH KEY COMMANDERS, BECAUSE THE IMPLICATIONS OF THAT AMOUNT TO THE SAME.

3. ON THE OTHER HAND, THE MONITORING AND REPORTING OF ACTIVITIES, EVENTS AND ATTITUDES OF THE CHILEAN ARMED FORCES AND THEIR LEADERS HAS BECOME INCREASINGLY IMPORTANT. [redacted]

4. WE RECOGNIZE THE DIFFICULTIES INVOLVED IN YOUR MAINTAINING INTEREST AND DEVELOPING THE CONFIDENCE OF MILITARY OFFICERS WHEN WE ARE ONLY SEEKING INFORMATION AND HAVE LITTLE OR NOTHING CONCRETE TO OFFER IN RETURN [redacted] IN ADDITION, THERE IS NO REASON THAT STATION OFFICERS, ON A 'STRICTLY PERSONAL' BASIS, CANNOT LISTEN ATTENTIVELY TO OFFICERS WHO WISH TO VOLUNTEER INFORMATION ABOUT COUP PLANNING OR PLOTTING SINCE THIS IS PART OF THE ESSENTIAL COLLECTION PROGRAM. THERE IS OF COURSE A RATHER FINE DIVIDING LINE HERE BETWEEN MERELY 'LISTENING' AND 'TALKING FRANKLY ABOUT THE MECHANICS OF A COUP' WHICH IN THE LONG RUN MUST BE LEFT TO THE DISCRETION AND GOOD JUDGMENT OF THE INDIVIDUAL CASE OFFICER. PLEASE ERR ON THE SIDE OF GIVING



[redacted]

THE POSSIBLY INDISCREET AND PROBABLY UNCONTROLLED CONTACT LITTLE TANGIBLE MATERIAL WITH WHICH TO ACCUSE US.

5. THE ESSENTIAL FACT WHICH MUST BE KEPT IN MIND BY ALL OFFICERS CONNECTED WITH THE [redacted] PROGRAM IS THAT WE DO NOT HAVE ANY AUTHORITY TO STATE, OR EVEN TO IMPLY, THAT [redacted] FAVORS A COUP AS A SOLUTION TO THE CHILEAN DILEMMA. IF AND WHEN STATION REPORTING INDICATES A FAVORABLE POLITICAL ATMOSPHERE AND A SERIOUS MILITARY INTENT TO TAKE ACTION AGAINST THE ALLENDE GOVERNMENT, IT WILL BECOME THE RESPONSIBILITY OF OTHER APPROPRIATE [redacted] AUTHORITIES TO USE THIS INTELLIGENCE IN REACHING A POLICY DECISION. [redacted] MIGHT OR MIGHT NOT AT THAT TIME REQUEST SUCH A DECISION FROM [redacted] WE JUST CANNOT SAY AT THIS STAGE OR SEEK ADVANCE ADVICE ON THE BASIS OF HYPOTHESIS. POLICY DOES NOT WORK THAT WAY.

6. THE STATION MUST BE AS WELL PREPARED AS POSSIBLE TO PROVIDE THE INTELLIGENCE AND ASSESSMENTS WHICH WILL BE NEEDED IN MAKING SUCH A DECISION, IF IT COMES TO THAT, BUT MUST NOT ANTICIPATE WHAT THE DECISION MAY BE. ABOVE ALL, WE MUST AVOID ENCOURAGING OUR [redacted] CONTACTS TO BELIEVE THAT [redacted] SUPPORT WILL BE AVAILABLE, SINCE SUCH A BELIEF COULD NOT ONLY PROVE FALSE BUT COULD ALSO ENCOURAGE THEM TO UNDERTAKE PREMATURE, ABORTIVE, AND CERTAINLY UNSUPPORTED ACTION.

7. WE TRUST THIS INTERCHANGE HAS SERVED TO CLARIFY FOR THE STATION THE OBJECTIVES OF AND GUIDELINES FOR THE



[redacted]

[redacted] PROGRAM. IN SUM, STAY WITH HISTORY AS IT UNFOLDS, DON'T MAKE IT.

[redacted]

[redacted]

3 - COS, SANTIAGO

Originated By: [redacted]
C/WH[redacted] DC/WH[redacted]

Coordinated With: [redacted]
C/WH[redacted]

Released By: [redacted]
William V. Broe
C/WHD

[redacted]



[redacted]

ORIG: DATE

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CITE

TO

S E C R E T PAGE FOUR

"B) EL PROYECTO SE CARACTERIZA POR LA AUSENCIA DE TODO PROCEDIMIENTO PARA JUZGAR LOS ASUNTOS ENTREGADOS A LA COMPETENCIA DE LOS TRIBUNALES VECINALES;

"C) LOS PODERES DISCRECIONALES DE LOS TRIBUNALES VECINALES SON AMPLISIMOS YA QUE SE EXTIENDEN AL CONOCIMIENTO DE LOS CONFLICTOS QUE SE PROMUEVAN 'CONTRA EL ORDEN SOCIAL, JURIDICO O ECONOMICO DE LOS VECINOS', FORMULA VAGA Y EXTREMADAMENTE PELIGROSA EN CUANTO A SU POSIBLE APROVECHAMIENTO POLITICO;

"D) SE ENTREGA A ESTOS TRIBUNALES VECINALES, QUE NO SON LETRADOS, UNA COMPETENCIA EN UNICA INSTANCIA DE CARACTER VASTISIMO EN MATERIA CIVIL PENAL, MERCANTIL, DE LA LEY DE ALCOHOLES, DE NUMEROSAS ORDENANZAS Y REGLAMENTOS ADMINISTRATIVOS. POR OTRA PARTE, EL RECURSO DE QUEJA SE REGLAMENTA DE MANERA TAL QUE RESULTA IMPROCEDENTE EN LA INMENSA MAYORIA DE LOS CASOS.

"DEBEMOS SEÑALAR, QUE EL HECHO DE QUE LOS MIEMBROS DEL TRIBUNAL VECINAL CAREZCAN DE TODA CAPACIDAD TECNICA EN MATERIA JURIDICA, INHABILITA A ESTOS JUECES PARA ADMINISTRAR JUSTICIA EN FORMA EQUITATIVA.

S E C R E T /CNT/

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[redacted]

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CITE

TO

S E C R E T PAGE FIVE

"E) PARA SU FUNCIONAMIENTO LOS TRIBUNALES VECINALES CONTARIAN CON ASESORIA JURIDICA QUE SERIA PROPORCIONADA DIRECTAMENTE POR EL EJECUTIVO A TRAVES DEL MINISTERIO DE JUSTICIA LO QUE ACENTUARIA AUN MAS SU FALTA DE INDEPENDENCIA.

"F) EN MATERIA DE SANCIONES, ADEMAS DE LAS PENAS DE CARACTER CRIMINAL CUANDO ELLAS PROCEDAN, LOS TRIBUNALES VECINALES ESTAN AUTORIZADOS PARA IMPONER DIVERSAS MEDIDAS COMO AMONESTACIONES PUBLICAS, CLAUSURAS Y MULTAE QUE SON ACUMULABLES Y QUE CONSTITUYEN POR LO TANTO, UN GRAVE RIESGO EN CUANTO A LA EQUIDAD DE LAS MEDIDAS APLICADAS.. LOS TERMINOS EN QUE ESTA REDACTADO (EL PROYECTO) Y LOS ERRORES DE CONCEPCION QUE PRESENTA SON TALES QUE EN EL HECHO SU APROBACION AGRAVARIA LA SITUACION ACTUAL Y REPRESENTARIA GRAVES PELIGROS DE TIPO POLITICO PARA LOS SECTORES POPULARES A LOS QUE PRETENDE SERVIR. ADEMAS, LEJOS DE SERVIR COMO INSTRUMENTO DE PACIFICACION SOCIAL SE CONVERTIRIAN EN MOTIVOS DE RENCILLAS Y ODIOSIDADES ENTRE LOS VECINOS; SEMBRANDO LA DESCONFIANZA, EL CHISME Y LA DELACION DE UNOS CONTRA OTROS.

S E C R E T /CONTINUED/

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ORIG:

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DATE

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CITE

TO

S E C R E T PAGE SIX

"POR LAS RAZONES ANTERIORMENTE SEÑALADAS, ESTIMAMOS QUE EL PROYECTO DE TRIBUNALES VECINALES, EN EL TEXTO ENVIADO POR EL EJECUTIVO ES INACEPTABLE, E INSTRUIREMOS A NUESTROS PARLAMENTARIOS PARA RECHAZARLO EN GENERAL Y EN PARTICULAR.

LA DIRECTIVA NACIONAL"

2. AIRMAILING FOLLOW-UP EDITORIAL COMMENTS IN PRESS TO ADDEES.

3. [redacted]

S E C R E T [redacted]

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[redacted]

OUTGOING

(20-44)